HOUSE OF REPRESENTATIVES—*Thursday, October 12, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ever present Lord God in our midst, You have exhorted us: ''Be hospitable to one another without complaining.'' Make this House a place of hospitality. Be with our guides, our guards, and all who create an environment here.

Throughout our days, Lord, there is a movement within, from hostility to hospitality. You help us determine our relationship to other people.

Life today is very complex. Yet when we reflect on the kindness we have enjoyed from others and we can face the stranger within ourselves, we begin to see in Your creation a free and friendly space that always welcomes the newborn, the estranged, the sick and the immigrant.

Let this place and all the institutions of this Nation, especially our schools and hospitals, be caring places and careful to meet people on their own terms.

For You, our God, hear us and welcome us as we are today and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. SKELTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

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

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 5239, An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) ''An Act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.''

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

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. Con. Res. 131. Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność, and for other purposes.

S. Con. Res. 148. Concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies.

S. Con. Res. 149. Concurrent resolution to correct the enrollment of H.R. 3244.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of the One Hundred Sixth Congress, to be held in Berlin, Germany, November 17–22, 2000—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Arkansas (Mr. HUTCHINSON);

the Senator from Maryland (Mr. SARBANES); and

the Senator from Maryland (Ms. MIKULSKI).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

SECURING AMERICA'S FUTURE FOR OUR CHILDREN

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

Mr. BALLENGER. Mr. Speaker, our economy is good, interest rates are low and we have a record budget surplus. Due to the sound fiscal policies of Republicans, we have been able to pay off $354 billion in public debt and will completely eliminate it by 2012.

That is why Republicans are committed to using 90 percent of the next year's Federal budget surplus to pay off the national debt while protecting the Social Security and Medicare trust funds. That leaves us with 10 percent of the surplus to boost our already substantial $600 billion commitment to our national priorities such as education, defense and health research.

Specifically, we will use half the money to strengthen education with the flexibility, funding and support to give our children the world's best schools. In addition, we will provide a prescription drug benefit to seniors in need now, not 5 or 10 years from now.

Republicans have made education funding a top priority, providing more money than ever before. And most importantly, we have cut the checks with fewer strings being attached. Currently, Washington provides 7 percent of the Nation's education funding but provides 40 percent of the regulations. We have made a real dent in removing some of these onerous, bureaucratic regulations. By eliminating our national debt, we will secure America's future for our children and grandchildren.

TERRORIST ATTACK ON THE U.S.S. ''COLE''

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

Mr. SKELTON. Mr. Speaker, earlier today the U.S.S. *Cole*, an Aegis destroyer, while being refueled in the enemy port of Aden was attacked by suicide terrorists. There were five sailors who lost their lives. One is missing. Approximately 30 have been injured.

This is the latest crime to be added to the list of deadly terrorist attacks against our fellow countrymen. It is terrible that anyone would sink so low.

I have great admiration for the professionalism of the crew of the U.S.S. *Cole*, tending to the wounded and taking care of their ship.

We deplore the loss of American lives and my deepest sympathies and prayers go to the families and friends of the victims of this cowardly attack. Serving in the military is a dangerous profession. I want to recognize the selfless dedication of the American military personnel who risk personal safety in the service of our country.

I want to be clear. The U.S. Government should seek retribution against those who are responsible for this attack against U.S. military personnel. We should do all that we can to ensure that our service members and citizens are protected in the future.

It is impossible to predict with certainty where or when terrorists will strike. Today's events, however, are a terrible reminder that we must take the threat of terrorism seriously.

THE VICE PRESIDENT'S MISSTATEMENTS

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

Mr. PITTS. Mr. Speaker, our prayers and condolences go out to our military personnel as well.

Mr. Speaker, the Vice President promised us last night that he was going to try to do better at telling the truth from now on. But his performance said otherwise.

He told the moderator that he never called George Bush a bumbler, but he is running commercials right now that say exactly that. He said he was not in favor of big tax hikes on gas and oil but he was Washington's number one supporter of a Btu tax on fuel. He even wrote a book calling for hiking the price of gas to $2.50 a gallon.

But here is the real whopper. He criticized former President Bush for not removing Saddam Hussein from power during the Gulf War. But on January 30, 1991, Senator GORE said he opposed invading Iraq to take out Saddam Hussein. He said the war should stop as soon as Iraq was out of Kuwait.

He said that he wants more effective gun prosecutions, but Justice Department gun prosecutions have dropped 46 percent during the Clinton-Gore administration.

Vice President GORE promised he was going to try to do better. Well, he is going to have to try a lot harder than last night.

INTERNATIONAL CHILD ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, on April 30, 2000, Maya and Omar Murad, ages 3 and 5, were forcibly abducted by their father, Ruwayn Murad, who had resided in the United States for nearly 20 years but retained dual citizenship in Lebanon. The children, who had spent only 2 weeks of their lives on Lebanese soil, were spirited to Lebanon where they have now been held for nearly 6 months. Their exact whereabouts are presently unknown.

Prior to the abduction, the children's mother, Elizabeth Henry Murad, had been informed by a colleague of her husband that Mr. Murad was planning the abduction. After a judge in New York family court failed to take emergency action, a divorce action had been commenced by Mr. Murad, who ultimately abducted the children after having been granted an adjournment in the case. In advance of his flight, Mr. Murad also wired all the family's liquid assets from their accounts in the U.S. to Lebanon.

Elizabeth Henry Murad, the custodial parent of Maya and Omar, is now waging a desperate battle for the return of her children to New York, the only home they have ever known.

Mr. Speaker, it is time now to assist Mrs. Murad and others like her to bring our children home.

FRANKLIN ON EDUCATION

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

Mr. KNOLLENBERG. Mr. Speaker, the key to the American dream is a quality education. As Benjamin Franklin told us, ''Tell me and I forget. Teach me and I remember. Involve me and I learn.''

The hands-on education Franklin was talking about can only be found in our Nation's classrooms. This underscores the necessity of putting decision-making power in the hands of those closest to the children. Those are the local school teachers, the administrators, and, most importantly, the parents. The Republican education vision does just that, returning control to these local jurisdictions which are uniquely equipped to make the decisions on how to best involve our students.

Since 1995 under the steady hand of the gentleman from Pennsylvania (Mr. GOODLING), the Republican majority has repeatedly passed legislation to shift power and resources from the Washington bureaucracy into the hands of those closest to our students.

Mr. Speaker, while education is at the forefront of public debate over the next few weeks, Republicans have a vision and a record that America can be proud of.

NAVY CONCENTRATES ON GENDER NEUTRALITY IN WAKE OF CHINA NUCLEAR THREAT

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

Mr. TRAFICANT. The CIA said China is buying nuclear attack submarines with missiles that experts say can destroy our entire Navy fleet. Knowing this, the Navy has decided to, and I quote, replace all aircraft carrier urinals with gender-neutral water closets, end quote.

Unbelievable. We have a dragon breathing down our necks and the Navy is constipating over urinals. What is next, bidets in powder rooms? How about some ballroom dancing lessons, folks?

Beam me up. I yield back the fact that this gender-neutral business is getting ridiculous.

GILMAN CONDEMNS ONGOING PALESTINIAN VIOLENCE

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

Mr. GILMAN. Mr. Speaker, the past 2 weeks, tension in the Middle East has spiraled out of control as PLO Chairman Mr. Arafat attempts to dictate Israeli concessions at the negotiating table through the unbridled use of violence and, most appallingly, through the manipulation of young children as ''martyrs in training.''

This massive, fundamental violation of the Oslo Accords is intentional, as underscored when the leader of the Tanzim paramilitary forces in the West Bank said yesterday that his organization would escalate the confrontations with Israel and not try to calm the situation. Marwan Barghuti said, and I quote, ''This blessed Intifada is looking ahead and mass activity is moving forward.''

Mr. Speaker, in today's latest outrage, a Palestinian mob killed two Israeli soldiers and dumped their bloody bodies in the streets after the pair were captured with two other servicemen earlier today in the Palestinian city of Ramallah. That is why I am appalled that the administration abstained during the recent U.N. Security Council condemnation of Israel. The administration must understand, as must the Palestinians, that you cannot have it both ways.

Today, I will be introducing a resolution along with the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations condemning the Palestinian violence. I invite our colleagues to join us in cosponsorship.

OIL PIPELINE SAFETY

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

Mr. INSLEE. Mr. Speaker, I would urge the House to see the failure of

passage of the oil pipeline safety bill the other night, not to be seen as an end of our efforts on oil pipeline safety this year but, rather, I believe we should look at it as a very strong statement by this House that there is a bipartisan sentiment for a strong pipeline safety bill.

We have the ability this year, particularly with the extension of time, to pass a strong pipeline safety bill from this Chamber this year. We hope that that bill would have two elements: One, a very strong inspection criteria to assure Americans that the pipelines they live hundreds of feet from in fact will be inspected, and, number two, an assurance that the Office of Pipeline Safety can have supervisory authority over the training plans by operators.

Mr. Speaker, I think it is time for us to reach across the aisle and across the Chambers to fashion a consensus bipartisan bill. I believe that is possible. I am open to do so. I urge my colleagues to join me in pursuit of that strong bill.

TRIBUTE TO THE HONORABLE TILLIE FOWLER

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor a wonderful friend, Tillie Fowler, who has dedicated a lifetime not only to national public service but to her local community as well.

Before beginning her fulfilling tenure as a Member of Congress, Tillie devoted much of her time to helping those in need. She served as the president of the Junior League of Jacksonville, chaired the Florida Humanities Council, and was active with the American Red Cross, among many other charitable endeavors.

In 1992, Tillie was elected to Congress and immediately began to make her mark as a strong advocate of our national defense. She has worked with great success on behalf of our military personnel around the world. She always sought to ensure that our men and women in uniform were well equipped and prepared when placed in harm's way.

While protecting U.S. national security was her first priority, she also played a vital role in the passage of domestic bills, such as the 6-year Federal transportation bill which will alleviate some of the serious transportation challenges that we in Florida face.

□ 1015

TILLIE has served her constituents, her State and our country well and with distinction. Her intellect and domain of critical issues, combined with her personal commitment and Southern grace and charm, made her an efficient Member, a leader and a role model for young women everywhere. TILLIE FOWLER will be sorely missed. I ask my colleagues to join me in this tribute to our retiring Member.

U.S.S. ''COLE'' RAMMED, AT LEAST FOUR KILLED

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

Mr. SCOTT. Mr. Speaker, earlier today in the Arabian Peninsula the U.S.S. *Cole* was rammed by a small boat in an apparent suicide terrorist attack. Our prayers go out to the families of the sailors, especially the families of those sailors who were killed, injured, or are missing.

Mr. Speaker, at this time we do not know who was responsible, and it is important that we not jump to conclusions; but when we find out, those responsible will be held accountable.

Finally, we should congratulate our courageous sailors who responded to this tragedy. Because of their expertise, the damage and casualties were kept to a minimum.

Again, Mr. Speaker, our prayers go out to the sailors and the families.

TENNESSEANS THE MOST CHARITABLE IN THE NATION

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

Mr. DUNCAN. Mr. Speaker, the Christian Science Monitor reported a few days ago that Tennesseans had given more charitable contributions on average than citizens from any other State. This report was based on a generosity index published by the Urban Institute in Washington and came from charitable deductions listed on 1998 tax returns.

Tennesseans gave an average of $4,572. Mississippi gave the most in proportion to income with an average of $4,070. The top five most generous States, according to the Urban Institute, were Mississippi, Arkansas, South Dakota, Louisiana, and Tennessee. Tennessee gave the most per person at over $4,500 each. Rhode Island gave the least per person at $2,059.

The least generous States, according to the Urban Institute, in proportion to income given to charity were Massachusetts, New Hampshire, New Jersey, Minnesota, and Rhode Island. It seems that the highest taxed, most politically liberal States were the least generous in giving to charitable causes, according to this report from the Urban Institute.

I want to commend my fellow Tennesseans for their generosity in giving to charitable organizations.

WE STILL LIVE IN A DANGEROUS WORLD

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

Mr. SISISKY. Mr. Speaker, we have already heard about the tragic accident that happened to the USS Cole. I am sorry the gentlewoman from Florida (Mrs. FOWLER) is leaving, but I would also like to pay tribute to her, and I do it in the vein that both she and I and many members of the Committee on Armed Services spent a good deal of our time trying to tell people what a dangerous world we live in, and sometimes it is pretty hard to explain to them that we still live in a dangerous world.

I was advised early this morning by the Chief of Naval Operations and by the commander in chief of the Atlantic Fleet, both of them, of what happened as well as they know. The ship is just sitting there. They are trying to repair it as best they can. Four lives were lost. There were 12 missing and 36 were already hospitalized. Certainly our prayers, the prayers of the Members of Congress, go out to the families of the deceased and, of course, the injured.

What is more important is that we always remember that these people are serving us and this Nation and we should always pay tribute to them.

PLANNED PARENTHOOD REVEALS LARGE PROFITS

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

Mr. STEARNS. Mr. Speaker, as the appropriation process continues here in Congress, I want to bring attention to Planned Parenthood's 1998/1999 annual report. The report shows the inordinate amount of profits made from their operation. In 13 years, their profits have totaled $356 million and not once, not once in that time, did they report a loss. In fact, their annual report stated they currently have net assets totaling $536 million.

This is an increase of $131 million in just one year. Even dot-com companies would be envious of such profits. These numbers might be wonderful if Planned Parenthood was just a normal business, but the organization claims to be a charity. They are subsidized by the United States Government through grants; and they also want special deals, including reduced rates of advertising in the media.

It is time, Mr. Speaker, that the American public saw Planned Parenthood for what it is, a business intent on making profits at taxpayers' expense.

ATTACK ON THE U.S.S. ''COLE''

(Mr. PICKETT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, as has been reported, the Norfolk-based destroyer *Cole* suffered a terrorist attack earlier today while in the process of refueling at the Port of Aden in Yemen. This cowardly sneak attack has left four brave American sailors dead, 36 injured, and 12 missing. The survivors courageously and successfully sought to save and stabilize their ship.

Once again, we are reminded of the terrible price that some of our military members pay in defense of our country. We extend our profound sympathy and condolences to the families and friends of those honored defenders of our country who suffered in this tragic attack. May God give them the peace, strength, and understanding to sustain their grief and suffering of this terrible loss.

TOP DOLLAR SHOULD NOT BE DEMANDED TO BUILD NEW SCHOOLS

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

Mr. GIBBONS. Mr. Speaker, today I rise to urge my colleagues to vote for H.R. 4656, which will sell 8.7 acres of land at fair market value for the use as an elementary school in Incline Village, Nevada. This bill which was debated Tuesday night will be voted on today and will give every Member on both sides of the aisle an opportunity to keep their promises to support education and school construction for our children.

The present elementary school there has more than 40 students in each classroom because there is simply nowhere else for them to go. But H.R. 4656 will solve this education problem. The land will be sold, and I say sold, not given away, to the school district for construction of a school to provide over 400 students with a quality education.

Mr. Speaker, this administration is demanding 800 percent, that is more than 8 times, the limited-use value as a school site. This administration's greed is an unconscionable effort to deny these children an education. Obtaining top dollar for the land seems to be more important to them than the education of our children.

I urge everyone to vote for H.R. 4656.

BREAST CANCER

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

Ms. WOOLSEY. Mr. Speaker, in Marin County, California, just north of the Golden Gate Bridge, the district that I represent, 150 women out of every 100,000 were diagnosed with breast cancer between 1991 and 1996. A 1994 Northern California Cancer Center study showed that Marin County has the highest breast cancer rate in the country. An alarming number of women are dying in Marin and across this country. We need to know why, and we need to make sure that all women have the care they need to survive this disease.

The Breast and Cervical Cancer Treatment Act would help protect women and save lives. This bill should not be encumbered by the words that the gentleman from Oklahoma (Mr. COBURN) will try to add to the debate this morning or this afternoon. This bill has 270 cosponsors. It should be passed as it was presented.

DEBT REDUCTION

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

Mr. BARTLETT of Maryland. Mr. Speaker, 30 days have passed and there still has been no response or commitment from the Clinton-Gore administration to lock away 100 percent of the Social Security and Medicare surpluses and to dedicate at least 90 percent of next year's surplus to paying off the debt.

We now have a real chance to do just that and President Clinton has failed to embrace it. Worse, almost every day the administration introduces a new last-minute spending request, further complicating debt reduction. The truth of the matter is that President Clinton is not part of the spending problem. He is the spending problem. It is time the President recognized that the surplus is not the Government's money; it is the people's money.

Mr. Speaker, we have paid off approximately $354 billion in debt since taking majority control in Congress. The Republican Congress made tough choices necessary to get our Nation's book on track. The winners are the hard-working American people. Interest rates are low and the economy is booming. With continued discipline, things will only get better.

It is time President Clinton stops playing politics by accusing Republicans of engaging in a spending spree and sign our letter calling on him to dedicate at least 90 percent of next year's surplus to paying off the debt while locking away 100 percent of the Social Security and Medicare surpluses.

HATE CRIMES

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is very important that what we do in this Congress is understandable, and it is important to clarify the information that goes out to the American people. Might I set the record straight on hate crimes, a legislative initiative that is very close to my heart, and one that many of us have worked very hard on. We will leave this Congress without passing a real hate crimes bill because the Republican majority will not allow us to vote on a hate crimes bill; not hate crimes for one ethnic or religious group in America but hate crimes for Americans, so that if one is disabled or if they come from a different background or live in a different way and someone attacks them because of their difference, we have a law that says we abhor hate.

Mr. Speaker, let me set the record straight. It is clear that the hate crimes bill in Texas is not the bill that the family of James Byrd begged for; that bill the governor of Texas did not sign, did not support, even though there was massive support for it. We do not have a real hate crimes bill in Texas. Let us set the record straight.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 111, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 627 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 627

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. 111) making further continuing appropriations for the fiscal year 2001, 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 (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 627 is a closed rule providing for consideration of House Joint Resolution 111, a resolution making further continuing appropriations for fiscal year 2001.

H. Res. 627 provides for 1 hour of debate equally divided and controlled by

the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit, as is the right of the minority.

Mr. Speaker, the current continuing resolution expires at the end of the day on Saturday, and a further continuing resolution is necessary to keep the government operating while Congress completes its consideration of the remaining appropriations bills.

□ 1030

Mr. Speaker, House Joint Resolution 111 is a clean continuing resolution which simply extends the provisions included in House Joint Resolution 109 through October 20.

Mr. Speaker, as my colleagues know, we have been working hard to pass remaining appropriations bills as soon as possible. Honest disagreements remain on both sides of the aisle.

However, the House has made progress at resolving these differences over the past 2 weeks, passing the interior, agriculture, energy, and transportation conference reports. We are now very close to completing the appropriations process.

I share the disappointment of many of my colleagues that the negotiations have stretched on this long. However, we have a responsibility to stay the course and pass sensible and fiscally responsible appropriations bills. So, because we refuse to bend our principles, we will stay here in Washington for another week, away from our families, our districts, and our homes.

This fair, clean, continuing resolution will give us the time we need to fulfill our obligations to the American people and finish the appropriations process in an even-handed and conscientious manner.

The rule was unanimously approved by the Committee on Rules yesterday. I urge my colleagues to support it so we may proceed with the general debate and consideration of this bill.

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

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

Mr. Speaker, this is the third concurrent resolution we have done this year. It will push back the appropriations deadline once again for my Republican colleagues, and this time it will push it back to October 20.

The 1974 Budget Act requires that the 13 appropriation bills be signed into law by October 1. The beginning of the fiscal year. But despite repeated promises to the contrary by the Republican leadership, very little appropriation work is finished, even as we speak. Today only two out of 13 appropriation bills have been signed into law, Military Construction and Defense. Three more are on the way to the President, Transportation, Interior, and Agriculture. The others are in various stages of incubation.

Part of the reason for the lack of progress, Mr. Speaker, is my Republican colleagues' budget, which did great things for the very rich and failed to set aside enough money for middle-class tax cuts or social security preservation or medical prescription drug benefits, or any of the other issues that are so important to the working American families.

My Republican colleagues should have passed a minimum wage increase. They should have passed a bill to help us repair our schools, or passed a bill to hire new teachers. They should have passed the Patients' Bill of Rights, Medicare prescription drug benefits, gun controls, gun safety legislation.

But Mr. Speaker, my Republican colleagues have had plenty of time to finish these appropriation bills and a lot more, but they did not. Now, in order to keep the Federal government open, we must pass this third continuing resolution.

The administration asked for a shorter continuing resolution in order to get more things done. I believe they were right to do so. But nonetheless, I will support this longer continuing resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. 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 House Joint Resolution 111, 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.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 627, I call up the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, 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 111 is as follows:

H.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking ''October 13, 2000'' in section 106(c) and inserting in lieu thereof ''October 20, 2000''.

The SPEAKER pro tempore. Pursuant to House Resolution 627, 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 yield myself such time as I may consume.

Mr. Speaker, the continuing resolution before us is the third one for this fiscal year. It would continue the original CR until October 20.

I might say and remind my colleagues that the House has passed all of the appropriations bills earlier this year, but because of conference meetings that needed to be taken care of and meetings with the White House, we have not concluded that business.

However, I am also happy to report that there is considerable movement, I believe, in the other body that we will see today, and hopefully we will be able to conclude this appropriations business next week in the House and in the other body.

So I merely ask the support of the Members to conclude this CR today so we can pass it on to the Senate and then get about our business.

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

Mr. OBEY. Mr. Speaker, I yield myself 13½ minutes.

Mr. Speaker, what I say is meant in no way to criticize the gentleman from Florida, because he has been one of the few realistic voices on the other side of the aisle trying to point out what the realities are.

But the fact is, this is, what, the third continuing resolution that we have had. The budget is supposed to be done on October 1. We are now getting much closer to November 1 than we are to October 1. What have we seen? We have seen bill after bill emerge from conference which have wound up spending much more money than is in the President's budget.

Those bills have virtually no relationship whatsoever to the budget resolution which was laid out at the beginning of the year. Yet, we have no real progress in meeting the needs that we feel on this side of the aisle with respect to the most crucial issue remaining in the budget, which is education.

We also have seen, although one of the appropriation bills tries to provide a fig leaf on this issue, we have seen this Congress take no action on prescription drugs. We have seen this Congress take no action on the Patients' Bill of Rights. Both of those issues are still pending in one form or another in various appropriation bills. Yet, none of them have any real prospect of being dealt with by this Congress before we adjourn.

Now we are being asked to support another week's extension of the deadline for finishing our business. Frankly, I have about had it. I think the White House has, too. I do not expect to stand on this floor and support any further continuing resolutions for more than one or two days at a time. I do not believe it makes sense for us to continue to drift along in this fashion.

What I sense is happening is that there is apparently a slow but nonetheless stealthy plan to avoid our ever facing the hard votes on education or on the Patients' Bill of Rights or on meaningful reform of Medicare to include a prescription drug benefit. I do not believe that this Congress should leave this city until we have dealt with all three.

I do not say that because these happen to just be pet issues of mine. I say that because America has always been, to me, defined by two things. We have been defined by our passion for individual liberty, and we have also been defined by our determination to see to it that the experiences that we have in this country are shared experiences, and that whether we are in good times or in troubled times, we are all in it together.

That is why we have had traditionally such strong support for American institutions and for the American democratic process by each and every one of our citizens.

Mr. Speaker, the reason that education is important and the reason prescription drugs are important and the reason the Patients' Bill of Rights are important is because without actions like that, large segments of our population feel that they have been and are being left out of the blessings and benefits of this society.

There is no society in the world more blessed than is the society of the United States. We have been given more riches, more natural beauty, more geographic insulation from the trouble spots of the world than any other Nation in the history of the globe.

Yet, in my view, this Congress is failing to live up to the traditions of some of the great Congresses in the past in seeing to it that we take these benefits and make certain that everyone has a decent share.

The problem that we have, and it is why I voted against the energy bill, for instance, is because that bill spent a lot of money, but it spent it in no context. There are no rules that describe at this point what will be spent or how far we can go in spending. But we wind up, we wind up still refusing to act on the administration's education priorities.

Now, the majority party has decided that in two areas of education, they are going to put a significant amount of money. One is special education, and the other is Pell grants.

I applaud those two actions. I am fully willing to embrace those priorities. I just wish that the other side would be willing to embrace our priorities.

I would call the attention of Mr. Bush to the actions of this Congress. Mr. Bush in debates the past 2 weeks has talked a lot about education, and he has talked about the bipartisan leadership that he would like to extend to this place. I think bipartisan leadership starts by having effective control of one's own party.

It seems to me that right now we could use some help from Mr. Bush, because this Congress, while it is providing large amounts of money across-the-board in many areas, is continuing to resist the necessary actions to really make progress in reducing class size, to really make progress in training our teachers, to really make progress in providing a significant number of additional after-school centers so that our young children, if they are in a family where they have two parents working outside the home, so they have someplace to go after 2:30 or 3 in the afternoon where they can be under adult supervision and be in an atmosphere where they can learn.

□ 1045

All of these things ought to be embraced by both parties, but we are not seeing them embraced by the majority party in this House.

And so I stand here this morning frustrated because we have a lot of rhetoric that tries to place everyone on the side of education, but this Congress, having a record, under the majority party's leadership, having a record the last 6 years of trying to cut billions of dollars out of previous years' expenditures for education. They are now building on that record by trying to block a further expansion of education initiatives that reflect needed national priorities which the administration has taken as its own. To me, that is the major problem with this continuing resolution today.

I do not see any purpose in kicking the can further down the road on these continuing resolutions if we are not going to get the two or three major things that we need to get out of this Congress in order to call this a successful Congress; one being education, another being a real, rather than a fictional, attack on the problems of our seniors who need prescription drugs, and the third being the passage of a real patients' bill of rights rather than the passage of a bill of goods that masquerades as a patients' bill of rights.

So I will support this continuing resolution, but I do not expect to stand here supporting any further long-term continuing resolutions because, at this point, they do not seem to be doing any good in terms of moving this place forward to recognizing our health care, our Medicare and our education priorities that, above all, this Congress ought to be addressing.

Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin has 19½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, here we are again on another continuing resolution some 11, 12, or 13 days into the fiscal year; and we have not begun to finish our work. I am very disappointed that we come to the floor again to debate another continuing resolution simply to keep the government going. We should have had all of the appropriation bills done 12 days ago.

This Republican Congress has been so busy throwing money at things, helping candidates, and our time and our energy have been so taken up by the contrived 90–10 scheme put out by the other side, that we have been unable to do our most basic work. My biggest fear is that in all of this, education, which is the most important challenge and issue facing our country, is being shortchanged. We should not be taking another full week in which we drift aimlessly and squander, as Republicans would have us do, key opportunities on education.

So we are going to vote for this resolution, but we are putting the Republican leadership on notice. Until we have an opportunity to deal with education, this is the end of the line on comfortable stop-gap measures that keep the government open week by week. Democrats believe that education is priority number one, two and three.

I know that many of my colleagues believe that we are talking about the bare minimum on education; much more important an agenda than we have had on any other issue. We need to give every child the time and attention they need from adults and the life opportunities they deserve. The three items that Democrats believe are the keys to education are the following: tax cuts for school construction, hiring new teachers and reducing class size, and funding key programs like after-school and Pell Grants.

This is the bare minimum of what we need to do. And, unfortunately, while Republicans have been on their spending spree, coming up with false budgets to reduce the debt, education has been shoved to the side by this Congress with a set of priorities that are skewed, to say the least. We want a reasonable, bipartisan tax credit for school construction, and we want funding for emergency repairs. But Republicans are starving that priority because, while they talk about their commitment to education, they do very little

to back up that commitment with the proper resources and the proper commitment to those resources.

We want in Labor-HHS funding that is dedicated to hiring new qualified teachers and reducing class size. But our friends on the other side have created loopholes in the bill so big that the money could be spent for anything.

Finally, as part of this first step this year, we support funding for after-school programs so that our children can get the time and attention they need to become productive, functional law-abiding citizens. Listen to this. We have over 2 million people in jail in this country. They do not pay taxes, they do not vote, they do not raise their families, they do not give to charity. They are not functional citizens. They cost us about $40,000 per person per year to hold them.

At the same time, we have 2 million jobs in this country that we cannot fill. We are about to pass an H–1B law that would let more foreign immigrants come into the country to fill these high-tech jobs, and all of us support the legislation because we need to fill the jobs.

The answer to those two stark contradictory facts is that we are not doing a good enough job with educating and raising our children so we prevent them from going to jail, so we get them to take these jobs and give them the education and the mental ability that they need to do it. We have to do better and we cannot wait until next year to do better. The opportunity is in front of us now, by giving our public schools and our families the resources and the incentives that they need to lift up every child.

So let us stop squandering our opportunities and let us work together in a bipartisan fashion in these next few days on the most important priority for the American people. Let us get our work done, but let us do it in a bipartisan way. Let us stop spending our time on naming post offices and passing resolutions that have little import or meaning. Let us stop spending our time buying another week of time so that we can do work that we should have done 3 months ago. Let us get to work in a bipartisan way and serve the needs of the education of our children in this bill.

Democrats will no longer support continuing resolutions to keep the government running for weeks on end. We will support a bipartisan education bill that finally helps the children of this country.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me follow up on what our Democratic leader just said. I have to say, as one Member, that I am tired of coming down here and passing these continuing resolutions, in this case for another week, without getting our work done.

The fiscal year began for 2001 on October 1. We do not have a budget. We have the majority of the appropriation bills out there, somewhere, certainly not on the President's desk, that have not been resolved. This Congress, under the Republican leadership, is simply not doing the job.

There is time left. There is no reason why we have to go home or we have to sit here and dilly dally over naming post offices, for example, as the leader said. There are a number of important issues that need to be addressed and that my constituents and the average American care about: health care needs, a patients' bill of rights.

The Republican leadership keeps talking about how they want to deal with the HMO abuses, but we do not see any legislation coming forward that would solve the problem and get something done so that those people who are being denied care or who are being denied a particular operation or are having problems with access to health care have their problems addressed.

We see the Republican presidential candidate talk about prescription drugs, but there is nothing happening here in this Republican Congress to address the problem of prescription drugs. The Democrats have put forward a Medicare prescription drug proposal that would guarantee that every senior citizen, every disabled person would get their prescription drugs under Medicare; but we do not see any action here. The Republicans are in charge. They do not bring this legislation up. They do not sit down in a conference and try to resolve it so that we can actually accomplish something so that our seniors have access to prescription drugs.

Certainly on the education issue, I think the most important for many Americans who are worried about their children and their children's ability to get a quality education in the public schools, the Democrats have put forward proposals saying that we want to spend some money for school modernization, to reduce class size by hiring more teachers, but the Republicans do not respond. Let us get our work done.

We have proposals out there on education. We know that the public schools need help. We know that our local towns need some extra funding in order to upgrade their schools; or if they are having overcrowded classes, to build new schools. We know that by reducing class size kids get a better education and they are functioning in a more disciplined environment; yet the Republicans refuse to bring this up.

I am telling my colleagues again, as just one Democratic Member, I will not vote for these continuing resolutions for a week any more unless the Republican leadership is willing to come down here, get the work done, and pass these appropriations bills and bring up the health care and education initiatives that the people want. We should simply stand here as Democrats, and any Member, saying that we want action. It is not enough to just talk. We want action, and there is still time to do it and work it out in a bipartisan way.

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, as I said several times before, the problem with these continuing resolutions is not necessarily the time that is being taken. There have been other Congresses that have not finished their work on time either. But the question is will we do the really important things that we need to do with that additional time, important things that we should have done a long time ago.

It is true that over the next week we will pass a few additional appropriation bills. After long delay, we have now reached agreement on some of those bills, so a lot of the controversy has been leached out of them. But in the end, we still face a couple of facts. We face the likelihood that if the House proceeds in accordance with the majority's plans, we will wind up having passed appropriation bills about $45 billion above the level provided in the original budget resolution which the majority party adopted and which has governed virtually all of the turmoil that we have had over the past 9 months on budget issues in this House.

□ 1100

It appears that we will also wind up approaching some $18 billion to $20 billion in spending above that requested by the President, much of it for congressional priorities and congressional projects; and yet, as I said earlier, we will not have responded to the major needs still before us in the area of education, we will not see a real prescription drug benefit passed for the American people, and we will not see a meaningful Patients' Bill of Rights passed.

We do not want to see this Congress take action on those issues just because they are individually important. We want them all to be dealt with seriously and positively because they are all a necessary part of strengthening the fabric of American society and making this a society that we can all be just a little bit more proud of.

We hear talk about the ''end game'' for this session. Reporters ask me every day, what is going to happen with the end game? What is the end game?

I would point out that, for the people we are supposed to be helping, this is no game. It is no game for parents who send their children to falling down schools, overcrowded classrooms, in some cases teachers inadequately prepared for the subjects that they are supposed to be teaching and with no

place where the kids can safely go at the end of the school day because the school day does not coincide with parents' workdays.

That is no game. That for those parents is a serious, serious problem that deserves addressing by this Congress.

It is also no game when you run into the senior citizens who I have run into, single women for instance, widows, who may be making about $20,000 a year in retirement on a fixed income but shelling out 12 to 14 thousand dollars of that for prescription drug costs. Those are real cases. And to them this issue also is no game. And they would, I think, like to think that, with this extra time, we would be producing meaningful action on those items. But I do not see the prospect of that happening given the agenda of the majority party, and that is the real futility in continuing to pass these continuing resolutions.

So, as I said, in order to keep the Government open, we will support this, but no more resolutions of more than 1 or 2 days. If I had my way, we would not pass anything more than a 1-day continuing resolution for the rest of the year if the work is not done by the time this resolution expires. And I do not expect it to be.

So I want to put the majority on notice that we are going to have to operate on a very different set of rules around here if we are going to get things done and get the right things done so we can go home with a straight face and say we have done some really important things for the American people.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield the balance of the time to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding me time. I regret that I was late getting here to speak.

I reiterate my respect, affection and empathy for the chairman of the Appropriations Committee, who has tried to get this process going. During debate of the last two CR's, I talked about that and made similar comments. I am not going to spend so much time on the appropriations bills. We are late. We have been late in the past, as I am sure the chairman has observed earlier.

I rise today at the occasion of the passage of this CR to lament the fact that not only have we not completed the appropriations bills, which I know that the ranking member has spoken eloquently about already, but we have some outstanding critical agenda items that have been discussed in the two Presidential debates and the Vice Presidential debate. There has been a lot of talk about how we are going to work together and how we are going to have bipartisanship so that we can have action.

There has been a lot of talk about the fact that we have not accomplished certain objectives over the past few years. I lament the fact that we have not accomplished those objectives, as well. In my opinion, we have not accomplished them because we had leadership and a majority in this House that did not want to accomplish them.

The Patients' Bill of Rights. We passed a bipartisan Patients' Bill of Rights. Not only has the appropriations process been languishing, but Patients' Bill of Rights has been languishing, unpassed, unsigned and, as a result, unhelpful to the American public.

Prescription drugs. The debaters say they are for prescription drugs. Some debaters say, well, why have you not gotten it done? Well, for the same reason we have not gotten the appropriations bills done and we need a CR, because the majority party has not moved them forward.

We want prescription drugs under Medicare for every senior guaranteed them. And by the way, no government HMO, as some ads and the statement of the chairman seem to reflect. We have not passed a prescription drug bill, just as we have not passed the overwhelming majority of the appropriations bills. Why? Because the majority has not sent them to the President for signature.

Education, on everybody's radar screen, is the number one issue in America because the public knows that educating our children is critical to the future of our Nation.

The President stood, Mr. Speaker, on the dias in front of us and said, we need to provide more classrooms, we need to provide more teachers, and we need to provide smaller classes, particularly for our young children in kindergarten to third grade. Why? So they can compete in a world-class economy and be world-class citizens.

Both candidates talk about that. But the Labor-Health bill still languishes with those provisions. Why? Because the majority has not come to grips with passing legislation to ensure there is school construction funding for more classrooms, safer classrooms.

We have not provided for the additional teachers that the President asked for in January. Here we are 9 months later. Why? For the same reason the appropriation bills languish and have not been signed by the President of the United States.

Yes, the President has vetoed one appropriation bill. He sent it back to Congress. That bill is now pending passage in the Senate. But most of these bills have never gotten to the President, not because of the chairman, but because the other side has not come to grips with exercising its majority to pass the needed legislation.

So whether it is Patients', whether it is prescription drugs, whether it is more classrooms for our children and more teachers so that to ensure a quality education, those bills have not been passed. Yes, I will vote for this CR. And, like the ranking member, I will implore our majority to make sure that the next CR is for 1 day only so that we get our work done. We must press forward not only with these appropriation bills but with the critical agenda put before us by the President of the United States 9 months ago.

Mr. Speaker, let's hope that the third time is a charm. Let's hope that this third continuing resolution gives us the time we need to finally complete our work on the fiscal year 2001 appropriations bills.

Let's hope the majority leader, Mr. ARMEY, is correct when he says that we are within "an inch or two from closure" of the appropriations process.

Because from where I'm standing—and I think the vast majority of members might agree with me on this—we've still got a mile to go, it's an uphill hike, and we've got legislative riders dragging us back down.

The President has signed only three appropriations bills into law.

He is expected to sign two others—agriculture and transportation. But that leaves eight bills undone, including energy and water, which was vetoed.

Now, I appreciate the Majority Leader's optimism. You might call it irrational exuberance. However, I think most Members of this body tend to agree with my friend from South Carolina, Mr. SANFORD.

He is quoted in Rollcall this morning as saying: "Anarchy reigns at the moment. Nobody is quite sure what comes next."

Over on the other side of Capitol Hill, Senator MCCAIN didn't mince words either. He commented: "It's just what I predicted—the biggest train wreck in history."

Mr. Speaker, as I've said repeatedly, the blame for this budget debacle does not lie at the feet of the Chairman of the Appropriations Committee, my friend Mr. YOUNG. I empathize with the Chairman. He has done a very good job under trying circumstances.

But his hands have been tied in this process, specifically by the GOP's unrealistic budget resolution that made a mockery of our appropriations process this year.

And today, we're living with the fallout.

As my friend, Mr. SPRATT, the ranking Member of the Budget Committee, noted earlier this week, this Republican Congress—which pretends to be fiscally disciplined—has already appropriated $10.6 billion more in budget authority in five bills sent to the President than the President requested for those bills.

Our sticking point continues to be the substantive riders, which are a staple of GOP budget strategy:

Barring the EPA from issuing stricter limits on arsenic levels in drinking water;

Preventing the EPA from requiring polluters to clean up the contaminated sediments that they have deposited on river bottoms; and

Blocking the Interior Department from imposing new environmental controls on the hard-rock mining industry.

I completely agree with Chairman YOUNG, who was quoted on the hill yesterday as saying: "The thing that is holding us up are the non-appropriations issues that should have been taken care of in authorizing committees. If we only dealt with appropriations issues, we would have been finished."

Yes, we would.

But instead we are in a situation where the majority whip, Mr. DELAY, says he doesn't "have a clue" when we will adjourn. This morning, he is quoted as saying that this budget fight could "go to the end of October. It could go up to November 6."

Mr. Speaker, the Republican majority has shown time and again that it would rather block than lead. On a patients' bill of rights. On a Medicare prescription drug benefit. On a minimum wage increase.

The American people have a right to demand more than the bare minimum.

And, with yet another continuing resolution, this Republican majority proves that it can't even give them that.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I am really interested in this lengthy debate about all kinds of things other than the CR. I appreciate the support that has been indicated for passage of the CR because we need to do this. It will give us the additional time that we need to complete the work.

But I want to remind my colleagues, who are my friends, Mr. Speaker, the House did its job. Three months ago we completed our work on the appropriations bills. But that is only part of the process. The other part of the process is reconciling the differences between the House and the Senate. That is the constitutional system. And then we have to reconcile the differences between the Congress and the President.

Now, we have seen the President sign some of our appropriations bills and we have seen him veto an appropriations bill, and we worked with the administration closely to try to repair that bill to the point that he would be willing to sign it. And I think in a matter of several days that will happen and we will have the opportunity to pass that legislative package back to the President.

The minority party and the majority party at the Member level and the staff level have worked together. They have been at the table at the staff level and Member level on all of these issues between our body and the other body and including the White House. We had representatives from the Clinton-Gore administration sitting with us to try to work out the differences. And, Mr. Speaker, there have been many differences. But slow but sure, we are resolving those differences.

But I am not going to take the time to respond to all of the political statements that we have heard today because I listened to the very distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), stand there in the well and appeal for a bipartisan, work-together attitude.

Well, I am all for that. And I think that the gentleman who just spoke would admit that my entire effort here as chairman is to work together with both parties to get the best product that we can get. So I want to stick with the gentleman from Missouri (Mr. GEPHARDT).

I am not going to become partisan. I am not going to be political. I am just going to say we need to pass this CR today and we need to get serious about resolving these differences that exist between the Congress and the President.

And then I would like to close on this thought, Mr. Speaker: It is not that I do not enjoy a good political debate, because I do. I really like politics. And outside of the House, where we are here to do the people's business, people above politics, back in the campaigns I really enjoy the political debate and the political exchanges. But I am in a different mood today. Because early today, America came under attack from terrorists.

An American naval ship was attacked by a suicide mission that blew a gaping hole in the side of the USS *Cole*, an *Arleigh Burke* class destroyer. It flooded the main engine room. At least four American sailors lost their lives. There are 12 additional sailors missing or unaccounted for, and there are more than 30 wounded. Some of them are critically wounded.

America came under attack from terrorists. It is time that we try to put aside as much of the partisan politics as we can and come together recognizing that America, Republicans and Democrats and Independents and whatever the parties might be, America came under attack today and we cannot stand for that. We have got to make it known to the world that we are not going to allow our country, our military, our sailors who are on board those ships to come under attack and not respond.

And so, that is my mood today, Mr. Speaker. I want to get this CR out of here so that we can get to the people's business.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to associate myself with the remarks of the chairman, who is one of the real leaders in our House and in this Nation on defense policy.

We lament the loss of those four brave sailors. We pray for the injured, the missing, and for their families. And we reiterate what the chairman's sentiment that there will be no division, there will be no partisanship, there will be no disagreement on standing together in defense of our forces around the world to maintain freedom and peace.

I thank the gentleman for his comments and join with him in that sentiment.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. And I know what is in his heart. The gentleman and I have been friends for a long time and have had some differences but a lot of agreements. I appreciate the comments that he just made. Because when America comes under attack, it is time for all of us to come together to recognize that attack and do what has to be done.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 627, the joint resolution is considered read for amendment and 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 was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes 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 407, nays 2, not voting 23, as follows:

[Roll No. 527]

YEAS—407

Abercrombie	Blagojevich	Castle
Ackerman	Bliley	Chabot
Aderholt	Blumenauer	Chambliss
Allen	Blunt	Chenoweth-Hage
Andrews	Boehlert	Clay
Archer	Boehner	Clayton
Armey	Bonilla	Clement
Bachus	Bonior	Clyburn
Baker	Bono	Coble
Baldacci	Borski	Coburn
Baldwin	Boswell	Collins
Ballenger	Boyd	Combest
Barcia	Brady (PA)	Condit
Barr	Brady (TX)	Conyers
Barrett (NE)	Brown (FL)	Cook
Barrett (WI)	Brown (OH)	Cooksey
Bartlett	Bryant	Costello
Barton	Burr	Cox
Bass	Burton	Coyne
Becerra	Buyer	Cramer
Bentsen	Callahan	Crane
Bereuter	Calvert	Crowley
Berkley	Camp	Cubin
Berman	Canady	Cummings
Berry	Cannon	Cunningham
Biggert	Capps	Danner
Bilbray	Capuano	Davis (FL)
Bilirakis	Cardin	Davis (IL)
Bishop	Carson	Davis (VA)

Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
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Pombo
Pomeroy
Porter
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Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
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Spratt
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Strickland
Stump
Stupak
Sununu
Sweeney
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Tauzin
Taylor (MS)
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Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
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Wamp
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Watkins
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Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Baird
DeFazio

NOT VOTING—23

Baca
Boucher
Campbell
Eshoo
Forbes
Franks (NJ)
Green (TX)
Horn
Kaptur
Klink
Lazio
Maloney (CT)
Martinez
McCollum
McIntosh
Meehan
Mica
Nadler
Oxley
Reynolds
Stark
Talent
Wise

□ 1135

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 527. Had I been present I would have voted "yea."

Mr. HORN. Mr. Speaker, on rollcall No. 527, Further Continuing Appropriations for FY 2001, I was on legislative business and was not able to make the rollcall. Had I been present, I would have voted "aye."

Mr. MICA. Mr. Speaker, on rollcall No. 528, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. DANNER. Mr. Speaker, I was absent for rollcall votes 522, 523, and 524. The reason is somewhat obvious, I think. I spent that time in the emergency room.

Had I been present, I would have voted in favor of rollcall votes 522, 523, and 524.

CONFERENCE REPORT ON H.R. 2415, BANKRUPTCY REFORM ACT OF 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 624 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 624

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, 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 (Mr. PEASE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us provides for the consideration of H.R. 2415, legislation that will reform our Nation's bankruptcy laws. This rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report may be considered as read.

The underlying legislation is important legislation that fundamentally reforms the existing bankruptcy system into a needs-based system. I am very proud of the tireless efforts of the Members of both the House and the Senate who have worked to reach this bipartisan agreement to ensure that our bankruptcy laws operate fairly, efficiently and free of abuse.

There is a strong support for bankruptcy reform. The House version of this bill passed with more than 300 votes earlier this year. The Senate passed their version with 88 votes. There is a great need for this legislation. A record 1.42 million personal bankruptcy filings were recorded in 1998. This is a stunning increase of 500 percent since 1980. Despite an unprecedented time of economic prosperity, low unemployment and rising disposable income, personal bankruptcies are rising, costing over $40 billion in the past year.

Without serious reform of our bankruptcy law, these trends promise to grow each year costing business and consumers even more in the form of losses and higher costs of credit.

Mr. Speaker, the bankruptcy reform that we will consider is based upon two important tenets: number one, the bankruptcy system should provide the amount of debt relief that an individual needs, no more and no less; and, point two, bankruptcies should be the last resort and financial crisis, not the first resort using it as a financial planning tool.

A record 1.4 million personal bankruptcies were filed in 1998. That is one out of every 75 households in America. The debts that remained unpaid as a result of those bankruptcies cost each American family that did pay their bills over $500 a year in the form of higher costs for credit, goods, and services. Unfortunately, the debt was eventually passed on to consumers last year and the cost to consumers is what bankruptcy filers have added on to the system.

□ 1145

That is why it is so important that we pass real bankruptcy reform.

Opponents of this bill have tried to divert the discussion away from the

merits of the bill, and to claim that it would make it more difficult for divorced women to obtain child support and alimony payments. However, nothing could be further from the truth. This bankruptcy reform bill protects the financial security of women and children by giving them a higher priority than under the current law.

The legislation closes loopholes that allowed some debtors to use the current system to delay or evade child support and alimony payments. The bill recognizes that no obligation is more important than that of a parent to his or her children.

Currently, child support payments are the seventh priority, behind such things as attorney's fees. Make no mistake, this bankruptcy bill puts women and children first, well ahead and at the top of that list. We should provide greater protection to families who are owed child support, and this bill will do just that.

One important part of this legislation is known as the homestead provision. Protection of one's home is something that is very important to myself and my constituents in Texas. The homestead provision in this legislation maintains the long-held standard that allows the States to decide if homesteads should be protected, yet stops these purchases or purchase of a home before filing bankruptcy as a means to evade creditors.

The bill also addresses other problems, including needs-based bankruptcy. The heart of this legislation is a needs-based formula that separates filers in Chapter 7 or Chapter 13 based upon their ability to pay.

While many families may face job losses, divorce, or medical bills and therefore legitimately need the protection provided by the bankruptcy code, research has shown that some Chapter 7 filers actually have the capacity to repay some of what they owe.

The formula directs into Chapter 13 those filers who earn more than the national median income, which is roughly $51,000 for a family of four, if they can pay all secured debt and at least 20 percent of the unsecured non-priority debt.

This bill recognizes the need for customer education and protection. It includes education provisions that will ensure that debtors are made aware of their options before they file for bankruptcy, including alternatives to bankruptcy such as credit counseling, and the bill cracks down on bankruptcy mills, which are law firms and other entities that push debtors into bankruptcy without fully explaining the consequences.

The bill also imposes new restrictions and responsibilities upon creditors with the goal of preventing borrowers from getting in over their heads. For example, the bill requires creditors to disclose more about the effect of paying only the minimum payment, and establishes new creditor penalties designed to encourage good-faith pre-bankruptcy settlement with debtors.

I believe Congress has a special responsibility to address this issue and to ensure that our bankruptcy laws operate fairly, efficiently, and free of abuse.

Mr. Speaker, this conference report meets those two tenets I mentioned earlier. It allows those who truly need a fresh start, and compels those who can pay back part of their debt to do so.

I urge my colleagues to support this rule and the underlying legislation.

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

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

Mr. Speaker, I support passage of bankruptcy reform, and so, in order for it to pass before the adjournment of the 106th Congress, I will vote for this rule and for the conference report.

But the reason the Republican leadership has been forced to resort to this kind of parliamentary game is because the Republican majority in this Congress has left unfinished the agenda that matters most to the people of this country.

It is October 12, Mr. Speaker, and there is not an end in sight to this Congress, and there is little hope left that the real American agenda will be finished. Thus, in order to pass legislation which has overwhelming bipartisan support, the Republican leadership has resorted to using tricks and games, rather than regular order.

Were this situation not so sad, Mr. Speaker, it would be laughable. Mr. Speaker, for 2 years Democrats in this body have asked the Republican leadership for the opportunity to address the issues that matter most to Americans: real Medicare prescription drug coverage, real help for America's schools, a real and meaningful Patients' Bill of Rights, an increase in the minimum wage, campaign finance reform, saving social security and Medicare, paying down the national debt.

These are real issues that matter to real people. But in those 2 years, what have my Republican colleagues done? They have brought forward legislation that does everything but what the American people want. When the Republican leadership's position has been soundly defeated on a bipartisan basis, they have simply shelved the wishes of the bipartisan majority in this House.

For example, in August of 1999, the House passed a real Patients' Bill of Rights, a bipartisan Patients' Bill of Rights, passed it by a vote of 275 to 151. It took the Speaker until November 3 of 1999 to appoint conferees. When he did, he failed to appoint a single Republican conferee who supported the bill that passed the House, not a single one.

Today that conference has still not reported back to either the House or Senate. The Patients' Bill of Rights sits on a shelf.

In September of last year, the House passed a bipartisan campaign finance reform bill by a bipartisan vote of 252 to 177. That bill has also disappeared into the legislative dustbin of the 106th Congress.

The Democrats in this body, as well as in the Senate, have repeatedly asked for further consideration of that legislation. But our requests have gone unanswered.

Mr. Speaker, yet another meaningful bill sits on the shelf in the Republican leadership's closet. We asked that the House consider legislation that would give seniors a real Medicare prescription drug benefit, but we were prevented from getting a vote on the Democratic version of the bill.

We have asked that the Congress consider legislation which would provide more well-trained teachers for schools across the country in order to reduce class size. We have been ignored. We have asked for a clean vote on increasing the minimum wage, and our Republican colleagues loaded up the bill with tax cuts that would benefit the wealthiest while begrudgingly offering a $1 an hour over 2 years wage increase for Americans who are at the very low end of the income scale.

We have asked repeatedly for this Congress to consider issues that really matter to real Americans, the people who pay mortgages, who pay rent, who make car payments, who send their children to school, that they want to be safe.

But we have been ignored, Mr. Speaker, so we find ourselves in this situation today. While the House has rules which regulate how and when legislation and amendments can come to the floor, the other body does not. As a consequence, the refusal of the congressional Republican leadership to consider real legislation that would mean something to real Americans, the refusal of the congressional Republican leadership to sit down and work on a bipartisan basis with the Democrats in the House and Senate and with the President of the United States, has resulted in the need to play these kinds of legislative games we are engaged in today.

Mr. Speaker, I have long supported reform of our bankruptcy laws. I support this conference report. It will allow Americans who need a fresh financial start to get one, but it will also prevent those who have indebted themselves and who are able to pay those debts from just walking away from their obligations.

This bill affords new protections for consumers by requiring that credit statements include more detailed disclosures. It protects the homes of individuals who live in States with homestead exemptions, but not those who

move there simply to claim the exemption in a bankruptcy.

It gives permanent Chapter 12 relief to farmers.

Mr. Speaker, many Members are concerned about the process. Quite frankly, I share their views. It is not proper that the House should be considering this important legislative reform within a shell of a bill that has already been passed and signed into law.

But given the hour, given the inability of the Republican leadership to manage the business of this House and the Congress any better than it has in the past 6 years, I will reluctantly vote for this rule so we may at least pass some meaningful legislation before the end of this Congress.

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

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

Mr. Speaker, I, too, would like to have this House not only consider important pieces of legislation, as we are doing today, but also, as the gentleman from Texas has outlined, that there are a good number of things that we have yet to do that have not been done, just as we have not seen the ability to take social security to a lockbox that is being held up in the Congress of the United States because of the Democrat party.

There are frustrating things that are occurring every day. The fact of the matter is, and I would remind my colleague, we are working together. We are going to continue until we have resolved the differences that we have. This is part of the bipartisan approach, but the fact of the matter is that rather than us sitting here and bickering, we need to get our job done on this important piece of legislation that has been passed numerous times.

Mr. Speaker, I will once again remind my colleagues, this bankruptcy reform passed with more than 300 votes from this body. I am proud of the work that we are doing. We have not gone home, we are working together feverishly, not only among our House colleagues but also with the other body and our colleagues there, as well as the White House, on things that are of great importance not only to America but to families and to Members of Congress.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding time to me, and for his help in bringing this very important piece of legislation to the floor. I rise in strong support of the legislation and the rule on this conference report.

Mr. Speaker, I want to particularly commend the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary where this legislation originated, because he has been working on this legislation for years now trying to break the gridlock that has kept this very, very important reform of our bankruptcy laws from being signed into law.

I think we are now getting very close to accomplishing that if we can get this conference report passed today, as I am confident we will, with the same kind of overwhelming support, bipartisan support, that we have already had.

Our bankruptcy laws are in grave need of reform. We are at very, very high levels of bankruptcy filings in this country, and part of this problem is that all of the incentives exist for people to file bankruptcy and none of the responsibilities for people to consider the consequences of their actions and to pay something when they indeed have the ability to pay a part of those debts.

The reason for that is that today a debtor has a complete opportunity to choose whether they have a Chapter 7 bankruptcy, where they can file all of their debts and discharge them and walk away, or a Chapter 13 bankruptcy, where they are required to make payments.

This legislation reforms that in a very, very important way by allowing people who are responsible consumers to not have to bear this debt themselves. That is what happens today. Every time a bankruptcy is filed, all of those consumers who are responsible, who pay their payments on a monthly basis, who keep good credit ratings, are picking up, in the increased costs of goods and services, in the increased costs of consumer and other types of loans, the difference in the cost of all of those people who file bankruptcies who could make some payments.

This bill is reasonable in its approach. People who make less than $50,000 a year will not be required to participate in what are called mandatory Chapter 13s, but people with significant income but who do not have a lot of other assets and therefore are not worried about filing a Chapter 7 because they are not worried about those assets being taken by a bankruptcy creditor or the trustee to sell and distribute to the creditors right now have the ability to do that and walk away. They should not be able to do that if they are able to pay a portion of those obligations. This will be a significant reform in the law to do just that.

Mr. Speaker, I just want to make the point that this legislation helps protect people who are receiving child support payments by increasing the priority level of protection for those folks.

This is important legislation. I thank the gentleman from Pennsylvania for his leadership and his perseverance on this issue. I thank the gentleman from Texas for bringing forward this excellent rule, and I hope that people will support both the rule and final passage of this conference report.

□ 1200

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule, and I am going to try to shield as best I can my absolute disappointment, indeed outrage, at the process by which this bill has come to the floor and at the rule under which it is coming to the floor. And if the Members would just kind of put themselves in my position, perhaps they will understand the outrage that I feel about the process.

I am a member of the subcommittee of the Committee on the Judiciary that considered the House bill for bankruptcy. I sat through almost all of the hearings, discussions, the markups in the subcommittee. The bill then went to the full committee, and I sat there and dealt with the bill.

Then the bill came to the floor, and it passed the House. Then all of a sudden, yesterday afternoon conferees were appointed who never met and out of the shadows of the back room, a bill emerges and gets substituted in the place of a State Department authorization, so that a bill where we thought we were going to debate American embassy security and State Department matters ends up being a bankruptcy bill, and then the Committee on Rules then turns around and waives all points of order against the bill.

What are we as members of the committee supposed to think under those circumstances? Notwithstanding the substance of the bill, we cannot even get to the substance of the bill when the House is being operated in such a sinister and backhanded way, when the authorizing committee and the committee that is supposed to consider the substance of the bill gets cut out of the process.

The conferees never get an opportunity to meet to discuss what is going to be brought to the floor. How should we as members of the committee feel other than disappointment and outrage? And I think we ought to send a resounding message to the leadership here that this process is unacceptable.

We ought to vote this rule down, and then we can talk about the substance of the bill, which I have some reservations about, too. But right now, we are talking about the process by which this bill got to the floor, and we should all be outraged.

We should not be here considering a bill that brings itself here as an embassy security matter, as a State Department authorization bill and ends up being a bankruptcy bill which has

nothing to do with the title of the bill that we are considering. We should be outraged by this, and we should not conduct this body like this.

Mr. Speaker, I ask my colleagues to oppose the rule and let us at least send this bill through the regular process and get some regular order in this House.

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

Mr. Speaker, I would like to forthrightly address the issues that have been talked about, the outrage from my colleagues on the left. The process that we are going through was done in the light of day. It was a bipartisan agreement. It was initiated on behalf of the Senate.

I have the signature of one of the most distinguished Members of the United States Senate who happens to be a Democrat, who fully supported, not only this process, but agreed that this should be a way that we should get this done.

Bankruptcy reform is important for us to do, and I am proud that Members from the other body forthrightly approached the issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his explanation. I think the one difference or the one response to the gentleman's point is that yesterday, I believe, the House voted enthusiastically for there to be an open conference with full opportunity for presentation or viewing by the public and media present. I do not believe in the last 18 hours, I do not even think it has been 24 hours, that we have had that to occur, that a conference opportunity has happened. Now the bill is on the floor, for a vote.

Mr. SESSIONS. Mr. Speaker, reclaiming my time, I have great respect for what the gentlewoman from Texas (Ms. JACKSON-LEE) talks about. It would be untruthful to suggest this was not a bipartisan agreement. It is a bipartisan agreement on a very important piece of legislation, and I believe that the truth should not be held hostage on this issue.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I was intrigued by the opening statement of the gentleman from Texas (Mr. FROST), who with my gratitude, asserts that he is going to support the rule and the bill to bring to fruition our efforts on bankruptcy reform.

But then he went on to, in a sense, modify his own position by saying that, implying that it is not important to the American people like the matters which the minority have obstructed, like patients' bill of rights, like they have obstructed versions of Medicare reform, like they have obstructed other things. Those things are more important to him, implying that this is not important to the American people.

Let me tell my colleagues this, everyone should recognize that the consumers of our country, the private citizens, the families of our country are affected by bankruptcy. When someone files bankruptcy, the price paid for goods at the supermarket, for the cereals and the oranges and the beefsteak, all of those are subject to price rises because someone has failed to pay a debt, and that has to be made up by the general consuming public.

Mr. Speaker, not only that, but when someone goes bankrupt and a consumer, an average citizen, wants to buy an automobile and contracts to pay over a period of time, the interest rate that he pays, or she, for that automobile is impacted by a bankruptcy, which potentially makes that interest rate rise in cost.

So the consumers are hurt in just two ways that I mentioned: one, prices at the supermarket; and, two, interest rates for goods that the family requires, like an automobile or a refrigerator.

Are not those bankruptcies harmful to the consumer, to the people of our country? That is why we were able to get 313 votes in the House, because the people who represent the consumers back home voted in favor of bankruptcy reform, to make it possible for some of this debt to be recovered, where it can be recovered.

Furthermore, what about the consumer who is also a taxpayer, the taxpayer-consumer, and they are inextricably intertwined in most cases in our country, suffers when someone files bankruptcy, because the taxing authorities, like the State or a school board or a township or some municipality in their inability to recover monies from someone who is declared bankrupt, that means that that uncollected tax from an individual has to be spread among everybody else?

All of a sudden, we have the consumer-taxpayer having to pay additional taxes. We have the consumer paying extra for the cereal, extra for interest rates to purchase an automobile, and extra monies to make up for losses by a taxing authority from someone who has gone bankrupt and has put into that pot, under today's law, the taxes that he owes to a particular entity.

What happens if there is a shortfall of the school district's taxes by $10,000, shall we say, that someone has failed to pay and gone bankrupt to try to avoid? Where do they make up that $10,000? That is correct, from the pockets of the consumer taxpayer.

So I say to the gentleman from Texas (Mr. FROST) that he is correct in voting for the rule. He is correct in voting for the conference report, and he will have to understand and perhaps acknowledge that the people of our Nation will also be benefited from the bankruptcy reform at our hands here this afternoon.

Mr. Speaker, I ask every Member to keep in mind the two themes of bankruptcy reform, each one of which is supremely important: the first is that every single soul who files bankruptcy who needs a fresh start so overwhelmed by debt, so burdened by the obligations that there is no way out but bankruptcy, that person is guaranteed a fresh start under this bankruptcy reform bill. That is extremely important.

Then the other balancing feature is that those individuals who file bankruptcy who have an ability to repay some of the debt over a period of time will be compelled to do so with the mechanism that we place in the bankruptcy reform bill.

With those two balancing features, there is no reason why we cannot match the 313 votes by which this legislation passed the last time it was presented to the Members of the House.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I take the opportunity to correct the gentleman from Pennsylvania (Mr. GEKAS), my good friend and colleague, the chairman of the Subcommittee of Commercial and Administrative Law, and offer to say to him that this is a travesty. It is hypocrisy. Let us call it what it is.

We hope that those of us who disagree will have the opportunity to represent our constituents, represent Americans in this debate. Yesterday we were on the floor of the House, and we asked simply to have a conference committee that would be open and that would have a meeting and that would have the opportunity for the public to be present, so we can see whether this is really reform or a sham.

We did this at 6:22; the House voted almost unanimously. At 8:20 p.m., this conference report was sealed, signed, and delivered. I might say it might not have been signed. I have lived with this issue for almost 4 years, and I am gratified to say that because of the economy, bankruptcies have gone down. There is not the crisis that we thought there was some years ago.

In addition, the bankruptcy judges and trustees oppose this legislation. It is not reform. Interestingly enough, as we look at what this legislation says, even the bankruptcy commission did not agree for means testing. What does that mean? That means before you can file bankruptcy, good hard-working citizens, senior citizens who have catastrophic illnesses, divorced individuals

who have fallen upon hard times, you must submit data to be determined whether you can even go into court. It is called a means test, and those hard-working Americans who may have missed the standardized formula, by the way, designed by the IRS, will be kicked out and cannot even go to reconstruct their lives.

Mr. Speaker, $40 million was utilized to lobby for this law; but yet in States like Texas, where our home is our life and our land, they did not even allow language that states who had their own provisions on homestead could opt out States rights. That is not even in the legislation. So if your parents have lived in a home that has increased in value, but they have fallen upon hard times because of bad health, they cannot even utilize the homestead exemption if, in fact, it is more than $100,000 under this bankruptcy bill.

In this economy we know that has occurred if families have lived in homes for over 40 years. Our divorcees that need child support, in Chapter 13, the child support payments are put in along with credit cards. Can you imagine that? Who is going to be able to be the winner, the child needing child support, the parent who cannot get a lawyer, or the credit card company that says you better pay my credit card debt before you pay child support or alimony?

In Chapter 7, for example, there are no assets, and mostly you pay administrative costs. How will someone pay alimony or child support unless it is isolated?

Let me share with my colleagues what the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, said, ''to say that substituting a reasonably necessary standard, providing some flexibility in determining what a debtor can live on, because what this bill does, it tells you while you are in bankruptcy, you have to be governed by the Internal Revenue Service expenses.'' Can you imagine that?

□ 1215

The chairman says, why are we using the IRS standards? This is the only place in town, this bankruptcy bill, where the IRS is popular.

When he got to the floor of the House and he was arguing about this bill, in the CONGRESSIONAL RECORD on May 5, 1999, the gentleman from Illinois (Chairman HYDE) said, ''Lastly, let me pay my respects to the creditor lobby. They are awesome.''

I only ask that we respect the American people. We know that the American people believe in responsibility. That is what this Nation was founded on. We work every day. We pay our bills. We pay our mortgages.

But I tell my colleagues if one had a catastrophic illness, a tragic accident, which some of my constituents have had, devastating car accident, one cannot work and one falls upon hard times, does one need the IRS telling one what one can live on? Does one need one's house being taken away from one. Does one need the credit card people telling one they are more important than one?

I am voting against this rule, against the bill, and I ask my colleagues to stand up for the American people.

Mr. SESSIONS. Mr. Speaker, may I ask how much time is remaining on both sides, please.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) has 10 minutes remaining. The gentleman from Texas (Mr. FROST) has 17½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I appreciate the dialogue from the gentlewoman from Texas (Ms. JACKSON-LEE). I would like to, once again, ask the gentleman from Pennsylvania (Mr. GEKAS) to respond.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is peculiar to hear the argument against our provisions on homestead exemption and the modification we made to it. If we do nothing, if we pass no bankruptcy reform at all, the opponents of the current bankruptcy reform say we like the present system, well, the present system is the one against which the President has railed as being one where the rich can go to these homestead exemption States and escape their obligations. He is opposed to that kind of an exemption for the rich.

So now we offer a compromise which preserves the homestead exemption status of the States that employ it and then put into place a reform measure that discourages the rich from shopping to go to a homestead just for the purpose of avoiding bankruptcy.

But now we hear the gentlewoman from Texas (Ms. JACKSON-LEE) criticizing the homestead exemption. Does she want us to stay where we are, to benefit the rich, as the President of the United States has said? That is a salient question.

On the homestead exemption, I think I am going to engage in a colloquy later with people who are interested in the specifics of that, and I will be glad to engage in that. But the other point that the gentlewoman from Texas attempted to make about the stand up for the American people, that is what we did; 313 of us stood up for the American consumer, the people who suffer at the hands of people who go bankrupt and have to pay higher costs at the supermarket and interest rates and the taxes and all of that.

The priorities that we set for women and children are very important and high priorities. The gentlewoman from Texas would say that she is not satisfied with those priorities. She wants what is the current law to prevail here. If that is the case, then she should recognize and we should be truthful about the fact that the current law gives no priorities to that.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Texas for yielding time to me, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Speaker, I will not take all of the gentleman's time. I thank the ranking member very much, and I thank him for working on this issue.

Let me just say to the gentleman from Pennsylvania (Mr. GEKAS) I appreciate his work on this bill. But he is inaccurate.

What happens in the discharge of alimony and child support? They are lumped in with credit card debt. It is a big lump of prioritization. What those of us who oppose this bill are asking for is to put credit card debt below that of alimony and child support, which represents real life or death issues in the lives of children and families.

All this bill does is give the single parent, man or woman, with limited resources an opportunity to fight to get child support and alimony. We know who is going to be the victor in that fight against the big credit card companies.

The other thing is, just on the homestead issue, let me be very clear, the language in the conference report does not have the opt-out language that protects State rights to allow them to opt out if they have other homestead exemptions. That is hurting senior citizens who have lived in their home for 50 years and the value of their homes are assessed at more than $100,000 because the value has increased. That is what I am crying out against. This is not reform. This bill is punitive to many Americans.

Mr. CONYERS. Mr. Speaker, as more and more Members begin to examine this, I think the awesome power of the credit lobby is becoming very, very clear. We are making a bill that makes bankruptcy worse. So for the chairman of the subcommittee to be telling us that, because we oppose this bill, we want to go back to the existing circumstance is inaccurate at least for my part. What we want is a better set of provisions than the ones that exist now, and this bill does not contain them.

Mr. SESSIONS. Mr. Speaker, the gentleman from Texas (Mr. FROST), my colleague on the Committee on Rules, indicates he does not have further speakers. I have indicated back that I do have two additional speakers. I am well aware there is an imbalance on time on both sides. I will proceed with

that understanding. I will proceed with two additional speakers, then I will offer the gentleman from Texas (Mr. FROST) the opportunity to close, and then I will do the same.

Mr. Speaker, I yield 4 minutes to the gentleman from Del Mar, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I was not even going to speak on this issue until I heard the Democrat leadership's partisan attacks which has flowed through these Chambers over the last year.

When one takes a look at the Democrat leadership and their interest to recapture the majority and gridlock this House and fight against every single thing that we try and do, campaign finance reform was mentioned. The other night when the Presidential debate went forward and Vice President GORE looked at Governor Bush and said, ''would you sign the McCain-Feingold,'' I wanted to jump in the television and ask Governor Bush to ask Vice-President GORE would he sign the Paycheck Protection Act to control the unions. GORE would say no of course.

I went in 18 different congressional districts over the last few weeks. The minimum amount that the union goons had spent against our vulnerable candidates was a million dollars each. But yet my colleagues on the other side, because their campaign coffers are filled by the union bosses, will they do that? Absolutely not.

So when my colleagues talk about campaign finance reform and their extreme rhetoric, no, we will not support those kinds of things.

The Patients' Bill of Rights was mentioned that the Democrats push. It would be so easy for this House to come together. Instead, in an election year, they choose to try to make it a partisan issue. The Patients' Bill of Rights not only has unlimited lawsuits, but unlimited amounts with the intention of killing HMOs. If one kills an HMO, what is left, only a Hillary Clinton government type of health care plan. If one demonizes insurance companies, what is left for prescription drugs? A government-controlled health care system. They say, well, it is under Medicare, but yet the cost would be driven up instead of having insurance.

I had pneumonia last year. My wife is a teacher. I used her insurance. I went down and needed augmentin, and I went to the prescription place, and I got augmentin for a much reduced price. That is an insurance company, but which my colleagues tend to demonize and talk about their patients' bill of rights.

The second aspect of that, they then, the liberal trial lawyers who also fill their campaign coffers, then go down and sue the small businesses with unlimited lawsuits, the people that hire in good faith those HMOs or those organizations to provide health care for their workers. Absolutely not, we are not going to go along with the liberal Democrat leadership agenda.

One takes a look in NFIB and the Chamber of Commerce who produce the jobs in this country they fight it.

Talk about education. Talk about school construction. Why do my colleagues think they want school construction to come out of the Federal Government instead of local, because all Federal monies go down and have to go at the prevailing Davis-Bacon union wage. Again, quote the union boss wage which costs 35 percent more money to build our schools.

Does one think that my colleagues, if we had a bill that said, hey, we will support your construction bill, waive Davis Bacon and the Union wage, and let us put 35 percent more in building schools, but does one think they would do that, no, because it upsets the unions and the money going to their campaign coffers.

It makes me sick on this house floor. Like I said, I had not planned on even speaking on this. In 1993, did you have a minimum wage increase? You had the White House, House and the Senate. Absolutely not.

What did you do? You tried to government control health care, you increased the tax on Social Security, you stole every dime, your leadership took every dime out of the Social Security Trust Fund. AL GORE was the deciding vote on that.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from California taking time to discuss this with us.

Mr. Speaker, I yield 3 minutes to the gentleman from Addison, Michigan (Mr. SMITH).

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

Mr. Speaker, I think this legislation is very important and it is so important that we move ahead and send it to the President. I became interested and concerned with bankruptcy laws when I became chairman of the Michigan Senate Agricultural Committee back in the early 1980s.

Farmers came to me with their frustrations and I note those were tough times for farmers. Farmers came to me with their frustration that they were not allowed to reorganize. They were forced to sell their equipment and then told, well, if you can find a way to pay your way out of this, fine. With out their equipment it didn't work.

I met with my congressman, wrote many others and it was in 1986 that we first came up with chapter 12 to allow special considerations for farmers. In 1992 and 1993, when my son Brad Smith became a law clerk with Judge Edith Jones in Houston, Texas with the Fifth Circuit Federal Court of Appeals. I become more aware of problems with the federal law, talking to my son Brad and Judge Jones. If bankruptcy is to easy lenders raise interest rates for everybody else. Because thru bankruptcy it was too easy for many to get out of paying what they owed somebody else other borrowers are charged more to cover the unpaid bills.

So there must be a balance. One wants to be fair, but on the other hand, one does not want to punish everybody to make it too easy so a few people can declare bankruptcy and not pay what they owe.

I have two bills that I introduced that are now incorporated in this bankruptcy law. One is the child support payments that are owed to local units of government. They have been dischargeable. Now, under my amendment and this legislation they are not.

The other, of course, is making section 12 of the bankruptcy law permanent. In tailoring chapter 12 to meet the economic realities of family farming, this bill has eliminated many of the barriers that family farmers have faced when seeking to reorganize successfully under either chapter 11 or chapter 13 of the Bankruptcy Code.

For example, chapter 12 is more streamlined. It is less complicated. It is directed towards family farmers, not the giants, not the corporation, but family farmers. It provides that they can reorganize in such a way that they do not have to sell their tractors, their plows and their corn planter. It gives them a chance to get back on their feet. Chapter 12 provisions no longer exist in current law. Farmers are not allowed to use these provisions, because they have expired.

This bill, this legislation makes chapter 12 permanent. I hope we move ahead and support this rule and the bill.

Mr. SESSIONS. Mr. Speaker, I have indicated this would be the remaining speakers that we have in line with the agreement that the gentleman from Texas (Mr. FROST) and I had, and I would like to let him know we have now finished our speakers.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member on the committee, and then we are prepared to close.

Mr. CONYERS. Mr. Speaker, I would like to ask the gentleman from Michigan (Mr. SMITH), would he join me in pushing legislation to pass a free-standing bill to make chapter 12 permanent should this bill not succeed in the Senate as most expect? Right now, chapter 12 is being held hostage to this bill.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I ask the gentleman from Michigan (Mr. CONYERS) to repeat the question.

Mr. CONYERS. Mr. Speaker, would the gentleman from Michigan join me

in supporting legislation in a free-standing bill to make chapter 12 permanent should this bill not succeed in the Senate as most expect that it will?

Mr. SMITH of Michigan. Yes, Mr. Speaker. But I certainly hope the other provisions that are so important, such as the discharge of those debts owed in child support, et cetera, somehow need to be corrected. But, yes, I have introduced such a bill. It is very important to farmers. I would hope we would pass the provisions in this bill.

□ 1230

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume to simply state once again, as I indicated in my opening statement, that I intend to vote for this rule and I intend to vote for the bill. We would have preferred that it come up under a regular procedure; and obviously, we would prefer that other matters obviously be voted on by this House, but I will vote in favor of the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to tell my colleague, the gentleman from Texas (Mr. FROST), that I appreciate his support. I too would ask Members to vote for this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEKAS. Mr. Speaker, pursuant to House Resolution 624, I call up the conference report on the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 624, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 11, 2000 at page H 9723.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

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

It is important, for the purpose of the CONGRESSIONAL RECORD and for the purpose of reenlightening the Members of the House as to the purpose of the mammoth effort that we expended over the last 3 years and more to bring about needed, necessary and cogent bankruptcy reform, to outline the two main theses that apply and on which we banked our experience and our intent to bring about bankruptcy reform. They are worthy of repetition and re-repetition. And every ounce of prevention that we can add to this debate about all those who oppose the concepts that we are employing we repeat and will repeat time and time again.

Everyone and anyone who becomes so flooded with and burdened with and overextended by reason of obligations for a variety of reasons, whether it be divorce or drinking or gambling or overextension of credit in its many different forms, whatever the reason might be that someone became hopelessly indebted and found no reason to do anything except to file bankruptcy, that person, who is so overburdened will find at the hands of the bankruptcy system a fresh start. We guarantee that. That is one of the purposes of bankruptcy from its first usage back in colonial days. The fresh start will be available to every American who needs it.

But by the same token, we cannot permit people to use the bankruptcy system as a mechanism for financial planning for themselves. If we take an objective look at someone's resources, their status in society, their earning power, their status in the financial system of which our economy is a part, if we, upon examination, determine, through the bankruptcy system that we put in place, that there is an ability on the part of this individual to repay some of the debt, albeit not all of it, and not immediately, but over a period of years, then we should compel that individual, through a sympathetic system of transferring that obligation or set of obligations from Chapter 7 to Chapter 13, we should allow that individual to work his way out of that debt. We do not demand that he pay every penny back, but that he return some of the money to the general wheel that keeps our economy going.

It is unfair for such an individual, who could repay, to be absolved of any obligation and then lay his burden at the footstep of every other consumer and taxpayer in the country. Because our country is so wealthy, it is difficult to portray how one bankruptcy that loses in a stream of commerce just $10,000 truly matters. One might say, well, what is that? But that $10,000 of debt unpaid has to be made up somehow in the general economy. And who makes it up? The consumer, the seeker of credit, the purchaser of large items, like automobiles, homes, et cetera.

So this is not an issue that is out there in the ether someplace, that has no connection with everyday living in our communities and the struggles of every family. This touches the heart of the pocketbook of every family. To dismiss it as being a giveaway to somebody or other, or that benefits only one segment of society, one must take a look at individual cases of bankruptcy.

I defy anyone to comment or to assert that our bankruptcy reform crashes down on the poor or the low-income people, when the very threshold upon which the bankruptcy system begins under our reform measure exceeds the median income. Therefore, people under the median income, in whatever quarter in our country, if it is below that standard, there is almost an automatic fresh start accorded that individual when he or she files bankruptcy.

That is a magnanimous view of the low-income stratum of our society. And we say that when that individual from that stratum does find himself or herself overburdened, we are going to help. That fresh start will be available. So I reject contentions that this is a bill biased towards any segment of our society. Rather it is biased, if it is biased at all, towards rectitude, towards balancing the equation in the economy in which we find ourselves.

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

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

Mr. Speaker, this measure imposes indiscriminate means tests to determine the eligibility for bankruptcy relief and the amount a bankruptcy filer is required to pay a creditor. This test does not account for such items as child care payments, most health care costs, and the costs of caring for individuals unable to care for themselves. Further, families will be required to go through a series of means tests to justify their medical bills and other expenses. These standards are so extreme that they have been rejected by the Internal Revenue Service.

So when the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. GEKAS), says that the two themes of this bill is to give people a fresh start and then to have, number two, some accountability for those who can and should pay, this bill flunks the test right from the beginning on both counts. It does not allow for a fresh start, and the accountability is so extreme that we are using standards that even the Internal Revenue Service rejected.

The proposal is highly damaging to a single mother's access to the bankruptcy system. It would treat an individual's credit card debt on the same level of obligation as there is to paying child support or alimony. So, therefore, I would argue that it does not make accountability an important consideration because, as again we see the awesome power of the creditor lobby, they have now elevated credit card obligations to the same level as those for child support or alimony. Now, how that meets theme two is beyond my understanding.

So, therefore, a mother who relies on payments to feed or clothe her children would be competing from the same pool of money as a major credit card

company. Thanks a lot, I say to the gentleman from Pennsylvania. That really makes accountability a strong theme in this so-called reform measure.

Next, the business provisions of the proposal will impose harsh time deadlines, massive new legal and paperwork burdens on businesses, real estate concerns and, by design, will lead to premature liquidation and job loss. So much for theme one of the so-called reform and fresh start of the gentleman from Pennsylvania. Thanks a lot. By leading to premature bankruptcy or liquidation and job loss, we are giving folks a fresh start. Well, my colleagues, there is the awesome power of the creditor lobby working again.

Instead of giving businesses a fresh start and a chance to reorganize, this would cripple an organization and defeat the true purpose of a bankruptcy process, even the one that we have now. At the same time, the conference report addresses the alleged rampant bankruptcy abuse by debtors. It gives next to no attention to the lending industry.

By the way, are bankruptcy filings going up or down? Is there any Member in this body that does not know that they are going down? We have tables to show that the decrease in bankruptcy filings, personal bankruptcy, in the period ending June 30 of this year, ran 8.29 percent below the year earlier levels, and per capita personal bankruptcy rates ran 9.15 percent below the year earlier levels.

So as the bankruptcy courts themselves tell us, the bankruptcy filings are down, not up, according to their figures. So what are we doing here? Well, I think we are genuflecting to the awesome power, as the chairman of the Committee on the Judiciary says, the awesome power of the creditor lobby. So what we have, due to deregulation of credit cards and the resulting deluge of credit card solicitations, is that customer debt has skyrocketed to more than $1.3 trillion.

But what attention do we give to the lending lobby, the lending industry, which has encouraged this? Is there anyone that does not get one or two a week or a month of credit cards that say this card is operative, it is for you; if you need it, use it? They send them to students in colleges in their dorms. They are being flooded with them. So our response to this irresponsible activity of the creditor industry is to say that we are going to make it tough by making it harder to get started again, and then hold at the same level the family's need for their support of children. We are going to elevate the credit card obligation to the same as the ones of people who have families in need.

□ 1245

And so the conference report fails in yet another respect. It fails to require credit card companies to fully disclose the total amount of time it takes an individual to complete payment on a credit card balance if only the minimum is paid.

The conference report also omits an important Senate provision that would prevent protesters found guilty of violence and of harassment at abortion clinics from declaring bankruptcy to avoid paying court judgments.

And so, without such a provision, I say to the subcommittee chairman, we are allowing the abortion bombers to intimidate, maim and kill women without suffering any adverse financial consequence. And so, Mr. Speaker, I obviously oppose the conference reports before us.

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

Mr. GEKAS. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. BRYANT) a former member of our Committee on the Judiciary who, notwithstanding the fact that he abandoned us, I am still willing to yield to him to talk about bankruptcy reform.

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

Mr. Speaker, I do want to thank the gentleman and commend him and other Members and especially the staff who have worked so closely with us over the last 4 years to make this bankruptcy reform a reality. I know a lot of hard work and compromise went into this legislation, and I am confident that the consumers and the creditors will be better off because of it.

In recent years, bankruptcy has truly become a first stop rather than a last resort. In 1998, approximately 1.4 million people filed for bankruptcy, which is the equivalent of more than one in 100 households across this country. This increase in the bankruptcy filings costs the American families, those of us who do not file bankruptcy, on average $400 a year because of these higher prices for their credit and consumer needs that have to be made up because of these filings.

The reform agreement before us today will protect responsible consumers while cracking down on abusive bankruptcy practices.

Now, the object of this bill is to reduce repeat filings and to prevent the gaming of the bankruptcy system, that is running up credit card bills right before they file bankruptcy or filing and dismissing a bankruptcy case and refiling as a stalling tactic. Also, this bill hopes to improve the administration of bankruptcy cases in providing debtors with information about alternatives to bankruptcy such as credit counseling services.

This bill also maintains a needs-based test, a means test so to speak, and it provides safeguards for women and for children and it assists farmers who may be forced into Chapter 7 bankruptcies by extending that particular Chapter 7.

Now, I do want to mention something about this means testing. I sat through a lot of debate this morning on this particular rule and on the general debate and I hear from the other side the opponents, the people who oppose this reform, saying that it is means testing, it is harmful to people who are poor. But then I hear other people from that same side oppose it because it fails to protect the homestead exemption on houses, $250,000 is not enough.

It strikes me kind of strange that we are talking about bankruptcy here and a concern about people who live in houses that have equity of more than $250,000. I think that is an inaccurate figure, too, I might add. Because it is not right that people who file bankruptcy ought to be able to keep houses regardless of how much they have in it or have a value of $250,000.

We have reduced that, in a compromise spirit, down to a $100,000 where it is obvious that they bought the house with the intention of trying to protect their equity and mess over all those creditors out there.

But let me go on to say, too, that I am also pleased to point out that this bill, H.R. 2415, offers my State of Tennessee specific relief by providing additional bankruptcy judges, one in the Western District of Tennessee that is a permanent judge, and a temporary judge in the eastern part of the State.

For example, in the Western District, talking about the tremendous number of bankruptcies cases, we have four judges and it is the highest filing district in the Nation. And we believe these four judges have worked too hard for too long. In fact, when we caseweight the numbers in the Western District based on filings through June of 1999, each judge has had 2,380 cases. And I would point out that 1,500 cases per judge is the level that they should be working at according to their own Judicial Conference.

So by providing this additional judgeship, we can at least reduce their caseloads down to 1,904 cases, still well above the recommended level.

Mr. Speaker, this bill does provide common sense reform and I urge its adoption.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the ranking member very much for yielding me the time. I think he knows how fond I am of him personally and how much I respect his intellect and his heart. But I rise today in support of H.R. 2415 and the much needed bankruptcy reform measures contained in this legislation.

The American people find it unacceptable and inherently unfair that those who do pay their bills have to

foot the bill for those who in many instances have the ability to pay but choose not to. It has been conservatively estimated that personal bankruptcies cost every American family $400 per household per year and it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

The system will continue to be unjust if debtors persist in using it as a tool of first resort rather than a tool of last resort when all other financial options have been exhausted.

Clearly, this Nation's bankruptcy system is broken when it enables individuals to avoid paying their debts despite their ability to do so. What this Congress must do is to undertake genuine needs-based bankruptcy reform to require those who have the ability to repay a portion of their debts to enter a Chapter 13 repayment plan while also preserving the historic fresh start in Chapter 7 for those people who have truly fallen on hard economic times.

The goal of our bankruptcy system should be to protect those who need protecting, to provide those who experience genuine and serious financial hardship the opportunity to wipe the slate clean. What we must do is return our system back to its original fair and compassionate mission through a simple legislative fix.

Bankruptcy reform is not a Republican or a Democratic issue. It is a consumer issue. According to a recent National Consumer League survey, 76 percent of Americans believe that individuals should not be allowed to erase all of their debts in bankruptcy if they are able to repay a portion of what they owe. This survey merely reflects the American public's belief that individuals should be responsible for their own action.

This bill would help to remedy the glaring problems of today's bankruptcy system by creating a needs-based system, subject to judicial oversight, which would similarly continue to protect the rights of those citizens who need a fresh start, while at the same time requiring those who do not to meet their personal responsibilities.

H.R. 2415 represents a true compromise product between the House and Senate-passed bankruptcy reform bills. Both Chambers passed bankruptcy reform by strong bipartisan margins. The House passed their version last June by a vote of 314–108 with the support of 96 Democrats. The Senate passed theirs by 83–14.

This bill contains a number of proconsumer items, including a host of new disclosure requirements for credit card companies. Specifically, it requires credit card statements to disclose late payment fees. It also mandates that statements must include a toll free number for consumers to receive estimates on how long it would take to repay their existing balancing by making only the minimum monthly payments.

The legislation also requires improved disclosures on introductory rates and prohibits creditors from closing an account solely if the customer does not incur finance charges.

We need to pass this legislation, and I urge my colleagues to support it.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2415.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, it gives me pleasure to yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time, and I want to congratulate him on his fine work in bringing this measure to the floor today.

Mr. Speaker, I am pleased to rise in support of the conference agreement and to urge its approval by the House. With this measure, we bring to conclusion a process that we launched 3 years ago to bring a much needed reform to the Nation's bankruptcy laws.

In an era in which disposable incomes are growing, unemployment rates are low, and the economy is strong, consumer bankruptcy filings should be rare. Contrary, however, to this expectation, there are now more than 1.4 million annual bankruptcy filings, a 40 percent increase from 1996 and a 95 percent increase over the number of filings 1 decade ago.

Bankruptcies of convenience are driving this increase. Bankruptcy was never meant to be used as a financial planning tool, but it is increasingly becoming a first stop rather than a last resort, as many filers who could repay a substantial part of what they owe are using the complete liquidation provisions of Chapter 7 of the Bankruptcy Code rather than the court supervised repayment plans that are provided for in Chapter 13.

The legislation that we bring to the floor today would direct more filers to use Chapter 13 plans. Those who can afford to make a substantial repayment of what they owe would be required to do so.

This is a consumer protection measure. As the gentleman from Virginia (Mr. MORAN) just indicated, the typical American family is paying a hidden tax of at least $400 every year arising from the increased cost of credit and the increases in the prices for goods and services occasioned by the discharge of more than $50 billion annually in consumer bankruptcy filings. By requiring that people who can repay a substantial part of their debt do so in Chapter 13 plans, we will lessen substantially that hidden tax.

Another key point should be made about the provisions of this conference report. The alimony or the child support recipient is clearly better off under this conference agreement than she is under current law. At the present time, she stands number seven in the rank of priority for payment of claims in bankruptcy proceedings. This conference report places her number one. Her priority is elevated from number seven in current law to number one in this conference agreement. Her claim will be first in line for payment, and other provisions of the conference agreement make it easier for her to execute against the assets of the estate of the bankrupt person than under current law.

In May of last year, this reform passed the House by the overwhelming vote of 315–108. A similar reform was approved in the other body by the vote of 83–14. The consensus in support of this reform is broad and it is bipartisan.

I would note that the conference agreement we consider today actually moves in the direction of the bankruptcy filer. It contains a means-testing threshold for the use of Chapter 7 that is more generous to bankruptcy filers than the provision in the House bill. It provides that the filer can still use Chapter 7 if he cannot repay at least 25 percent of his unsecured debt over a 5-year period, and that is after accounting for his normal and necessary living expenses. The House provision was a somewhat less generous 20 percent.

The conference agreement also provides that the filer can still use Chapter 7 unless he can repay at least $6,000 of what he owes over a 5-year period, and that also is after necessary living expenses. And that $6,000 figure over 5 years is compared to the less generous $50 per month over that same period in the House bill.

The conference agreement also contains the credit card consumer disclosure guarantees that were in the Senate bill and assure that consumers have a better understanding of the consequences of only paying the minimum amount on their credit card statement.

□ 1300

I want to commend the gentleman from Pennsylvania (Mr. GEKAS) for his leadership on this and the gentleman from Florida (Mr. MCCOLLUM), who I was pleased to join as the original cosponsor of the first bankruptcy reform that we introduced. I want to commend the gentleman from Virginia (Mr. MORAN) for his excellent work in support of this effort and say that this is a balanced bipartisan measure which will provide a substantial reform and deserves the support of this House.

I am pleased to urge approval of the conference report.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes, because my dear friend the gentleman from Virginia (Mr. BOUCHER) whom I tried to get on the conference as a conferee has made a case that on the surface sounds pretty good. But those who are concerned about the payment of alimony and child support have expressed strong opposition to this bill.

Now, why? The proposed legislation does not live up to its billing. It fails to protect women and children adequately. And I think we ought to have a thorough discussion on that part of the report. The child support provisions of the bill fail to ensure that the increased rights the bill would give to commercial creditors do not come at the expense of families owed support. And so what we are saying is that this is a bill that does not improve the status of women and children in bankruptcy proceedings. Absolutely not. That is also why the National Organization for Women is strongly opposed to the measure. The National Partnership for Women and Families is unalterably against this bill. The National Women's Law Center is opposed to the bill. The National Conference of Bankruptcy Institute is opposed to the bill. And one of the main reasons they are opposed to the bill is that contrary to the assertion that it allows a fresh start and a better fresh start than the existing legislation is that it does not. It would raise up the credit card creditor to the same status as those who are seeking alimony and child support payments, and that is precisely why the women's organizations are seriously opposed to this measure.

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

Mr. GEKAS. Mr. Speaker, it pleases me to yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. I thank the gentleman for yielding me this time.

Mr. Speaker, I, too, would like to echo my congratulations to the gentleman from Pennsylvania (Mr. GEKAS) and all those who have worked so hard to bring this bill to the floor. We are in the last hours of the Congress and I believe we are on the verge of doing something good for the American consumer and business community. This bill is the reaction to a problem. Under the old bankruptcy code, there were people throughout the land running up hundreds of thousands of dollars of debts, making incomes of $100,000, being able to file bankruptcy and walk away from their obligations, leaving a lot of the American business community holding the bag.

This bill has a balance to it. It is going to change the culture of our country. It is going to allow people to start over in a very fair fashion but it is going to ask people, if you can pay, to pay your debts the best that you can. Chapter 7 if you get under that provision, you discharge all of your debts and you basically walk away. This bill is saying, Wait a minute. If your income is such after you take your food, your clothing, private school expenses, necessary living expenses in a liberal fashion and compute it, that if you can afford to pay $100 a month over a 5-year period to your creditors, pay it. Because that is good for the American business community. It is good for the economy. I think it is good for America, to try to get people who owe something to someone else back on their feet without leaving anybody hanging.

I disagree with my friend the gentleman from Michigan (Mr. CONYERS). Child support payments are elevated in this bill. That is the balance that we need. From being seventh you are now first. And you cannot get discharged from Chapter 13 if you file under that chapter if you do not keep your child support payments current. We tell the credit card community, you are just not going to be able to inundate people with free credit. You have to inform them better. There is a debtor's bill of rights that tells people options to bankruptcy and ways to make your payments and try to get people together so you do not have to file bankruptcy.

This is long overdue. This is not only good for our business community, good for consumers, it is going to change our culture. I am proud to have been a part of it. I urge its passage.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Pennsylvania if I might to understand the homestead provisions in this. The House had adopted my amendment earlier in the proceedings that would have allowed the States to opt out. Now, as I understand it there is a 2-year residency requirement under section 322 of the conference report. So a homeowner who purchased their home and files a petition for bankruptcy within 2 years would be subject to a Federal cap but after that 2 years, would not be subject to a Federal cap?

Mr. GEKAS. If the gentleman will yield, that is exactly correct. The purpose is to say to someone who would move into Texas, if you move into Texas, purchase a property and within 2 years file bankruptcy, you would still preserve a $100,000 exemption but you would not have a total exemption.

Mr. BENTSEN. But after that 2 years you would be under State law?

Mr. GEKAS. After that he is a true Texan and does not have to worry about anything except the State law.

Mr. BENTSEN. The other question is after you have exceeded the 2-year period and you increase the value of your home through addition or property values rise, are you under a new 2-year period?

Mr. GEKAS. No. After 2 years, the person under our provisions and under the intent and under the law generally, after 2 years that individual is a true Texan for all purposes of residency and lives under the homestead exemption laws of your State.

Mr. BENTSEN. And to the extent that one after the 2 years changes residence within the State, the equity they roll over, as I understand it, would be an exempt item under the State homestead law. Would it be additional equity rolled into the new purchase that would be under the $100,000 cap for 2 years or not?

Mr. GEKAS. It would not.

Mr. BENTSEN. I thank the gentleman.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I rise in support of this very pro-consumer bankruptcy reform conference report. This vital legislation protects individuals and businesses from having to pick up the tab for irresponsible debtors, debtors who are capable of paying off a significant portion of their debts.

This bankruptcy reform bill establishes a clear causal link between a debtor's ability to pay and the availability of Chapter 7 bankruptcy superdischarge. It requires those who can afford to pay their debts to honor their commitments.

Let me emphasize at the outset that individuals who make below the median income will not be forced into Chapter 13 under this bill, although they may still voluntarily choose to file there. What this bill does do is require individuals who make above the median income and are determined to have significant repayment capabilities to file in Chapter 13.

Mr. Speaker, there are people who truly have a legitimate need to declare bankruptcy. No one is denying this. At times hardworking people come up against special circumstances that are beyond their control. Family illness, disability, or the loss of a spouse may necessitate the need to seek relief. This legislation effectively protects these individuals. Too frequently, however, people who have the financial ability or earnings potential to repay their debts are simply seeking an easy way out of repaying debts. While this may prove convenient for the debtor, it is not fair to their friends and neighbors who are ultimately stuck with the bill.

Estimates show that the average American pays as much as $550 per year as a bad debt tax in the form of higher prices and increased consumer credit interest rates to cover the economic costs associated with the excessive bankruptcy filings of others. Nationally, consumer bankruptcies

reached a record 1.4 million in 1997 and those numbers have remained high. What makes these statistics particularly alarming is the fact that this trend began in 1994 during a time of solid economic growth, low inflation and low unemployment, during an unprecedented peacetime boom in our economy.

The primary culprit of this dramatic increase in bankruptcy filings is a system that allows consumers to evade personal responsibility for their debts. Under this legislation, individuals who can pay their debts will be moved to Chapter 13 where they will be given a generous 5 years to establish a fair repayment plan and get their financial houses in order.

I would like to take this opportunity to thank the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Florida (Mr. MCCOLLUM) for their leadership in this area, and I urge its passage.

Mr. CONYERS. Mr. Speaker, I am happy to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding time and for his leadership.

Mr. Speaker, it is with great regret that I come to the floor in opposition to this bill. I supported this bill when the House first voted on it. Unfortunately, the majority has taken a bill in which I thought we had made good progress and chosen to railroad it through the House without really holding a conference and by tying it to a totally unrelated embassy bill.

Furthermore, I appreciate the comments and would like to be associated with the gentleman from Michigan's comments about the many leading women's organizations that oppose the bill. Also, the majority has deleted a critical provision that Senator SCHUMER added to the bill. This provision prevents those who commit acts of violence at reproductive health clinics from escaping paying penalties for these actions. Clinic bombers should not be allowed to excuse penalties assessed on them by the courts through bankruptcy. This bill would allow them to excuse these debts and to walk away from these penalties.

Mr. Speaker, bankruptcy reform is important to the American people, but so is protecting women's safety and reproductive freedom. This is a growing problem that the majority is ignoring. Between 1993 and 2000, three doctors, two clinic employees, one clinic escort and one security guard have been murdered in acts of violence at clinics. There have been 16 attempted murders since 1991. More than 2,400 acts of violence have been reported at clinics since 1997. These included bombings, arsons, death threats, kidnappings, and other acts of harassment. The Senate approved this amendment by a vote of 80–17. Why has the majority now excluded it? Why should clinic bombers be allowed to excuse their penalties by declaring bankruptcy?

I urge all Members who care about women's safety to vote against this bill for this reason and also because of the abusive procedure under which it has been brought to the floor.

Mr. Speaker, I include for the RECORD a letter from John Podesta, chief of staff to the President, in which he writes that the President will veto the bill because, and I quote, it gets the balance wrong.

THE WHITE HOUSE,
Washington, DC, October 12, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER. I understand that the House will take up today the conference report on H.R. 2412, which apparently incorporates the text of S. 3186, a recently filed version of bankruptcy legislation. If this bankruptcy legislation is sent to the President, he will veto it.

Over the last few months, this Administration has engaged in a good faith effort to reach agreement on a number of outstanding issues in the bankruptcy legislation. The President firmly believes that Americans would benefit from reform legislation that would stem abuse of the bankruptcy system by, and encourage responsibility of, debtors and creditors alike. With this goal in mind, we have pursued negotiations with bill proponents on a few key issues, notwithstanding the President's deep concern that the bill fails to address some creditor abuses and disadvantages all debtors to an extent unnecessary to stem abuses by a few.

An agreement was reached in those negotiations on an essential issue—limiting homestead exemptions—with compromises made on both sides. Unfortunately, H.R. 2412 fails to incorporate that agreement, instead reverting to a provision that the Administration has repeatedly said was fundamentally flawed. The central premise of this legislation is that we must ask debtors, who truly have the capacity to repay a portion of their debts, to do so. This would benefit not only their creditors but also all other debtors through lower credit costs. Unlimited homestead exemptions allow debtors who own lavish homes to shield their mansions from their creditors, while moderate-income debtors, especially those who rent, must live frugally under a rigid repayment plan for five to seven years. This loophole for the wealthy is fundamentally unfair and must be closed. The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.

Moreover, the President has made clear that bankruptcy legislation must require accountability and responsibility from those who unlawfully bar access to legal health services. Yet the conference report fails to address this concern. Far too often, we have seen doctors, health professionals and their patients victimized by those who espouse and practice violence. Congress and the States have established remedies for those who suffer as a result of these tactics. However, we are increasingly seeing the use of the bankruptcy system as a strategic tool by those who seek to promote clinic violence while shielding themselves from personal liability and responsibility. It is critical that we shut down this abusive use of our bankruptcy system and prevent endless litigation that threatens the court-ordered remedies due to victims of clinic violence. The U.S. Senate was right in voting 80–17 to adopt an amendment that would effectively close down any potential for this abuse of the Bankruptcy Code. We fail to understand why the bill's proponents refuse to include this provision and shut down the use of bankruptcy to avoid responsibility for clinic violence.

I repeat President Clinton's desire to see balanced bankruptcy reform legislation enacted this year. The President wants to sign legislation that addresses these known abuses, without tilting the playing field against those debtors who turn to bankruptcy genuinely in need of a fresh start. He will veto H.R. 2412 because it gets the balance wrong.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas Mr. BENTSEN for the purpose of wrapping up a colloquy.

Mr. BENTSEN. I thank the gentleman for yielding me this time.

Mr. Speaker, to follow up where we were, a question that I think is extremely important is the question of homeowners today in Texas and other States which have a broader homestead exemption.

□ 1315

Are these provisions prospective in nature in that if one has resided in their home for 2 or more years today, or of the date of enactment, if this bill is to become enacted into law, would they thus be exempted from the Federal cap provided for in this bill? Would they be under State law at that time and any subsequent purchase they make using the equity from the home they own today be exempted from that cap?

Mr. GEKAS. In the hypotheticals that the gentleman pronounced, it would come under State law. The only time that there is a look-back is the initial 2 years of residency in a homestead-exemption State.

So 2 years, and thereafter the State laws would apply.

Mr. BENTSEN. Including today. So one who has resided today in their home for at least 2 years is under State law and would not be under this cap?

Mr. GEKAS. That is exactly correct.

Mr. BENTSEN. The other is on section 308, the 7-year look-back provision which is designed, as I understand it, to prevent the diversion of nonexempt assets into exempt property, is the burden of proof on the debtor or the creditor?

Mr. GEKAS. It is on the creditor, and that really conforms to the general state of the law in such cases. There has to be affirmative evidence of fraud having been committed so that the creditor must come forth.

Mr. BENTSEN. The question is raised on the roll-over period and the prospective nature talks about interest acquired. The bill reads the homestead as interest acquired by the debtor, and this is getting somewhat technical or minute, I guess, during that 2-year period, would interest be assumed to include such things as routine principal payments or rise in property value?

Mr. GEKAS. Does the gentleman mean during the 2 years for a look-back in the 2 years?

Mr. BENTSEN. Right, during the 2-year look-back.

Mr. GEKAS. I would have to say yes, that in the look-back it would generally be determined what the value was of the claimed exemption and the $100,000 would apply.

Mr. BENTSEN. To close, for general purposes after 2 years of residency and so long as one is a resident of a State, regardless of where they live or how many places they live, the first 2 years exempts them from the Federal cap for the equity that they gain?

Mr. GEKAS. That is correct. The State laws apply.

Mr. BENTSEN. Any appreciation that applies in equity?

Mr. GEKAS. Yes, on anything that occurs after 2 years.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time, and I thank him for his leadership on this issue.

Mr. Speaker, I rise in opposition reluctantly to this conference report because I am shocked, frankly, and outraged about the way in which this bill was brought to the floor of the House. After months of negotiations on this bill, we have been given a day's notice to consider a measure that does not represent a true compromise and is still in the process of being worked out. I support efforts to ensure that those who are able to pay their debts are required to do so and to ensure that creditors extend and manage credit in a responsible manner; and I would like to see balanced, fair legislation that protects Americans from predatory lending practices and protects the assets of creditors from those who would abuse bankruptcy to avoid their debts; but this bill is lacking in a number of areas, and I would like to focus on one in particular.

The Senate version of the bankruptcy bill included a provision requiring accountability from those who terrorize reproductive health clinics, their employees and the women who need their services. This provision, which received 80 votes, eight zero votes, in the Senate, would prevent those who are convicted of a crime from hiding behind the bankruptcy system in order to shield themselves from paying the consequences of their actions.

Now, despite the fact that the President has said, again, that the clinic violence language must be included in final bankruptcy legislation for it to win his support, the provision was dropped. The proponents of the bill claim it will stop people from abusing the bankruptcy system; but by excluding the Schumer amendment individuals and organizations found to violate FACE, the Freedom of Access to Clinic Entrances law, will have carte blanche to abuse the system. This is wrong. It does not make sense.

Mr. Speaker, let us agree on a simple principle: violence and harassment have no place in our democratic system and using the bankruptcy code to evade the law, any law, is wrong and should not be tolerated.

FACE passed with a broad bipartisan consensus. It has dramatically reduced violent incidents at health clinics, but we need the tools to fully enforce it, and any bankruptcy bill that does not hold these criminals accountable for their actions is a disgrace. So I urge my colleagues to oppose this conference report.

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

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

Mr. Speaker, I will have a motion to recommit the entire conference report to the committee of conference to insist that according to the motion to instruct conferees that we have at least one meeting of the conference committee as required by House rule XXVIII, clause 6. I intend to do that.

What we have found in the course of the study of this bankruptcy anti-reform measure are three myths. One is that it is a pro-consumer bill. It clearly is not.

Two, that it will permit a fresh start for people that are brought into bankruptcy. It actually precludes a start as efficacious as the one that already exists in the existing bankruptcy law. It is a move backwards from fresh start.

The myth of a fair accountability has been destroyed completely in the course of this discussion.

In other words, this is a one-sided measure that is guaranteed to empower the creditors' lobby in a fine new way. Of course, the reality of where this bill is going is known to many of the Members on the Committee on the Judiciary, perhaps not a lot of other Members in the body. That is to say that it is going to again be subject to some delaying tactics in the Senate and that the President has promised to veto on this measure.

So I think that that would be an appropriate conclusion to this measure and give us a chance in the next Congress to begin again.

The bill fails to address the unlimited homestead cap, which is currently enjoyed by Texas and Florida, even though there is a 2-year wait before it kicks in. It imposes a nominal cap on homestead exemptions, but it is so filled with loopholes as to be next to meaningless.

Anyone who lives in a State for more than 2 years will be able to thumb their noses at their creditors and remain in their multimillion dollar mansions, and this goes contrary to a provision that we had that would have cured this.

So this measure before us in the form of a conference report, shot through with all kinds of process defects, is mean-spirited, will have a negative impact on the most vulnerable elements of our society and so is appropriately opposed by the United Automobile Workers, the AFL–CIO, AFCSME, a raft of consumer organizations, women and family organizations. I think it is very clear that we should now vote against this measure, and I hope that many of the Members who supported the bill in an earlier vote will reconsider and vote no when this conference report comes for a vote.

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

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS), which that is a reward that I am granting him on the basis that he has been tremendously helpful to this chairman on many separate issues in this bankruptcy reform bill, primarily what we have discussed thoroughly, the homestead exemption. We owe a great deal to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate the chairman, the gentleman from Pennsylvania (Mr. GEKAS), for his thoughtfulness in allowing me an opportunity to stand up to respond to my colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I have been a student of this process. Perhaps I could be accused of changing what was the Democrat option on this bankruptcy. I appeared before the Committee on the Judiciary. The prior amount was $100,000. It is very clear that the Democrat Party wanted to take people's homes from them for as little as $100,000 of a home. The Democrat Party, as exemplified by the chairman, wants to make it easier for the middle class of this country to lose their homes if they are engaged in a bankruptcy. I stood up before the Committee on the Judiciary, and I said millionaires and billionaires are talked about taking advantage of this circumstance and it is blamed on people that have a home worth $100,000. I understand the gentleman from Michigan (Mr. CONYERS) disagrees with me. I understand the Democrat Party disagrees with me. The fact of the matter is, is that that figure has been moved to $250,000. The gentleman from Massachusetts (Mr. DELAHUNT) agreed with

me that day as a result of testimony back in the Committee on the Judiciary. That is why we are at $250,000. $100,000 is a wrong amount, and I believe that we should be forthright in understanding that a figure of $100,000 would mean that the middle class of this country, if faced with a bankruptcy, could then be thrown out of their own home. That is the reason why we have made the changes. That is the reason why it is what is in the best interest of people not only in Texas but all across this country.

It preserves the States' rights, but the most important thing is that we aim at the problem. The problem is not the middle class of this country attempting to get out of paying their bills. It is about a problem of someone hiding their money in an asset or a resource like a home and trying to hide from their creditors. The problem, I believe, has been amply addressed.

I disagree with the gentleman's assessment and would ask that we support this because it is the right thing for America.

□ 1330

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

Mr. Speaker, I think the three myths that have been the basis of this bill's long life have now been exposed. There is no fresh start. The accountability is very severe. This is a very definitely an anti-consumer bill.

People of all incomes are subject to new coercive creditor motions, including being able to challenge the discharge of even small cash advances. In this bill, it defines current monthly income as the previous 6 months' income, even if they have lost their job.

I say, thanks a lot. I just sort of thank the generous, thoughtful, sympathetic people that wrote that into the bill. I will repeat it for the subcommittee chairman's benefit. It defines current monthly income as the previous 6 months' income, even if they lost that job and will not have the income in the future, thereby skewing the whole means test.

If the expenses exceed what the IRS says they should, they have to go to court and litigate it. Thanks a lot. That was a very thoughtful and sympathetic and moving provision, because they are telling an honest bankrupt to go in and litigate in another court any questions about expenses that exceed the IRS limit.

It is just the idea, it is just an indication of the great concern and touching sympathy that the other side has for the people of limited means that go into bankruptcy court.

''Disclosure of how deep you are getting into debt, and how long it would take you to pay the balance at the minimum payment.'' There is just an 800 number. And then, 80 percent of all the banks would be exempted from even that requirement.

Mr. Speaker, this is a mean-spirited bill. This is a measure that does not meet the tests of anybody.

Finally, I would like to just reiterate the comment made by my good friend, the member of the Committee on the Judiciary, the gentleman from Virginia (Mr. BOUCHER), about moving child support from the seventh to the first priority. That is meaningless. It does it, but the order of priorities apply only in Chapter 7 among unsecured creditors during the bankruptcy proceeding.

Ninety-six percent of all the consumer debtors do not have any assets to distribute to prior unsecured creditors, so that has no meaning. It is a fig leaf. It is phony. It does not improve child support, for those who need the child support at all, because it moves the credit card debtors to the same priority as those who need child support.

Sorry to have to tell everyone about this at the end of this discussion, but I am afraid that those are the sad and sorry consequences of a bill that has the earmarks of the creditor lobby, that awesome creditor lobby that has had such an undue influence on the measure before us.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I do this for one small purpose, to reiterate for the record, for the Members of the House, that every contention made by the gentleman from Michigan (Mr. CONYERS), every action taken by those who oppose bankruptcy reform, every debate that they offered over the course, every one of them has been thoroughly discussed, thoroughly debated, and each one of them considered in the overwhelming vote granted bankruptcy reform by the Members of the House.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the Conference Report of H.R. 2415, which is amended with the Bankruptcy Reform Act. It is important to note that this Member is an original cosponsor of H.R. 833, the Bankruptcy Reform Act, which passed the House on May 5, 1999, by a vote of 313–108.

First, this Member would thank the distinguished gentleman from Pennsylvania (Mr. GEKAS), Chairman of the Judiciary Subcommittee on Commercial and Administrative Law, for introducing the House bankruptcy legislation (H.R. 833). This Member would also like to express his appreciation to the distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the Judiciary Committee, for his efforts in getting this measure to the House Floor for consideration.

This Member supports the Bankruptcy Reform Act for numerous reasons; however, the most important reasons include the following:

First, and of preeminent importance to the nation's agriculture sector, this Member supports the provision in H.R. 2415 which permanently extends Chapter 12 of the Bankruptcy Code for family farmers. Chapter 12 bankruptcy allows family farmers to reorganize their debts as compared to liquidating their assets. Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not permanently extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear the agricultural sector is hurting.

Second, this Member supports the provision in H.R. 2415 which provides for a means testing (needs-based) formula when determining whether an individual should file for Chapter 7 or Chapter 13 bankruptcy. Chapter 7 bankruptcy allows a debtor to be discharged of his or her personal liability for many unsecured debts. In addition, there is no requirement that a Chapter 7 filer repay many of his or her debts. However, Chapter 13 bankruptcy filers, on the other hand, commit to repay some portion of his or her debts under a repayment plan.

Some Chapter 7 filers actually have the capacity to repay some of what they owe, but they choose Chapter 7 bankruptcy and are able to walk away from these debts. For example, the stories in which an individual filed for Chapter 7 bankruptcy and then goes out takes a nice vacation and/or buys a new car are too common. Moreover, the status quo is costing the average American individual and family in increased costs for consumer goods and credit because of the amount of debt which is never repaid to creditors.

As a response to these concerns, the needs-based test of H.R. 2415 will help ensure that high income filers, who could repay some of what they owe, are required to file Chapter 13 bankruptcy as compared to Chapter 7. This needs-based system takes a debtor's income, expenses, obligations and any special circumstances into account when determining whether he or she has the capacity to repay a portion of their debts.

Third, this Member supports the additional monthly expenses that are not considered as a factor under the needs-based test of H.R. 2415 which determines whether a person can file Chapter 7 or 13 bankruptcy. These expenses include the following: reasonable expenses incurred to maintain the safety of the debtor and debtor's family from domestic violence, an additional food and clothing allowance if demonstrated to be reasonable and necessary; and reasonable and necessary expenses for the care and support of an elderly, chronically ill, or disabled member of the debtor's household or immediate family.

In closing, for these aforementioned reasons and others, this Member would encourage his

colleagues to support the Conference report of H.R. 2415.

Ms. DELAURO. Mr. Speaker, I regret I was absent from the floor of the House on October 12. Had I been present, I would have voted for the motion to instruct conferees to have an open conference on bankruptcy reform.

I look forward to this conference. An issue as crucial as this deserves a full and fair debate. Bankruptcy reform should expect responsible efforts from both debtors and creditors that extend credit far beyond what individuals are capable of paying back.

Mr. CONYERS. Mr. Speaker, the following is a letter which clarifies what will happen to child support obligations if this bill passes. It answers the myth that this bill will not harm children.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, June 7, 2000.

Hon. ROBERT MENENDEZ,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MENENDEZ: The undersigned organizations are long-time advocates for women and children, including economically vulnerable single parents and their families. We are writing in response to your May 24 letter to your colleagues which criticizes the recent TIME magazine article on bankruptcy and asserts that the pending bankruptcy bill would help children obtain child support. We must respectfully, but emphatically, disagree. The bill would give many creditors, including credit card companies, finance companies, auto lenders and others, greater claims to a debtor's limited resources than they have under current law. This would intensify the competition for scarce resources between children owed child support and sophisticated commercial creditors both during and after bankruptcy.

Your letter characterizes as a ''myth'' the statement in the TIME Magazine article that: ''The proposed legislation would treat a bankrupt man's credit card debt the same as his obligation to pay child support.'' However, the effect of several provisions of the bill, taken together, would indeed have this result. As the National Association of Attorneys General, commenting on a similar, earlier version of the bankruptcy bill warned, it:

Would encourage credit card companies to treat all debts as secured even though the resale value of the personal property charged on such cards would rarely approach the amount of the debt and even though the interest rates charged for such debt are set in recognition of the fact that such debts are essentially unsecured; and

As a consequence, could allow credit card debt to be elevated to the same or a higher level than domestic support claims and make it far more difficult to ensure that debtors will be able to satisfy their obligations to their spouses and children. (Emphasis added) (Resolution of the National Association of Attorneys General, March, 1999)

Your letter states the following ''fact'':

Bankruptcy reform moves child support to the number one priority position in bankruptcy proceedings. Currently it is priority number seven, behind things like attorney fees! Just as important, the reform bill ends the ''automatic stay'' provision, which currently allows bankruptcy filers to avoid paying child support while their cases are pending—and which gives filers and their attorneys an incentive to drag out the process. Finally, the bill prevents a debtor from discharging their debt under Chapter 13 until all child support payments are made.

Unfortunately, the child support provisions that you mention in your letter would not solve the serious problems the rest of the bill would create for children in need of support.

Moving child support from seventh to first priority sounds good, but is virtually meaningless. This order of priorities only applies in Chapter 7, among unsecured creditors, during the bankruptcy proceeding. Even today, fewer than five percent of consumer debtors in Chapter 7 have any assets to distribute to priority unsecured creditors after secured debtors receive the value of their collateral. Under the bill, there would be even less for priority unsecured creditors in Chapter 7 cases. Only the poorest debtors will have access to Chapter 7 under the means test, and the claims of secured creditors, who are paid before even ''priority'' unsecured creditors, will be increased. Thus, in effect, children owed support will have ''first priority'' to nothing. And, once the Chapter 7 proceeding is over, these priorities have no effect. Under current law, child support and alimony obligations are among the few debts that cannot be discharged in bankruptcy. However, under the bill, many more debts, including credit card debts, will survive bankruptcy and compete for the debtor's resources.

In Chapter 13, current law already requires child support owed to families to be paid in full. (The major change in this section of the bill would be an increase in the rights of States to be paid in Chapter 13 for child support that was assigned to them as reimbursement for public assistance.) However, other provisions of the bill would make it less likely that children would actually receive all the child support they are due in Chapter 13. For example, the bill would require debtors in Chapter 13 to pay many other creditors in full—including credit card companies claiming security interests in property of little or no value. The bill may say that debtors must pay all these debts in full; but if there is not enough money to go around, it simply will make it less likely that children will get the support they need during the Chapter 13 proceeding, much less afterward.

Under current law, the ''automatic stay'' does not allow bankruptcy filers to avoid paying child support while their cases are pending; relief from automatic stay for child support enforcement is routinely granted, and some jurisdictions do not even require the filing of a motion. The elimination of the automatic stay would simplify the process of collecting child support during bankruptcy in some cases. However, the potential benefit of this provision is outweighed by the hundreds of pages of other provisions that increase the rights of commercial creditors, during and after bankruptcy, at the expense of children.

Our organizations are committed to making sure that children get the support they need and deserve. We have opposed this Bankruptcy Reform Act because it will reduce the ability of parents to pay their most important debt—their debt to their children.

Sincerely,

ACES (Association for Children for Enforcement of Support)
American Association of University Women
Business & Professional Women/USA (BPW/USA)
International Women's Insolvency & Restructuring Confederation (IWIRC)
National Association of Commissions for Women
National Center for Youth Law
National Organization for Women
National Partnership for Women & Families
National Women's Law Center
NOW Legal Defense and Education Fund
The Woman Activist Fund, Inc.
Women Employed
Women's Institute for Freedom of the Press

Mr. HOBSON. Mr. Speaker, I support the long-awaited bankruptcy reform legislation included in H.R. 2415. As a small businessman, I know the importance of improving the bankruptcy system for Americans.

While the bankruptcy process should continue to be a life preserver for those who have debt that is insurmountable, this bill makes the needed for reforms to prevent abuse of the system. Not reforming the system amounts to a hidden tax on American consumers, who currently subsidize individuals who walk away from mountains of debt, yet can afford to pay back a portion of their debts.

The number of bankruptcies has trended upwards, despite the economy's overall good health. In 1997, the figure climbed to 1.35 million, more than triple the number recorded in the early 1980s. The rise in bankruptcy filings is often attributed to a rise in household debt burdens. Since 1980, household debt has risen from about 61 percent to 85 percent of total disposable personal income.

This bill provides for the increased use of Chapter 13 bankruptcy, which allows for the repayment of some debts. This is an appropriate step to ensure that our bankruptcy laws ensure that individuals who can repay a portion of their debts, pay their fair share. I commend my colleagues for their hard work and years of effort to reduce the ''abuse'' of the bankruptcy system while continuing to protect low-income consumers.

Ms. PRYCE of Ohio. Mr. Speaker, I am in strong support of this conference report. We have before us a fair and even-handed conference report that will allow us to consider this important legislation to reform the nation's bankruptcy system.

Procedure in the House is not always all that we might want it to be, but when we are presented with legislation that is so needed and so desired by the American people, we must take hold of it and champion it to see that it becomes law.

This bankruptcy reform legislation will remedy weaknesses in existing law that allow higher income taxpayers to escape their responsibilities even when they are able to repay a portion of what they owe. This bill will take steps to eliminate the ''bankruptcy of convenience.''

At the same time, this legislation will protect those who truly need a second chance and maintain their ability to obtain a fresh start. Further, this legislation contains important protections for children and spouses who are owed child support or alimony.

By equipping state child support collection agencies with the necessary tools and codifying the importance of child support and alimony obligations, this legislation will increase our commitment to children and families, and will hold parents, husbands, and wives to their responsibilities.

Over 70 percent of Americans have indicated their desire for bankruptcy reform. We can do no less than what the American people have overwhelmingly asked of us.

I urge your support of this important legislation, and yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of the bankruptcy reform conference report.

This legislation has been a long time coming. Since 1980, bankruptcies have risen 400 percent, imposing a heavy burden on American families. Some estimate that bankruptcies cost each household $400 a year in the form of higher interest rates on their credit cards, car loans, school loans, and mortgages.

The means testing approach championed by my colleague, GEORGE GEKAS, will make bankruptcy abuse much harder in the future. Wealthy individuals who can hire savvy lawyers will no longer be able to game the bankruptcy system at the expense of the American consumer.

What this bill says is that if you file bankruptcy, you will not be able to walk away from your debt if after all your reasonable monthly expenses are taken into account, you still have $166 in your pocket. If you are one of these people, then you will have to enter into an agreement to repay at least part of your debt in a 5 year plan, unless you can prove special circumstances to the judge. That is taking responsibility for your debt instead of imposing the cost on other consumers.

I also want to thank Chairman GEKAS for his support in helping my home State of Delaware receive an additional bankruptcy judgeship. As I testified before a joint House-Senate Judiciary Committee hearing earlier this year, Delaware's bankruptcy judges have the highest average bankruptcy caseloads in the Nation according to the U.S. judicial conference. The need for relief has reached critical levels and Chairman GEKAS has been quick to recognize this.

Recognition also must go to Speaker HASTERT and Majority Leader ARMEY, who fulfilled their commitment to finding an appropriate vehicle that would allow the will of the House and the will of the Senate to proceed on this legislation. They did the honorable thing by taking our unrelated riders from both sides of the aisle and presenting this body with a clean bill for us to vote on. I thank them for their leadership.

Finally, I want to thank Chairman GEKAS for his support in removing a provision in the bill that would have eliminated a business' place of incorporation as an acceptable venue for filing a bankruptcy. Delaware's bankruptcy judges and the Delaware bar are among the finest in the Nation in resolving bankruptcies quickly, fairly and efficiently. We need to keep the courtroom doors open in Delaware.

Therefore, I urge my colleagues to support this clean, balanced bankruptcy reform conference report.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

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

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

Mr. CONYERS. Yes, sir, Mr. Speaker.

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

The Clerk read as follows:

Mr. CONYERS moves to recommit the conference report on the bill (H.R. 2415) to the committee of conference with instructions to the managers on the part of the House to insist on conducting at least one meeting of conferees as required by House Rule XXII, cl. 12, and in accordance with the motion to instruct conferees approved by the House of Representatives yesterday by a vote of 398 to 1, before making any report on the bill.

Mr. GEKAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

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 motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DIRECTING SECRETARY OF THE SENATE TO CORRECT ENROLLMENT OF S. 3186, BANKRUPTCY REFORM ACT OF 2000

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 427) directing the Secretary of the Senate to correct the enrollment of the bill S. 3186.

The Clerk read the title of the concurrent resolution.

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

Mr. CONYERS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. SESSIONS) for the purpose of explaining what we have before us at this time.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law and the Senator from Iowa, Mr. GRASSLEY, the subcommittee chairman of the Subcommittee on Administrative Oversight and the Courts, for all their hard work over the past few years in getting this legislation to the point where it is today.

Both men have demonstrated tremendous leadership and fairness in practice in creating this agreement that just passed this body, and I want to thank them for their efforts in the motion to rename this bankruptcy bill.

Mr. CONYERS. Mr. Speaker, continuing to reserve my right to object, did I understand the gentleman from Texas to say that he wanted to rename the bankruptcy bill in honor of the gentleman from Pennsylvania (Mr. GEKAS) and someone else, Senator GRASSLEY?

Mr. SESSIONS. In fact, the gentleman from Texas is seeking to rename the bill the Gekas-Grassley Act.

Mr. CONYERS. Mr. Speaker, I would say to the gentleman, this is something that he thinks would help the bill, or help American history, or help those who are concerned with bankruptcy law? What are we doing?

Mr. SESSIONS. I thank the gentleman for his question. It is simply to rename the bankruptcy bill in honor of both the gentlemen who have worked diligently on its passage.

Mr. CONYERS. Mr. Speaker, continuing to reserve my reservation of objection, I have a number of questions that I will forego, but I want to say this. I think this is an appropriate disposition of this measure. I will not recall the way I have described this bill.

Mr. Speaker, if any of that is accurate and my friend, the gentleman from Pennsylvania, still wants to have the bill named in his honor, I withdraw my reservation of objection.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman for not only his consideration, but his collegiality in this effort.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 427

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3186), A bill to amend title 11, United States Code, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) Amend section 1(a) of the bill to read as follows:

''(a) SHORT TITLE.—This Act may be cited as the 'The Gekas-Grassley Bankruptcy Reform Act of 2000.' ''.

(2) Strike ''Bankruptcy Reform Act of 2000'' each place it appears throughout the bill and insert ''Gekas-Grassley Bankruptcy Reform Act of 2000''.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

Page 1, line 2, strike out ''S. 3186'', and insert ''H.R. 2415''; and

Page 1, line 4, strike out ''Secretary of the Senate'' and insert ''Clerk of the House''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Directing the Clerk of the House to correct the enrollment of the bill H.R. 2415.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, October 10, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5174, by the yeas and nays;
H.R. 4345, de novo;
H.R. 4656, by the yeas and nays;
H.R. 34, de novo;
H.R. 3292, de novo;
H.R. 468, de novo;
H.R. 5083, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PROVIDING FOR VOTING IN MILITARY INSTALLATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5174.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5174, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 297, nays 113, not voting 22, as follows:

[Roll No. 528]

YEAS—297

Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Oberstar
Ortiz
Ose
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Ackerman
Andrews
Baldwin
Barrett (WI)
Bentsen
Berman
Berry
Bonior
Boucher
Boyd
Brown (FL)
Capuano
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dixon
Engel
Evans
Farr
Filner
Ford
Frank (MA)
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holt
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kleczka
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Murtha
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rothman
Rush
Sabo
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Snyder
Stenholm
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—22

Baca
Campbell
Cook
Danner
Dickey
Eshoo
Forbes
Fossella
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1404

Messrs. FORD, OWENS and MOLLOHAN changed their vote from ''yea'' to ''nay''.

Messrs. COSTELLO, SANDERS, LIPINSKI, GONZALEZ, ETHERIDGE, PHELPS, FATTAH, GEJDENSON, TURNER, MALONEY of Connecticut, BORSKI, ALLEN, WAXMAN, BECERRA and LAMPSON and Ms. SANCHEZ, Mrs. MALONEY of New York and Ms. DELAURO changed their vote from ''nay'' to ''yea''.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 528, I was unable to be present. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4345, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4345, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LAKE TAHOE BASIN LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4656.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4656, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 248, nays 160, not voting 24, as follows:

[Roll No. 529]

YEAS—248

Aderholt
Archer
Armey
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Oberstar
Ose
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—160

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berman
Berry
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Phelps
Price (NC)
Rangel
Reyes
Rodriguez
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—24

Baca
Bachus
Bonilla
Campbell
Cook
Danner
Dickey
Eshoo
Forbes
Fossella
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1415

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

Mr. ACKERMAN and Ms. CARSON changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 529, I was unable to be present. Had I been present, I would have voted "yes."

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 34.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 34.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Without objection, the Chair will put the question again.

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 34.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

RECORDED VOTE

Mr. HANSEN. 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—ayes 407, noes 1, not voting 24, as follows:

[Roll No. 530]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
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Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley

Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
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Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
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Gibbons
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Gonzalez
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Green (WI)
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Hall (OH)
Hall (TX)
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Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
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Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
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Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Blumenauer

NOT VOTING—24

Baca
Bonilla
Campbell
Cook
Danner
Dickey
Dunn
Eshoo
Forbes
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McInnis
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1427

Messrs. ISTOOK, CONYERS and METCALF changed their vote from ''no'' to ''aye.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CAT ISLAND NATIONAL WILDLIFE REFUGE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3292.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3292.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

SAINT HELENA ISLAND NATIONAL SCENIC AREA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 468.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 468.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

EXTENDING AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5083.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5083.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1430

AUTHORIZING USE OF CAPITOL GROUNDS FOR MILLION FAMILY MARCH

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for the Million Family March, 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 Ohio?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 423

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF MILLION FAMILY MARCH ON CAPITOL GROUNDS.

Million Family March, Incorporated (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the Million Family March, on the Capitol Grounds on October 16, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, beginning on the day preceding the event authorized by section 1, the sponsor may erect or place and keep on the Capitol Grounds, until not later than 8:00 p.m. of the day succeeding the event, such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in

section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertising, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 423.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4392) ''An Act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.''

CONCURRING IN SENATE AMENDMENT TO H.R. 4386, BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 628 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 628

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Commerce or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this rule, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a rule waiving all points of order against a motion to concur in the Senate amendment to H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000 with an amendment.

Mr. Speaker, the rule provides for 1 hour of debate in the House on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

The rule also waives all points of order against the amendment printed in the Committee on Rules report.

Mr. Speaker, this rule allows us to finally pass a very, very important bill. The Breast Cancer Treatment Act will allow low-income, uninsured women to get treatment for their breast and cervical cancer.

Right now, uninsured women can receive free Federal mammograms and pap smears; but if they find out they have cancer, they are on their own.

There is nothing worse than being diagnosed with breast cancer or cervical cancer and then being told, sorry, there is nothing we can do to help. That is ridiculous. It is very, very expensive to get chemotherapy and radiation, which are the treatment options we have available today. I know this because I just finished that treatment through my own battle with cancer.

It is also a very emotional battle when one is told they have this disease and just diagnosed with it and somebody should not have to worry that they are not going to be able to get the treatment they need. Because they naturally would think, I am going to die. What is going to happen to me?

I was very lucky because I was able to afford health insurance. This bill is for working women who have no insurance, and it is crucial that we do our part to help them with the tough time in their lives.

In my own State of North Carolina, 20,000 women have been screened for breast cancer through the government's free mammogram program. And up until now, many of these women have been left out in the cold.

Now, as soon as we get this bill to the President, these women will have health. And there is another issue in this bill which we are going to be addressing and we both have speakers on both sides of the aisle, and that is the human papilloma virus. We are going to be talking about that. And then, as we go through the process, I am going to move at the end of the rule to make an amendment to the bill. And I want to make that clear.

So we need to pass this rule and, more importantly, let us get this bill to the President.

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

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

Mr. Speaker, I thank my colleague from North Carolina for yielding me the customary half hour.

Mr. Speaker, first and foremost, I want to express my very strong support for the underlying bill. I am proud to be an original cosponsor of H.R. 1070, on which the legislation is based.

Our consideration of this measure is long overdue. I want to commend the gentlewoman from California (Ms. ESHOO), the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from Missouri (Ms. DANNER) as well as all the members of the Women's Caucus for persevering and advancing the issue and bringing it before the House today.

Now, according to our colleagues in the other body, the other body will not, I repeat, will not consider the measure in the final days of Congress if we allow the Coburn amendment to go forward. And with this in mind, my colleague the gentlewoman from North Carolina (Mrs. MYRICK) has secured a mechanism to remove the additional language to provide for consideration of a clean bill. She has my strong support in this effort. I urge the support of my colleagues, as well.

I would like to say a word about the serious nature of the human papilloma virus to both men and women as one of the leading causes of both cervical and prostate cancer, and I would also like to have some more work done on the importance of surveillance and research on that virus. I think it is an

important step, and I look forward to seeing the provision that the gentleman from Oklahoma (Mr. COBURN) has in his amendment included on a bill this year, but just not this one. We cannot afford to let this year about to go by while women wait.

The Breast and Cervical Cancer Treatment Act is much too important to be caught up in the procedural confusion. This bill provides an opportunity to extend care and treatment to low-income women diagnosed with cancer under the CDC breast and cervical cancer screening program. For many of these women, such a bill will ensure that they have access to affordable care.

Low-income women screened and diagnosed with breast cancer through the Centers for Disease Control and Prevention of Breast and Cervical Cancer Control Program should not have to hold bake sales to obtain treatment for breast cancer. The underlying bill will give States the option of providing Medicaid coverage for the treatment of these women.

Mr. Speaker, the bill has the strong support of the National Breast Cancer Coalition, a 500 member organization representing hundreds of thousands of individual members. And we also have letters of support from numerous health care organizations urging that the Senate version of the bill be considered so that we can pass this and send it to the President this year.

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

Mrs. MYRICK. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma (Mr. COBURN) my friend.

Mr. COBURN. Mr. Speaker, I want to thank the gentlewoman from North Carolina, who is a very dear friend of mine, and want to say this: There is no question I have lost the battle on this bill to have women have the knowledge about what the risks are from this virus. And that has been my goal all along.

Every Friday and every Monday that we are not here, I treat women. I hate this virus. I hate it worse than HIV. Because what it does is it takes the self-esteem away from a woman. A woman feels dirty when she finds out that she has got this virus.

Unfortunately, we as a body have condoned the message in this country that says to our young children and young adults that they can have safe sex. That is a lie.

A condom offers no protection from this virus. The NIH has stated so. As a matter of fact, NIH Dr. Richard Cosner has stated that no additional research should be done on the efficacy of condoms as related to this virus because the studies are irrefutable that a condom will not protect them.

I understand the concerns of the gentlewoman from New York and the Women's Caucus in this. I want a breast and cervical cancer bill. I have three close family members with breast cancer. I want this. I want this for the women in my practice who have trouble getting treatment when they are working and do not have health insurance. I do not mean to be an impediment. But if we take the same track on cervical cancer, on prostate cancer, and now 20 percent of the gay men in this country have rectal dysplasia, which means they are going to have rectal cancer if we take the same track we did initially on HIV and offer treatment only, without education and information for prevention, what we have done is a very great disservice to the country.

□ 1445

We have abrogated our responsibility. The fact is that we can prevent cervical cancer. Yes, we have set up a great screening system to find this. That is why we find it early. That is why we have such wonderful cure rates on cervical cancer. But we should not have as many women with cervical cancer as we do in this country: 3,800 women will die this year from cervical cancer; 30,000 will be diagnosed with cervical cancer in this country. Those are preventable diseases.

As we discuss the health care dollars and the health care crisis in this country, to be spending money on treatments when we could have prevented it is very, very foolish. I would like to engage the gentlewoman from New York in a colloquy, if I might. I would like to just ask again, I heard her opening statement and I am very appreciative of it. Can I have a commitment from the Women's Caucus that before this session of Congress is over, that we in fact will have in some language somewhere a study and a prevention message for the young people in this country as relating to human papilloma virus?

Ms. SLAUGHTER. If the gentleman will yield, if I could give him that assurance, I would. Unfortunately, I do not determine what goes on what bills. However, I made it as clear as I could in my statement that we recognize that what he is doing is important, that we want to see it this year. However, there is no mistaking the fact that if his amendment is on this bill, the Senate will not take it up this year. That means that another year, maybe two, would pass before the poor women in the United States would have access to treatment. We would be more than happy, and I will give the gentleman my commitment that we would vote for that, be happy to do it; but certainly I am not the person he wants to talk to about putting that on another bill.

Mr. COBURN. I have the assurance of our leadership. What I want is the assurance of the Women's Caucus that they want women in this country to be informed about this risk.

Ms. SLAUGHTER. I think we have made that very clear. I do not know anything I could say to make it clearer. We want all the information we can get. We do not believe there is any such thing as too much. But we want to save this bill because women are waiting.

Mr. COBURN. I thank the gentlewoman, and I reclaim my time.

I would just say the following thing: information is powerful. Women in our country are smart. They make good medical decisions. They can and must be informed of the risk of this virus. Seven million women this year will become infected with this virus. Not all of them will develop cervical cancer. But if one does, we have not done our job.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I just first of all want to commend the gentleman from Oklahoma for his efforts, his really sincere and hard efforts to alert the public on the danger of HPV, which is a very widespread sexually transmitted disease. As cochair of the Women's Caucus along with my dear friend and colleague from the great State of New York (Mrs. KELLY), he has my absolute commitment to work this year to find some vehicle to have this study and the important work that he is supporting in a package this year. But as the gentlewoman from New York (Ms. SLAUGHTER) pointed out, the Senate has said they want a clean bill. That is what we want to give them. But we applaud his efforts, his work and we want to work with him.

Mr. COBURN. I thank the gentlewoman for that assurance.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from New York for yielding me this time.

Mr. Speaker, I have spent many months working with my colleagues in the Committee on Commerce on helping to support the Breast and Cervical Treatment Act. I want to pay particular tribute to the gentlewoman from California (Ms. ESHOO), who is not able to be here today for her leadership in that effort in the committee and throughout the House.

I want to pay a special tribute today to the gentlewoman from North Carolina (Mrs. MYRICK) for her leadership to move this legislation along. As a nurse, I fully understand the importance of human papilloma virus as a public health issue. I commend the gentleman from Oklahoma (Mr. COBURN) for his interest in this topic, and I hope that the House will address this issue very soon.

But today we must be voting on a clean bill so that we can ensure that

low-income women who have been screened positive for breast and cervical cancer can get the treatment that they so desperately need. As the gentlewoman from North Carolina said, early diagnosis is meaningless without the opportunity for treatment. That is what this bill, the Breast and Cervical Cancer Treatment Act, addresses. Adding the HPV provision to this bill which is extraneous to its underlying purpose of treatment jeopardizes its passage. Think of the disservice this does, the critical lifesaving treatment that could be denied to millions of women in this country today if this happens.

Today, instead, we have the chance to pass this strongly bipartisan bill out of the House and send it directly to the President's desk for a signature. We cannot let that opportunity pass by.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in support of the rule for H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act. Back in May, the House passed this legislation under the suspension of the rules. Today, we have the opportunity to again support this important legislation which would provide treatment for low-income women with breast and cervical cancer by closing the gap in an existing Federal program that screens low-income women for breast and cervical cancer but does not provide treatment once diagnosed.

The rule we are now considering will allow the House to consider the same bill which the Senate passed this week, and by the end of today we will have a bill to send to the President to close this gap and provide treatment for the hundreds of thousands of women across this country who need this treatment.

The rule removes the amendment offered by the gentleman from Oklahoma (Mr. COBURN). His amendment addresses a serious disease, the human papilloma virus. But unfortunately this language may have slowed this bill's passage in the other body. I support the efforts of my colleague, and I look forward to joining him in the future to have these concerns considered. I join my colleague, the gentlewoman from New York (Mrs. MALONEY), the cochair of the House Women's Caucus, in committing to work within the Women's Caucus for the inclusion of his bill in any vehicle possible this year so we can address this dangerous virus.

Presently, I urge all of my colleagues to support this rule, however, and the underlying bill. This legislation is a critical step in ensuring women have access to the treatment that they need for these terrible diseases. I thank the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) for their work on this issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I came to the floor originally to speak against the rule, but now I understand that the rule will be amended and the language that was added to the Senate bill will not be included so that this legislation will go directly from the House to the President. We hear he is anxiously awaiting the opportunity to sign it.

I was the author of the legislation originally to provide the breast and cervical cancer screening. That was during the Bush-Quayle administration. We had their support for that legislation, but we could not get them to agree to help fund the treatment for women if they found that they had cancer. It is now 8 years later and in a bipartisan and maybe unanimous move we are finally going to allow low- and moderate-income women who are screened for breast and cervical cancer under the existing program to have assured treatment under this legislation.

This bill would provide them the hope by allowing States to cover them under Medicaid to get the care that they need. It makes sense. It is in fact a cruel hoax to say to a woman, ''Go get screened but if it turns out you have cancer, if you don't have insurance, you're on your own.''

Unfortunately, in these last 8 years, the number of people who are uninsured has grown 1 million each year. So we have more and more people uninsured. At least for those women who have breast and cervical cancer, once they are screened under the existing program, we will now provide medical services, lifesaving medical services for them. It would be a travesty to do otherwise.

I am pleased now to support the rule when it is amended and to support the legislation. It is long overdue. I look forward to having the President sign this legislation into law.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this should be a guy thing, and I want to tell my colleagues why. I joined the Labor-HHS committee because it focuses primarily on two issues: one is education, the other is medical research. This century is going to be, I think, not for technology but the most important century for medical research in the history of mankind, from the genome program to cell division where we can take pancreatic cells and inject into maybe a child that has juvenile diabetes.

I would like my colleagues to remember that we lost Herb Bateman this year. Congressman Vento, we go to his funeral tomorrow. Cancer is a brutal thing. I know many of our colleagues on this floor have contracted it. I have talked to the gentlewoman from Connecticut (Ms. DELAURO). She is a cancer survivor. My mom is a cancer survivor. There is no better woman in this country than my little mom. But can you imagine, and I know when the doctor looked me in the face and said, ''Duke, you've got cancer,'' that is pretty tough. And I try and put myself in the position that what if I did not have care for my medical retirement from my military retirement, what if someone says, ''Duke, you've got prostate cancer, but you've got no hope. You're going to die.'' How terrible is that in a country as powerful as ours? I look at the things in my own personal life. I am pro-life. My colleagues know that. And I disagree with areas like Planned Parenthood on their abortion issue. But I went to Planned Parenthood, and I saw many women receive mammograms, pap smears, care that indigent women would not have received. At least we need to come together in those areas to make sure that many of our unfortunate that do not have health care can come together and get that. That is why I think this is so important, and I rise in strong support. I want to thank my colleagues on both sides of the aisle for this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to support this measure and to pay tribute to the gentlewoman from California (Ms. ESHOO) and the gentlewoman from North Carolina (Mrs. MYRICK) for taking the lead and for the rest of the women in the bipartisan Women's Caucus. Many taxpayers' dollars went into the discovery and the security of having diagnostic and treatment modalities for cervical and breast cancer. Yet we have seen a number of working women, low-income women without health insurance coverage not be able to get treatment simply because they cannot afford it. Yet some of their tax dollars went into the real arrival of these answers that we have today.

I stand here as a cancer survivor because of these diagnostic and treatment modalities.

□ 1500

My grandmother was a victim. So I do know what it is like to be told not only of a family member but be told myself that I have cancer, and to have access to getting treatment.

I would hope that the gentleman from Oklahoma (Mr. COBURN) would understand that we do not want to delay this measure any longer in going to get the President's signature so that women can have access to this treatment. I do not believe that he would want to do that.

I understand the seriousness of that virus. I too am a health professional. I

am a registered nurse and understand the real importance of early diagnosis and treatment. Far too long we have waited for this to become law, and I hope we will wait no longer.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me this time.

Mr. Speaker, breast and cervical cancers have continued to increase in exponential numbers. Just today approximately 480 women across our Nation will be diagnosed with breast cancer and approximately 120 will die from this affliction. Women's cancers are sweeping the families of our Nation at high speeds, and while researchers continue to look for cures and effective treatments, many women will never be able to see the benefits of such research because they simply will not be able to afford it.

Today, by passing this legislation, we will be on our way to ensuring that low-income women without health insurance have access to lifesaving treatment.

Cancer eats away at the spirits of women battling with this disease. These women should not have to waste their energy scrambling for an ad hoc patchwork of providers, volunteers and charity care programs that will only result in unpredictable, delayed, or incomplete treatment. For the women and families fighting cancer, every minute counts. They simply cannot and should not have to wait any longer for this treatment. Their lives may depend on the outcome of today's vote. I urge my colleagues to vote for the passage of this bill so that low-income women can have a fighting chance at beating breast or cervical cancer.

I would like to thank my dear constituent, Jane Torres, president of the Florida Breast Cancer Coalition, for her selfless devotion to this very worthy cause; and to Fran Visco, president of the National Breast Cancer Coalition, for her tireless efforts to eradicate breast cancer; and to my dear colleague, the gentleman from New York (Mr. LAZIO), the leader of this legislation, who continues to show through his actions that the welfare and the health of women and families remain his priorities; and lastly, to my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), a breast cancer survivor and a fighter to whom this legislation is dedicated and a fearless advocate for all women living with breast cancer.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and for her leadership.

Mr. Speaker, I rise in strong support of this rule and the underlying bill. This is an extremely important bill, and it will literally save thousands of women's lives. Mr. Speaker, I ask everyone to stop for a moment and think about what they might do if they were diagnosed with cancer but were told that no treatment options were available under their insurance and that they could not afford treatment because they could barely afford to feed their family and pay their rent.

Mr. Speaker, for thousands of women in this country, this is an unfortunate reality. There is an outstanding program under the CDC called the National Breast and Cervical Cancer Early Detection program. It provides screening for low-income women who have little or no health insurance, but for women who find that they have cancer from this important screening program there is no guarantee of any treatment. It is clear that this situation must change. This bill will do that.

The Women's Caucus has made it a top priority. I want to thank the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Mrs. CAPPS), the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from Missouri (Ms. DANNER), and my Women's Caucus cochair, the gentlewoman from New York (Mrs. KELLY), for their tireless work to get this bill passed. I also want to thank all the members of the Women's Caucus who signed a letter to Speaker HASTERT this week urging swift passage of the bill.

This bill gives States the option to provide Medicaid coverage to uninsured or underinsured women who have been diagnosed through the CDC's screening program. It passed overwhelmingly in the House and Senate, and every day this bill is delayed we have women dying from treatable breast and cervical cancer. Today is a great and important day for women facing breast and cervical cancer. I commend the leadership for bringing it to the floor today, and I also want to commend the gentleman from Oklahoma (Mr. COBURN) for his efforts and pledge my support to continue working with him on the dangers of HPV.

I urge total support and passage and to the President's desk.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise simply to thank all of those who have been engaged in this battle both personally and as well publicly. I do acknowledge the importance of this legislation and particularly the fight against this virus HPV. I think it is very important to acknowledge the number of women who have died suffering from both breast and cervical cancer. Just a week ago, many of us, or this past month, saw the Susan B. Coleman Race for the Cure all over the Nation. Thousands of women stood up to be counted for a cure for breast cancer. In my own community 20,000 walked, and I am particularly proud of the Sisters Network, a group of African American women who have gone into the community to fight against the stigma of acknowledging the importance of getting a mammogram or the importance of early detection.

This legislation, however, comports with the mission of many women in the United States Congress and that is there can be no real research if we do not use clinics and reach out to women to be tested and further research in the National Institutes of Health. I am glad that this legislation will help low-income women, inner city women, rural women, Asian, Hispanic, African American women, white women, all women who face these devastating diseases; and we will learn more by this legislation. I hope that my colleagues will support this legislation enthusiastically, but I also ask that we continue to fetter out some of the perceived uncurable diseases that have plagued American citizens, and particularly in this instance women. I also want to salute the very brave women who are survivors and ask that there be many more as we seek a cure for these diseases.

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

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

Mr. Speaker, as I stated earlier, the amendment of the gentleman from Oklahoma (Mr. COBURN) is not going to be included on this bill, just for clarity; but I do want to say that I will do everything in my power to make sure that the very important issue is included in a bill this year. I want to thank the Women's Caucus for coming forward and saying that they are willing to work on this as well because we all understand how important it is to women that we get this done, and men, too, relative to prostate cancer.

I also want to thank everyone on both sides of the aisle for their cooperation on this and making it possible to see this bill come to fruition this year, and also thank the Breast Cancer Coalition for their support and other groups on the outside, and especially the gentleman from New York (Mr. LAZIO), who has been a real champion of this and spent a lot of hard work on this issue over the past year.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. MYRICK:

Strike all after the resolved clause and insert:

That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Commerce or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Mrs. MYRICK. Mr. Speaker, I do want to reiterate that this means this bill will go straight to the President for signature.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment in the nature of a substitute and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

Mr. BILIRAKIS. Mr. Speaker, pursuant to House Resolution 628, I call up the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BILIRAKIS of Florida moves that the House concur in the Senate amendment to H.R. 4386.

The text of the Senate amendment is as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Breast and Cervical Cancer Prevention and Treatment Act of 2000''.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.

(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking ''or'' at the end;

(B) in subclause (XVII), by adding ''or'' at the end; and

(C) by adding at the end the following:

''(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);''.

(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:

''(aa) Individuals described in this subsection are individuals who—

''(1) are not described in subsection (a)(10)(A)(i);

''(2) have not attained age 65;

''(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

''(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)).''.

(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking ''and (XIII)'' and inserting ''(XIII)''; and

(B) by inserting '', and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer'' before the semicolon.

(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking ''or'' at the end;

(B) in clause (xii), by adding ''or'' at the end; and

(C) by inserting after clause (xii) the following:

''(xiii) individuals described in section 1902(aa),''.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

''PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

''SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

''(B) ends with (and includes) the earlier of—

''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

''(2) QUALIFIED ENTITY.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

''(i) is eligible for payments under a State plan approved under this title; and

''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

''(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The State agency shall provide qualified entities with—

''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

''(B) information on how to assist such individuals in completing and filing such forms.

''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and

''(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

''(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—

''(1) is furnished to an individual described in subsection (a)—

''(A) during a presumptive eligibility period;

''(B) by a entity that is eligible for payments under the State plan; and

''(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section''.

(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking ''or for'' and inserting '', for''; and

(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section''.

(c) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking ''and'' before ''(3)''; and

(2) by inserting before the period at the end the following: '', and (4) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)''.

(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

The SPEAKER pro tempore. Pursuant to House Resolution 628, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 4386.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000. I commend the gentlewoman from North Carolina (Mrs. MYRICK) for her personal courage in the face of breast cancer and for her work in persuading the House leadership to bring this important bill to the floor today.

I also wish to recognize one of the original cosponsors of H.R. 4386, the gentleman from New York (Mr. LAZIO), for his many months of hard work on the Committee on Commerce persuading Members and forging alliances with the American Cancer Society, the National Women's Health Network, the National Cervical Cancer Coalition, the National Breast Cancer Coalition, the Cancer Research Foundation of America, and so many others, to make this day possible. His diligent work on H.R. 1070 laid the groundwork for this legislation. Mr. Speaker, I was joined on our Committee on Commerce by the gentlewoman from California (Ms. ESHOO), who persistently fought for progress on this bill.

Like so many women I have met over the last few years advocating for this legislation, I understand the fears that families face when they first hear that word. I have worked in Congress to help find ways to help more women from falling victim to cancer. In the closing days of the last session, the Committee on Commerce reported out H.R. 1070, the Lazio-Eshoo Breast and Cervical Cancer Prevention and Treatment Act of 1999. I am very pleased that we are now on the floor debating a bill based on the committee's work, which addresses both breast cancer, the leading cause of cancer deaths among women, and cervical cancer, cancer caused by the HPV viral infection that kills more women in America than HIV, the cause of AIDS.

I am deeply disappointed, as has been stated by others, that the other body stripped the House-passed amendments that would do so much to prevent cervical cancer. Perhaps this is a consequence of the outside lobbying groups that have been formed around breast cancer, leaving in the dust their sister organizations concerned about cervical cancer, and that is a shame.

Mr. Speaker, we need to do more about cervical cancer than pass resolutions increasing awareness about it. We need to take positive steps to prevent its occurrence in the first place through our public health agencies. Cervical cancer is 100 percent preventable, and I fear that if the House is not successful in addressing prevention, the families of the 5,000 women who will die of this disease this year will judge us for not taking action when we had the opportunity.

So, Mr. Speaker, while I am disappointed that the bill we consider today does not address prevention of cervical cancer, and I am not really sure why in the world we have refused to do that, but in any case I do believe that we should move forward on the underlying bill and address cervical cancer prevention in another piece of legislation.

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H.R. 4386 will close a gap left open when the screening program was first created, and it represents an important step forward in the battle against breast and cervical cancer.

I urge my colleagues to support passage of this critical measure, which will give new hope to breast and cervical cancer patients in need as we continue the fight to find a cure for these terrible diseases.

Again, I thank the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from Missouri (Ms. DANNER), the gentleman from New York (Mr. LAZIO), the gentlewoman from California (Ms. ESHOO), my Committee on Commerce colleagues, and many others who have contributed to bring this legislation to the floor today.

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

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

Mr. Speaker, I would like to commend the gentlewoman from California (Ms. ESHOO) and the gentlewoman from North Carolina (Mrs. MYRICK) for their hard work on behalf of women screened under the CDC Breast and Cervical Cancer Screening Program.

H.R. 4386 has garnered tremendous support with some 318 cosponsors. In 1990, Congress passed the Breast and Cervical Cancer Mortality Prevention Act. That bill authorized funding for a national breast and cervical cancer screening program focusing on uninsured and underinsured women.

The program is federally-funded and locally operated. Simply put, it works.

My home State of Ohio set up 12 local screening sites, providing coverage for all of Ohio's 88 counties. Since the Ohio program's inception, 16,000 women have been screened for breast and cervical cancer. Cancer has been detected in more than 200 women.

Early detection alters the odds of successful treatment dramatically, restoring precious years otherwise lost to these devastating cancers. But, unfortunately, there is there is a catch. Early detection is a futile and ultimately cruel exercise if a cancer diagnosis does not trigger appropriate treatment. The two obviously go hand-in-hand.

The 1990 bill authorized funding for screening, but not for treatment. Instead, it calls on States to secure treatment for women diagnosed with cancer under the Federal screening program.

As it turns out, the onus of responsibility has fallen on the local screening programs. Staff at the screening programs and at the screening sites typically do two jobs. They arrange screenings. Then, when tragically necessary, they try to convince hospitals and doctors to provide free cancer care to patients, cobbling together any program, any services, any assistance, any help they can.

This is a labor-intensive hit or miss effort that places an immense burden on the screening programs, with no guarantee that women will receive care on a timely or a consistent basis. In a health care system shaped all too often now by the managed care industry, providers inevitably have less flexibility to offer their time and their services for free.

The Federal government invested $158 million to the breast and cervical cancer screening program in fiscal year 1999, yet we are only reaching 12 to 15 percent of the target population. When

the women we have invested in are diagnosed with cancer, our commitment to them, unbelievably, ends.

CDC cancer screening resources should be used to provide cancer screening. Health care resources should be used for health care. That is where Medicaid comes in.

The title of the original authorization is the Breast and Cervical Cancer Mortality Prevention Act, but mortality prevention requires not just screening, but also treatment. H.R. 4386 fills that gap. It establishes a modest optional Medicaid benefit enabling the Federal government to contribute to the costs of providing proper care for these women.

By freeing up screening program resources, by eliminating the uncertainty around treatment for women screened under the CDC program, H.R. 4386 permits our Nation to achieve the full health potential promised in the Breast and Cervical Cancer Screening Program.

We need to fight breast and cervical cancer with every weapon available. Early detection, proper health care, are the strongest weapons we have. Because the Republicans changed a bad rule to a good rule, this bill will go straight to the President, not back to the Senate.

On this side of the aisle, we enthusiastically support this bill, as the gentlewoman from California (Ms. ESHOO) when she began the process did, and as all of us have joined her.

I urge my colleagues to support this very good legislation.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me, and I want to thank the gentleman for his great work on this, and also commend the gentlewoman from North Carolina (Mrs. MYRICK) for her sponsorship of H.R. 4386, the Breast Cancer Prevention and Treatment Act.

Passage of H.R. 4386 would guarantee low-income uninsured women in this country treatment if they are diagnosed with breast or cervical cancer in the Federal screening program. Currently, as we know, many low-income and uninsured women are not receiving the treatment and medication they urgently need because they simply cannot afford it.

It is crucial that we pass this legislation and that we pass it today so that women across the country receive the lifesaving treatment that they so desperately deserve and need. Mr. Speaker, breast cancer is the most common cancer among women, other than skin cancer. It is the second leading cause of cancer death in women after lung cancer.

I would point out to my colleagues that my own cousin Sue, who was very, very close to me, fell victim to this disease several years ago. She was misdiagnosed. She went to her own doctor, who missed the signs. It was a matter of providential help that she walked into one of those mobile screening clinics and found out that that lump that she was so concerned about turned out to be cancer. Because of that, she got several years because she was able to at least get it treated. Had she known about it sooner, I do believe that my cousin Sue would be here today.

In like manner, my wife's mother died of breast cancer. That was more than 25 years ago. But she, too, went to a doctor, and had it missed because he missed the signs of what was taking place in her body. She passed prematurely while my wife was still in high school.

We all have cases. Every single one of us have a loved one who has been lost to this devastating disease. Hopefully, this kind of initiative will at least spare some the agony of this terrible cancer.

As my colleagues know, the American Cancer Society reports that there will be approximately 182,000 new cases of invasive breast cancer in the year 2000 among women in this country, resulting in about 40,800 deaths from this horrible disease.

It is imperative, Mr. Speaker, that Congress continues to expand research opportunities focusing on finding a cure, increasing early detection, and speeding access to treatment for breast cancer.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), who played a role in 1990 in writing the original Breast and Cervical Cancer Treatment Act.

Mr. DINGELL. Mr. Speaker, I support this legislation. I want to commend my colleagues who have had a part in bringing this legislation to the floor today.

I want to pay tribute to my friend, the gentleman from Oklahoma (Mr. COBURN) for having withdrawn his amendment. That is going to make it possible for us to send it to the President for signature.

I want to commend my colleagues on the other side of the aisle. I commend the chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentlewoman from California (Ms. ESHOO), the gentlewoman from North Carolina (Mrs. MYRICK), and the gentleman from New York (Mr. LAZIO), for their leadership on it. We owe them a great debt.

More importantly, the people in the country owe gratitude to these Members and all of the others, some 318 of them, who worked to bring this legislation to the floor.

This is good legislation. Hardly a Member of this body, or indeed, a citizen walking down the street in this country, has not had his or her life touched by cancer, and hardly a citizen has not had a loved one who has had to confront this terrible disease.

Like most other, I can tell stories of people in my family that I have lost to this disease. It has left permanent scars on the family. It has left permanent scars on me and on a lot of others.

Having said that, this legislation is not only good, humane, important, but it is needed. Some years ago I was at a hospital in Michigan, a major hospital. And they say, Mr. DINGELL, ''There is good news.'' I said, ''I am glad to hear it. What is it?'' They said, ''We now are able to examine women under Medicaid to find out if they are at risk from cancer of the breast and of other parts of the body.'' They said, ''But there is bad news.'' I said, ''What is that?'' They said, ''We can screen them for cancer, but we cannot provide the necessary treatment under Medicaid to remove the cancer.''

I said ''That is like telling a woman that she has cancer, that is the good news, and the bad news is, she is going to die.'' I think that was intolerable then, and I am happy to note that the legislation before us addresses that problem. Women are now able to know when this bill is signed by the President, as it will be, that there will be treatment for those women who are in the low- and moderate-income groups so that they will not know that when they get a government analysis of their health and are tested for cancer, they are going to know they have cancer, but they also will know they are going to die.

The wonderful thing about this legislation is it is going to give lots of hope to Americans who have no other hope in the time when they have the greatest need, when they have cancer.

I applaud the legislation. It meets a tremendous need in our society. These women will now know that they can expect to have at least a fighting chance to have decent treatment, and know that they have a chance to live for themselves and for their families and for those who love them.

It is a humane, a necessary, a good piece of legislation. Mr. Speaker, I rejoice that the House is considering this legislation today. I support it, and I am delighted that the matter will now go to the President for signature, because it is an important and needed piece of legislation, and should go so as speedily and as rapidly and as efficiently as we can possibly get it there for the signature of the President, so the money can begin to be spent on a terrible need of women who have no other hope for surviving a terrible disease.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from

Maryland (Mrs. MORELLA), who is probably the largest proponent of women's issues in this House.

Mrs. MORELLA. Mr. Speaker, I thank the distinguished chairman of the subcommittee, who has been a great advocate for issues that affect women, children, and families, and this is certainly a case in point.

Mr. Speaker, October is Breast Cancer Awareness Month. Congress has an opportunity to do something now to help turn awareness into action by passing H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act.

One out of every nine women will be diagnosed for having breast cancer. Just last Saturday I was in Boston, where the eldest child of my late brother was buried, having had breast cancer.

So we know that awareness is important as well as treatment being important, diagnosis, mammograms, personal checking by oneself, and certainly through the Centers for Disease Control and the prevention and early detection program.

The Senate passed the bill we are considering today unanimously last week. Women and their families across the country are really looking forward to this legislation finally being signed into law. Indeed, I want to applaud the many groups that have diligently worked very hard for this bill.

I also want to applaud the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from California (Ms. ESHOO), the gentleman from New York (Mr. LAZIO). I want to applaud the chairman, the gentleman from Florida (Mr. BILIRAKIS), the ranking member, and the gentleman from Ohio (Mr. BROWN) for the hard work they have put into this legislation.

The legislation is lifesaving. It has strong bipartisan support, a groundswell of support from the grass roots level. With passage of the Senate version of the bill, we will take the final step in a long process to guarantee low-income, uninsured women in this country the treatment they need when they are diagnosed with breast or cervical cancer through the Centers for Disease Control and Prevention's early detection program.

I cannot imagine diagnosing and then not treating. This bill will do that. It will allow us treatment. Many of us have worked hard to get this bill passed. Let today be the day. We are going to pass this bill through the House, with the gentleman's leadership.

□ 1530

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time and for his hard work on this bill.

This is a great bipartisan moment in the House. The gentleman from Oklahoma (Mr. COBURN) and the bipartisan Women's Caucus have worked together to make sure that this bill gets done this year.

Mr. Speaker, it is harder to get low-income women to take preventive steps. We know resources is one of the reasons; but the fact is we have to fight against advice, for example, on whether or not mammograms are harmful. We have to fight against the lack of education that middle-income women do not suffer from. But there is no greater deterrent than knowing that the information I find may be information I have to not only live with, but ultimately die with, because there is no treatment, no matter what we learn.

Mr. Speaker, this really raises moral and ethical issues, because if we detect but do not treat, what are we as a society doing and saying? We have made real progress on early detection in recent years. It is quite amazing progress.

For example, the majority of women in the District of Columbia probably now get a mammogram. D.C. offers free screening at 26 different sites, a program called WISH, Women Interested in Staying Healthy, that is pennywise and healthwise, because it saves money and saves lives, but not if there is no treatment. We are then defeating our own purpose.

Let me give you a painful example. The incidence of breast cancer among black women is significantly less than among white women, but the mortality rate among black women is much greater: 19.8 per 100,000 for white women, 26.5 for black women. Why? Of course, it is a combination of early diagnosis and no treatment, no early diagnosis and no treatment.

It is almost cruel to offer one without the other. If we continue to do this, it will throw us back on early detection, because we would be sending the message, don't come forward and scare yourself to death because we cannot do anything for you afterwards.

Mr. Speaker, we have made enormous progress on early diagnosis of cervical cancer and breast cancer. Now we are making great progress on curing them.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN), who has been very, very involved in this issue in his 6 years in the House.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding the time to me.

Mr. Speaker, I want to commend the gentleman from Florida (Mr. BILIRAKIS), the chairman, and the gentleman from Ohio (Mr. BROWN), the ranking member of the Subcommittee on Health and Environment, for getting this bill brought to the floor, and, in particular, in moving to concur in the action by the other body so this bill can be sent directly to the President and be enacted this month, which is in fact Breast Cancer Awareness Month.

Mr. Speaker, this measure would provide critical Medicare for low- and moderate-income working women who have been diagnosed with breast and cervical cancer.

Under a 1990 law, low- and moderate-income women are eligible for screening for both breast cancer and cervical cancer through the Centers for Disease Control and Early Prevention early detection program. This has served more than a million women and diagnosed more than 30,000 women with cancer or precancerous conditions. However, it is unconscionable that we would help these women get the screenings they need to discover these cancers, but not provide any ability for follow-up care.

The diagnosis of breast or cervical cancer should not be a notice of a death sentence to a working woman who has no insurance.

Mr. Speaker, under current law, treatment is available only for a small percentage of these diagnosed women, those who are eligible under the TANF programs or under the supplemental security income program for disability. As a result, many of these 30,000 low- and moderate-income women who have been diagnosed simply delay treatment because they cannot afford it or because they make too much money to qualify for Medicaid.

This bill would correct this inequity by giving States the option to expand Medicaid coverage for these women who have no health insurance.

Mr. Speaker, I am also pleased that the bill is structured to encourage the States to immediately expand their Medicaid coverage program for women. Under the bill, States would receive an average of 68 percent of the cost share by the Federal Government and they would be responsible for 32 percent. This is much higher than the basic Medicaid rate for many States, including my State of Texas, where the average rate of the Federal Government is 61 percent. And I hope it would encourage the State to move quickly.

Earlier this year, I met a young women, Ms. Barbara Marsh, who is receiving treatment in a clinic, the Rose, which is located in my district and who would benefit from this program. Ms. Marsh of Humble, Texas, was diagnosed with breast cancer and is a self-employed dance instructor. At the age of 32, Barbara discovered a lump in her breast and was treated for breast cancer through the public health system. However, because she owns her own dance studio, which is considered to be an asset, she was required to pay the $26,000 for her medical treatments.

Mr. Speaker, unable to afford these high bills, Ms. Marsh did not seek any additional follow-up treatment until

August of 1999 when her breast cancer had advanced to Stage 3. If Barbara had health insurance, she would have had access to follow-up care and treatment and may have discovered this disease in a much earlier stage. But because she is self-employed and does not have any health insurance, she suffered.

This legislation would ensure that Ms. Marsh and thousands of women like her across America will have access to cutting-edge treatments that can save their lives. In a Nation with the greatest health and research assets and facilities in the world, no one should suffer the risk of death due to cancer for lack of access to such assets.

I congratulate the sponsors of this bill. I am proud to be a cosponsor of the initial House bill, and I look forward to its passage and its enactment into law.

Mrs. FOWLER. Mr. Speaker, I rise today in strong support of the Breast and Cervical Cancer Treatment Act.

Nearly 40,000 low-income women have been diagnosed with breast or cervical cancer or pre-cancerous lesions since the National Breast and Cervical Cancer Early Detection Program was established one decade ago. For many of them, the pain of learning they have a devastating illness is exacerbated by the fact that they cannot afford the treatment they know they need.

I do not want this Congress to have to tell another woman that yes, you have this disease, but no, there is nothing we can do to help you fight it.

This bill allows us to help these women by providing coverage for the treatment they need. It is common-sense legislation, and the overwhelming consensus with which it passed in the House and in the Senate is proof of that fact. Today, we have an opportunity to again show our overwhelming support for the Breast and Cervical Cancer Treatment Act.

I would like to take a moment to thank the Speaker of the House for his commitment to moving this bill through all the procedural hurdles it has faced. He promised women that the House would pass this bill before Mother's Day, and he did. He promised them we would take it up again before adjourning, and we are.

Mr. Speaker, I am hopeful that this bill will move swiftly from our halls to the President's desk and become law. The women who will be diagnosed through this program deserve nothing less than prompt action by the President. I urge my colleagues to vote yes on this critical bill.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 4386 and urge my colleagues to pass this important legislation.

I am grateful for the strong bipartisan support this legislation has received and I am proud to support this bill again so it can be forwarded to the President for signing and passage.

Mr. Speaker, passing this bill is critical for all Americans, but it is especially critical for families in my home State of New Jersey where breast cancer death rates are the highest in the nation. The program served women with incomes that are low but above the eligibility of Medicaid.

Ten years ago this Congress established a screening program to prevent and detect breast and cervical cancer to be administered under the auspices of the Centers for Disease Control (CDC).

In my home State of New Jersey, 20,000 women have been screened for breast cancer under the CDC program since 1996, and 16,000 have been screened for cervical cancer. Nationwide, over 200,000 women received mammograms under the CDC program in 1997 alone.

But until now, the program has not assured those women unfortunate enough to be diagnosed with either of these diseases that they would receive coverage and treatment, because, while they were uninsured, they had income above the limit set by State Medicaid programs. Too many of these women were left without hope. This was a great travesty.

Mr. Speaker, we must do more than just diagnose the problem. We must take the next step to ensure treatment for those without health insurance and pass this important legislation.

Thanks to this bill these women will now be eligible for Medicaid coverage should they be diagnosed with either of these diseases. This bill will save lives.

I know that many here in this Congress have been working hard to see this discrepancy addressed. I applaud their efforts and I am glad that we are finally having a chance to pass this much-needed legislation this year.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Breast and Cervical Cancer Prevention and Treatment Act. I first want to commend my colleague Representative ANNA ESHOO for her hard work on this important bill. She has been a great leader in this effort for many years. In addition, I also commend Representative SLAUGHTER and my colleagues in the women's caucus for their work to ensure that we have the opportunity to vote on a clean bill that will make it to the President's desk.

We all agree that Americans should be educated and informed about HPV, and all other sexually transmitted diseases. However, passage of this important legislation to help uninsured women beat back the ravages of breast and cervical cancer is vital, and it would have been a tragedy to jeopardize its success by including language unacceptable to the Senate.

Every year, Cervical cancer kills 4,400 women and breast cancer, the leading cause of death among women between 40 and 45, kills over 46,000 women. This bill builds on the CDC's National Breast and Cervical Cancer Early Detection Program which covers screening services, but does not cover treatment for women who are detected with cancer. The Breast and Cervical Cancer Protection and Treatment Act takes the vital next step to offer lifesaving treatment to cancer victims.

Early detection of breast and cervical cancer saves lives. According to the CDC, approximately 15 to 30 percent of all deaths from breast cancer among women over the age of 40 and virtually all deaths from cervical cancer could have been prevented with early screening and treatment.

Unfortunately, many of the women diagnosed through the CDC screening program do not receive the care they need because they lack adequate health insurance. Uninsured women with breast and cervical cancer face significant barriers to receiving lifesaving treatment. Women who are uninsured are 40 percent more likely to die from breast cancer than those with insurance. Not only are these women likely to be screened, but the scope of treatment they receive is often limited by their ability to pay.

The Breast and Cervical Cancer Treatment and Prevention Act would provide states with the option to provide the full Medicaid benefit package without delay to uninsured women diagnosed with breast or cervical cancer through the CDC screening program. As a result, thousands of low-income women would have access to consistent, reliable treatment.

I urge my colleagues to vote yes on this bill.

Mr. CROWLEY. Mr. Speaker, I am honored today to join my colleagues in support of H.R. 4386, The Breast and Cervical Cancer Treatment Act. I am pleased that the Republican leadership has withdrawn the Coburn Amendment, which will allow this bill to pass the house today.

This year, more than 200,000 American women will be diagnosed with breast and cervical cancer. These women are our mothers, our grandmothers, our sisters, our colleagues and our friends.

In 1990, Congress took the first step toward the fight against breast and cervical cancer by passing the Breast and Cervical Cancer Mortality Prevention Act. This law authorized a breast and cervical cancer-screening program for low income, uninsured or underinsured women through the Center for Disease Control (CDC). Since its inception, the program has screened more than 500,000 women. Unfortunately, that is not enough. This program fails to provide any federal resources to pay for treatment once women are diagnosed with breast or cervical cancer.

H.R. 4386, The Breast and Cervical Treatment Act is a bipartisan piece of legislation which would provide Medicaid assistance to treat low-income, uninsured or underinsured women diagnosed breast or cervical cancer. Under this bill, the low income, uninsured or underinsured women diagnosed under the CDC Program will now receive the necessary treatment they need and deserve.

In the last decade we have made great strides in fighting against breast and cervical cancers. I am pleased to support this bill because the passage of this legislation today will give many women who were once hopeless a fighting chance to survive this terrible disease.

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

Mr. BILIRAKIS. Mr. Speaker, I urge a yes vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebreska). All time for debate has expired.

Pursuant to House Resolution 628, the previous question is ordered.

The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS).

The motion was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CORRECTIONS IN ENROLLMENT OF H.R. 5164, TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

Mr. UPTON. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 428), providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 428

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill, H.R. 5164, entitled ''An Act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes'', the Clerk of the House of Representatives shall make the following corrections in section 6:

(1) insert before ''Section 30120(c)'' the following: ''(a) REMEDY PROGRAM.—''; and

(2) insert at the end of section 6 the following:

''(b) REIMBURSEMENT PRIOR TO RECALL.—Section 30120(d) of title 49, United States Code, is amended by inserting at the end thereof the following: ''A manufacturer's remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan.''.

Mr. UPTON. Mr. Speaker, This concurrent resolution authorizes the Clerk of the House to correct the enrollment of the bill, H.R. 5164, the TREAD Act. This legislation passed both the House and Senate without opposition yesterday.

Due to an inadvertent drafting error, a paragraph of the amendment offered by Mr. LUTHER in committee was deleted from the bill reported to the House, and left out of the bill subsequently passed by both the House and Senate. This provision, which addressed the reimbursement for repairs made prior to a recall, enjoyed broad bipartisan support and was always assumed to be part of the package passed by the House.

This concurrent resolution simply corrects this error, and I urge my colleagues to support it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H. Con. Res. 428.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 626, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 626

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 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 Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rules provides for the consideration of the conference report on H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The rule waives all points of order against the conference report and against its consideration.

Further, the rule provides that the conference report shall be considered as read. This is the standard approach for conference reports, and this is a noncontroversial rule.

I urge all of my colleagues to support it. In addition, I strongly encourage my colleagues to support the conference report itself. While we will discuss the substance of the conference report during the general debate, this bill is extremely critical in terms of making sure our intelligence agencies have the capabilities needed to protect the United States and the lives of American citizens at home and abroad.

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

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

Mr. Speaker, this rule allows for the consideration of the fiscal year 2001 intelligence conference report. This conference agreement is, in the main, not controversial. There is, however, concern about title VII of the conference agreement, which creates a new Public Interest Disclosure Act.

Mr. Speaker, as Members know, detailed information about the provisions contained in authorizations for the intelligence activities are for the most part classified. It is my understanding that there is little disagreement on the part of the House managers on the provisions of the conference agreement contained either in the statement of managers or in the classified annex. However, title VII, the new Public Interest Declassification Act, sets forth standards governing access to and protection of national security information and creates a new set of penalties relating to disclosure of classified information.

Both the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, have expressed their grave reservations about these provisions and their implications on first amendment rights. Both the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS) have said that they should not become law without full public hearings. However, since the Senate has already acted on this conference agreement, a motion to recommit the agreement to the conference has been precluded.

I would hope in the next Congress, the Committee on the Judiciary, in cooperation with the Select Committee on Intelligence will thoroughly examine these issues and, if necessary, make remedial changes to the provisions now found in title VII of the conference agreement.

Mr. Speaker, in the meantime, I urge Members to support this rule so that the House may proceed to the consideration of the conference report.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider is laid on the table.

□ 1545

Mr. GOSS. Mr. Speaker, pursuant to House Resolution 626, I call up the conference report on the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States

Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 626, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 11, 2000 at page H9709.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) each will control 30 minutes.

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

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

Mr. Speaker, I rise today to present the conference report on the Fiscal Year 2001 Intelligence Authorization bill. I believe that hard work and careful deliberation has produced a first-rate bill that funds the critically important work of our intelligence community, and we are all reminded today just how critical that work is.

As has been the long-standing custom of the Permanent Select Committee on Intelligence, this conference report is a bipartisan product which reflects credit on our committee's members and its very highly professional staff, and I want to thank all involved.

This conference report authorizes funds for fiscal year 2001 intelligence-related activities, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. I just wanted to take a moment to highlight several provisions of the conference report for the consideration of Members.

First, this conference report, I am happy to announce, includes Senator MOYNIHAN's ''Public Interest Declassification Act of 2000.'' This legislation is an important first step in regaining control and putting some order to the government's declassification process, a subject of great interest to many Members. I want to commend Senator MOYNIHAN for his tireless work to encourage the appropriate and timely declassification of appropriate U.S. Government records.

Another initiative of note is language addressing the serious problem of leaks of classified information by U.S. Government officials. Mr. Speaker, leaking classified government information is not a right or a privilege of U.S. officials or employees who have access to that information. Too often over the past few years, we have significantly risked, and sometimes lost, fragile intelligence resources because those employed by the government and who have access to classified information have chosen to leak that information and, thus, have ignored their commitments to national security. Damage has been done.

The provision in this conference report simply states that, if one is a current or former government employee who had access to classified material that one has promised to protect, that one must live up to those obligations. If one does not, then one is going to be held accountable.

The provision is narrowly crafted to protect the rights that all Americans hold dear. It is not, as some will say, an affront to the first amendment. In fact, the Justice Department has reviewed the provision and finds no constitutional infirmity. They even support the provision. The committee has looked carefully at this provision. As George Tenet, the Director of Central Intelligence, has stated, ''the administration leaks like a sieve.'' This must stop.

Mr. Speaker, although I expect some discussion about the provision I just mentioned, I do not want Members to lose sight of a key and important fact. Today's activities in the Middle East speak volumes, sad volumes, I am afraid to say, to the type of world that we now live in. The apparent attack on the U.S.S. *Cole* and the violence in Israel and Palestine are terrible reminders of how fragile our national security can be.

The only way to be ready to face the threats to our security, and that is the security of all Americans at home and abroad, is by having a vibrant first line of defense that provides indications and warning, and that is our intelligence community. This conference report directly helps to rebuild resources that were cut after the Cold War and ensures the protection of our rights and liberties now and in the future. It is carefully crafted.

Before I close, I want to mention one other important point. With the conclusion of this Congress, the committee will lose the talents of several valued Members who have either served out their terms on the committee or who have chosen to seek other opportunities.

The gentleman from California (Mr. LEWIS), our esteemed vice chairman, who also serves this body as the Chairman of the Subcommittee on Defense of the Committee on appropriations will rotate off the committee.

The gentleman from California (Mr. LEWIS) has been a tireless supporter of the committee and of the intelligence community. His insights and his opinions have been invaluable to me and to the committee. He has also been instrumental in ensuring that his subcommittee and the Permanent Select Committee on Intelligence work very closely together, which has benefitted this House in many ways. I thank the gentleman from California (Mr. LEWIS), and all Americans thank him for the work he has done.

In addition, I would like to recognize two other Members who will not be with the committee next year: the gentleman from Florida (Mr. MCCOLLUM) and the gentlewoman from California (Ms. PELOSI). They have each contributed in an important way to the committee's work, and we on the committee shall certainly miss them.

Also, I would be remiss if I did not mention the excellent work by staff on both sides of the aisle, and I say that from my heart. Their efforts have allowed for us to be here today with a good bipartisan product on a critical subject.

Mr. Speaker, this is a good and important piece of legislation. I urge my colleagues to support its adoption.

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

Mr. DIXON. Mr. Speaker, I rise in support of this conference report, and because of a scheduling problem, I yield 4 minutes to the gentleman from Georgia (Mr. BISHOP), a very valuable Member of our committee.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the gentleman from Georgia (Mr. DIXON), the ranking member, and the gentleman from Florida (Mr. GOSS), the chairman, for the outstanding work that they have done and also the work of the staff which is so invaluable in helping us to come up with this work product.

Mr. Speaker, months ago, during the debate on the House Permanent Select Committee on Intelligence's reported authorization bill, I highlighted several very positive features of the bill and applauded the bipartisanship and the excellent cooperation in the work of the committee under the leadership of the chairman and the ranking member.

I am pleased to note that this conference report sustains the important initiatives and actions recommended in the House bill. This outcome, too, is testament to the sound judgment and hard work of the committee leadership and, indeed, of all my colleagues on the committee.

During our meetings with the Senate, and our discussions with the administration, concern arose over a House proposal to require the National Reconnaissance Office to contract separately from the Air Force for the large rockets that carry our reconnaissance satellites into orbit.

The House Permanent Select Committee on Intelligence adopted this proposal after substantial investigations and hearings following the disturbing and costly string of launch failures and after several years of unjustified volatility in the NRO's launch budget.

The Subcommittee on Tactical and Technical Intelligence, on which I serve as ranking member, concluded that there would be greater accountability and sounder fiscal management if the NRO were assigned clearer responsibility for this aspect of its overall mission.

At the same time, I appreciate the concerns that this step could contribute to deterioration of the partnership between the Air Force and the NRO in managing U.S. national security space launch programs.

In this regard, I would cite the clear guidance in the statement of managers that we expect the NRO and the Air Force to continue working closely together, including negotiating contracts with industry together to ensure favorable prices.

I would add also that I expect the NRO's contract awards to provide appropriate support to DoD's policy of maintaining a competitive space launch industrial base. The NRO and the Air Force are of course subject to higher management authority, and the NRO director himself an Assistant Secretary of the Air Force. I would expect that DoD management could check any harmful centrifugal forces in the NRO-Air Force relationship.

Mr. Speaker, I will conclude by applauding the vigorous steps contained in the conference report to overcome serious management and resource problems at the National Security Agency and to improve the ability of the National Imagery and Mapping Agency to exploit and distribute imagery collected by satellites and aircraft. These agencies and their respective missions remain absolutely critical to diplomacy and military preparedness.

I think it is a great conference report. I think we are moving forward. I urge my colleagues and the House to adopt it. I think the committee has done a good job, and we have served our colleagues and the country well.

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

Let me begin by complimenting the gentleman from Florida (Mr. GOSS), our chairman, for his hard work and his dedication, as reflected in this conference report, to meeting the needs of the men and women who produce the intelligence on which policy makers and military commanders rely.

As adopted by the House, the intelligence authorization was one-tenth of one percent above the President's request. This conference report is below the House bill and two-tenths of one percent below the request. The primary reason for the reduction is that some of the items authorized in the House bill were funded several months ago in a supplemental appropriations measure.

The conference report, as did the supplemental appropriation bill, supports the transformation initiative that the Director of the National Security Agency, General Michael Hayden, has begun to implement. It is critical to the security of the United States that NSA be modernized.

General Hayden has developed a plan, which the committee generally supports. The modernization of NSA will not succeed, however, without the sustained, visible support of the most senior leaders of the Department of Defense and the intelligence community. To date, in terms of resource allocation, I have not seen evidence that the rebuilding of NSA is a top priority of the executive branch. I hope that this changes next year.

One of the shortcomings in the intelligence community, in my view, is that there is too much emphasis on collection and not enough on making sure that which is collected can be used. If it were possible to collect only important information, this imbalance would be inconsequential.

Our national technical means, however, collect volumes of information that must be analyzed to identify what is important, put in a usable form, and sent to those who need it.

Last year, Congress made clear its expectation that the new Future Imagery Architecture (FIA) would be an adequate balance between collection activities and TPED or tasking, processing, exploitation and dissemination activities. Congress was clear in the description of the consequences that would flow from an executive branch decision not to make TPED investments sufficient to utilize fully the collection capabilities of FIA. As the classified annex to this conference report makes clear, the resolve of Congress on this issue has not changed.

The conference agreement amends the Foreign Intelligence Surveillance Act (FISA) and the criminal code in ways that deserve some comment.

□ 1600

Among other things, the FISA amendments make clear that, in making a probable cause determination that a target was an agent of a foreign power, the court may consider past activities of the target. I am advised that the target's past activities have regularly been part of a probable cause determination. In this respect, the amendment represents a codification of current practice.

There have been suggestions that the amendment is needed to ensure that information once excluded from the probable cause determination merely because it was dated will now be considered. I believe that this is an incorrect interpretation of both the current practice and the effect of the amendment. Those facts which are relevant to determining the probability that a target is currently an agent of a foreign power should be considered. Those facts that are irrelevant, regardless of whether they are fresh or stale, should not be considered.

Section 304 makes the unauthorized disclosure of properly classified information acquired by a person who has, or had, authorized access to the information a felony, subject to 3 years imprisonment, when the disclosure is made willingly and knowingly to a person known not to have authorized access. I disapprove of the practice by which some individuals entrusted with access to classified information leak that information to unauthorized recipients, including members of the media. I share the frustration of those who open their daily newspapers only to see in print some of the most sensitive information in our government's possession. I have, however, grave concerns about the reach and the scope of section 304.

There are currently a variety of statutory and administrative prohibitions on the authorized disclosure of classified information. The fact that more leakers are not punished is not, and I stress is not, the result of too few prohibitions, it is the result of the great difficulty inherent in identifying the leakers. Section 304 adds another prohibition, unwisely in my judgment. It will not make it easier to identify the source of a leak.

Before our conference began, the gentleman from Florida (Mr. GOSS) and I received a letter from the chairman and ranking member of the Committee on the Judiciary urging the rejection of this provision. In their letter the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) noted that by making all leaks subject to criminal penalties the provision ''has profound First Amendment implications and goes to the very heart of the ability of the public to remain informed about matters of critical public interest which often relate to governmental misdeeds.''

In conference, I offered an amendment to narrow the definition of classified information under section 304 to make sure that only leaks of information of substantial sensitivity would be punished under this provision. Other leaks would continue to be punishable under other statutes or administrative procedures. Although my amendment was approved by the House conferees, the Senate rejected it. I hope that in the next Congress the Committee on the Judiciary, in whose jurisdiction the issues raised by section 304 properly reside, will carefully examine the provision.

Last year's intelligence authorization act established a commission to examine the judicial review questions raised by the Foreign Narcotics Kingpin Designation Act. The commission was given one year from the date of enactment to review the current judicial, regulatory, and administrative authorities under which the United States blocks assets of foreign persons, and to provide a detailed constitutional examination and evaluation of remedies available to United States persons affected by the blocking of assets of foreign persons.

I had hoped that the commission might have completed its work in less than a year because of the great importance I attach to the resolution of the

due process concerns raised by the drug kingpin legislation. Although it now appears the commission will need all of the time allocated, I look forward to its report and hope that it is dispositive of these concerns.

In closing, Mr. Speaker, I want to advise the House that two of our very constructive and important Members have served their eight year terms on the House Permanent Select Committee on Intelligence. The gentlewoman from California (Ms. PELOSI) and the gentleman from California (Mr. LEWIS), conclude their terms of service this year. I want to thank them for their many contributions to the committee's work over the past eight years. Their enthusiasm, insight, and perspective will be sorely missed.

I urge the adoption of the conference report.

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

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of our Subcommittee on Technical and Tactical Intelligence.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the conference report for the Intelligence Authorization Act for fiscal year 2001.

Mr. Speaker, the gentleman from Florida (Mr. GOSS) and the ranking member, the gentleman from California (Mr. DIXON), are to be commended for the outstanding leadership they have provided to the intelligence community during these difficult times.

I would also like to recognize the efforts of our distinguished vice chairman, the gentleman from California (Mr. LEWIS), who will be rotating off our committee under our rules. His insights into the technical and distinctly military programs within the intelligence community have been very helpful for me in understanding our future needs. Likewise, as the chairman of the Subcommittee on Defense of the Committee on Appropriations, his explanations of the resource challenges facing the community are invaluable. I thank him for his service to our Nation's security.

As chairman of the Subcommittee on Technical and Tactical Intelligence, I understand the critical need to invest in and modernize our technical intelligence systems. Although the investment in our intelligence community's infrastructure had declined over the years, and the strains were clearly showing through, we have responded in the past 6 years by making some very difficult but sound choices to ensure there are adequate future technical resources. This year's conference report continues to address some very substantial problems, but this is still only a beginning. We understand that providing the country with the capabilities it deserves and needs will take years and will require continued support from Congress.

Mr. Speaker, this conference report also provides our senior policymakers with sufficient capabilities and tools to advance our foreign policy, to enable strong leadership and proactive diplomacy, and to improve our military's advantage over its adversaries, if and when needed.

I am also pleased that we have incorporated a provision into this year's conference report to address a concern related to the National Reconnaissance Office and its launch program. This was the outcome of a series of meetings, briefings, and hearings for which I personally devoted a great deal of time. This provision has many benefits. One, it will improve the NROs and our ability to have insight and perform oversight into contracting launch services; two, it will allow us to hold the NROs more accountable for their activities; and, three, it could lead to significant savings for the government and American people.

I want to address an issue that has been raised regarding this important provision, and I want to make something very clear. There is nothing in this provision that precludes the Air Force and the NRO from continuing to work in a very close partnership. This includes continuing cooperation on the wide range of launch service activities and facilities that they share, as well as continuing potential block purchases for launch vehicles if the NRO believes this is in the best interest of the government.

Now, however, with this provision, the NRO will have insight into and better control of launch contracts that have not been there before. We expect that this added responsibility will ultimately result in a stronger partnership between these two organizations. It will certainly provide better budgeting of scarce intelligence resources.

Mr. Speaker, the conference report for the Intelligence Authorization Act for fiscal year 2001 is a responsible, reasonable, and appropriate request to fund our Nation's national security needs. The President, our policymakers, our military, and the people of the United States deserve nothing less. I ask the Members of the House to give it their full support.

Mr. DIXON. Mr. Speaker, I yield 5½ minutes to the gentlewoman from California (Ms. PELOSI).

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

Mr. Speaker, I rise as a member of the committee whose 8-year term is coming to an end there. At this time I would like to commend our distinguished chairman, the gentleman from Florida (Mr. GOSS), for his leadership, his fairness, and his willingness to listen to another point of view on the committee over these years. I thank him.

And to our ranking member, the gentleman from California (Mr. DIXON), we are also very proud of his service. As a Californian, I am particularly proud of his service as ranking member on the committee, and I hope to see him serve as chair in a very short time on this very important committee.

I would also like to commend the staff, I would say on both sides, but I really view it as a unified staff of the committee, who have served the Members so well and, in doing so, the community that we have oversight over.

Mr. Speaker, I have been impressed with the dedication and hard work of the men and women who work in the Nation's intelligence agencies and the amazing feats they can accomplish. They often provide our policymakers a decisive advantage in accomplishing our Nation's policy goals and national defense goals.

While I have been a member of the committee, I have been especially concerned about the issue of proliferation and how well the United States tracks and then prevents weapons proliferation, particularly weapons of mass destruction. I have often been dismayed how clear our evidence on proliferation can be and how slow our diplomatic response has been. We need to maintain a robust intelligence effort on proliferation, and the issue needs continued attention and oversight in the future.

I have also been deeply concerned over how counterintelligence investigations have been handled. I reject the notion that one American citizen is more likely to engage in espionage than another because of his or her particular ethnic background. We are a proud Nation strengthened by our immigration, and the rights of all our citizens must be respected.

Mr. Speaker, secrecy is, of course, one necessary element in the conduct of intelligence. Information that is necessary for us to counter proliferation, terrorism, and espionage often must be obtained secretly; and thus our sensitive sources and methods must be protected. Let us stipulate to that. We all want to protect our sources and methods. Yet I am concerned that the public interest is too often thwarted by too much classification of information and by maintaining classification for too long.

Last year, there were over 8 million classification actions; 10 percent more than the year before. Clearly, the system is not perfect; but even so, we were all troubled by leaks and by the damage they can cause. Nevertheless, I am strongly opposed to the section of this legislation that would for the first time in our history enact an official secrets law.

We have to remember that those who violate the rules on handling classified information should be and are punished

administratively. It is already a felony to disclose national defense information to foreign nations or their agents in order to injure the United States. Other felony laws protect specifically defined, especially sensitive categories of information. The Intelligence Authorization Act, on the other hand, the bill before us today, would make it a felony for officers or employees of the government to knowingly disclose classified information broadly defined without the government even having to prove any damage to national security.

In our briefing, I was convinced by the presentation that this ''officers or employees of the government'' includes Members of Congress. By the actions taken in this bill, Members of Congress will be subject to criminal charges if this category of properly classified information is revealed by them. Make no mistake, this provision marks the first time that Congress has placed the full force of criminal law behind the executive branch's classification system. The current Executive Order on classification of information at least has the virtue of specifically prohibiting classification of information in order to conceal violations of law, inefficiency or administrative error, or to prevent embarrassment to the government.

□ 1615

But the next President of the United States could change this prohibition and this leaks law would still be on the books. The Congress is foolish in my view, and that is a word I have never used here on the floor, to give a blank check to the executive branch for prosecutions in this important area.

I understand that the authors of the provision intend for it not to be used to target the President, but I see nothing to prevent reporters from being hauled in before grand juries and being forced to reveal their sources.

Furthermore, we do not each know how this leaks law would interact with criminal laws on conspiracy aiding and abetting solicitation and the like.

The Committee on the Judiciary should examine issues such as these and the impact on the first amendment issues before the Congress adopts such important legislation. We should remember how difficult it has been in our Nation's history to challenge official versions of the facts when it comes to national security matters, even for Members of Congress.

We all know that those outside powers are running a greater risk of prosecution under this statute than those on the inside. I do not think that this provision in the bill is in our national interest, and that is why I was not able to sign the conference report on this important legislation.

Again, I commend the distinguished chairman of the committee, the distinguished ranking member, and the marvelous staff for their service to the committee.

Mr. GOSS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), a senior member of the committee.

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

Mr. Speaker, the conference report builds on the substantial work done in last year's authorization bill to institutionalize the use of competitive alternative analytical techniques by the Central Intelligence Agency. This action is intended to further guard against intelligence surprises and analytic complacency or ''group think,'' while better preparing policy-making intelligence consumers to deal with the complexities of the post-Cold War international security environment.

Furthermore, the conference report provides the means to modernize the production mechanisms used by the CIA's Director of Intelligence to produce and disseminate its invaluable finished intelligence products in a more timely and secure manner. By promoting greater analytical interaction and timeliness, the conference report helps to ensure that intelligence consumers have the full range of tools necessary to make informed policy before the swiftest of events force them into a defensive crisis management posture, as too often has occurred in recent years.

I would like to mention that the committee has worked through this conference report, as we did in last year's report, to address the problem of the chronic shortage of trained expert linguists available to the intelligence community to exploit what is being clandestinely corrected.

Moreover, we have taken steps to promote greater interoperability between intelligence analysts of different agencies to further create synergies that will improve the quality of intelligence reporting.

Finally, I am pleased to note that this conference report will help the intelligence community to standardize and automate self-evaluative tools for promoting greater interaction between those who collect intelligence and those who determine its meaning and significance. In this way, collectors will be able to determine the value of what they are acquiring, and in instances where it is not so valuable, they can adjust their collection focus accordingly.

Mr. Speaker, I thank the gentleman from Florida (Chairman GOSS) and the gentleman from California (Mr. DIXON), the ranking member, for their leadership.

I urge adoption of this conference report.

Mr. DIXON. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER), a distinguished member of our committee.

Mr. ROEMER. Mr. Speaker, I thank my good friend from the State of California (Mr. DIXON), the ranking member, for yielding me the time.

Mr. Speaker, I want to associate myself with the gentleman from Florida (Chairman GOSS) and again our ranking member for the hard work they put in on this bill all year long, not just on the conference report.

I also want to say that they really strive hard to create an atmosphere of bipartisanship on that committee, and I salute them for their hard work with that, and also for the excellent professionalism we have on our staff.

Mr. Speaker, I rise in support of the Fiscal Year 2001 Intelligence Authorization Act. Although this conference report represents a funding level slightly below the President's request, I believe that it nevertheless sets about the right level of overall funding for intelligence activities next year.

I am pleased that the conferees have adopted language that urges the administration to submit requests to Congress for reallocation of funds to important initiatives, including language training and counterterrorism efforts.

During my travels in various Permanent Select Committee on Intelligence hearings, administration officials have expressed concern about the state of language capabilities of intelligence community personnel. I have found that all too often there are not enough people speaking the language native to the country in which they serve and too many of those who are not sufficiently proficient in that language.

I firmly believe that language proficiency is critical to the core mission of the intelligence community. Collectors, processors, and analyzers must have sufficient linguistic skills to meet the challenges posed by global targets.

I have, therefore, advocated relentlessly for the sufficient funding of language related initiatives. I am pleased that our actions will allow those men and women on the intelligence front line to have the language training and related resources needed to effectively do their jobs. We must continue on this mission.

Finally, the conference report sends a message that defeating terrorism is important to this Congress. Earlier this year, I met with the deputy director of Central Intelligence and discussed the challenges posed by international terrorists. One thing was clear from that meeting, as well as from oversight and legislative hearings. The United States must have a robust counterterrorism program.

I am pleased that the conferees have chosen to fully fund the President's request for counterterrorism activities. We would welcome proposals for the reallocation of funds to efforts in this critical area.

I again thank the chairman and the ranking member.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. BASS), a man who keeps our budget check working carefully for the committee.

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

Mr. Speaker, I rise in support of the conference report for the Intelligence Authorization Act for Fiscal Year 2001.

There are many important aspects of this report, but I thought I would use my time to address a concern to all of us, especially today, the scourge of terrorism.

The bombings of our embassies in Kenya and Tanzania brought the Usama Bin Laden organization to the forefront of terrorist threats to U.S. interests, although numerous other terrorist groups continue to plague us and put American citizens at risk.

Now, just this morning, we learned of what appears to have been a very tragic attack on an American destroyer, the U.S.S. *Cole*, off Yemen that has resulted in the loss of American lives. The committee, together with its counterpart in the other body, understands the critical need to be able to fight back. The *Cole* incident yet again, Mr. Speaker, reminds us of the importance of good intelligence in preventing these kinds of crises and, as in the case of this one, bringing the perpetrators to justice.

The Intelligence Oversight committees are charged, among other things, with overseeing the budgets, programs, and activities of the various counterterrorism elements of the intelligence committee. And I submit, Mr. Speaker, that our ability to fight back and, more importantly, to prevent terrorist attacks from occurring at all is robust and growing. But these capabilities, especially those involving the prevention mission, need constant attention, as the *Cole* incident reminds us.

The millennium celebrations around the world, which are a time of great risk for us all, proved that our counterterrorism professionals were ready and able to protect and defend. I am proud to say, Mr. Speaker, that the intelligence community has time and time again saved lives and secured the interests of Americans and their allies. This arduous task consumes a significant amount of limited resources, but I would find it hard to believe that any responsible person could deny that this is money well spent.

We on the Permanent Select Committee on Intelligence are dedicated to ensuring that the intelligence community has adequate resources and is well prepared to phase down the Usama Bin Ladens of this world.

While we are satisfied that the Permanent Select Committee on Intelligence has generally performed well against the terrorist target, we have learned through the course of our normal oversight work that much more can and needs to be done, especially as terrorists attempt to acquire chemical and biological weapons to pursue their shameful war against society. This conference report will enhance our ability to defend ourselves against terrorists through a variety of means.

I just want to say that our chairman and ranking minority member have done a wonderful job leading this committee in a bipartisan fashion and I want to thank them for their efforts. I urge adoption of this conference committee report.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), our connection to the Committee on Armed Services.

Mr. GIBBONS. Mr. Speaker, I rise in strong support of this conference report.

I would first like to commend the gentleman from Florida (Chairman GOSS) for his stewardship through the process. I would also like to recognize the gentleman from California (Mr. DIXON), the ranking member, for his contributions to the committee's efforts as well.

Mr. Speaker, this conference report provides very important investments for the intelligence community, including enhancements in many areas that are of specific interest to the military. I wish we could do more, especially given the ever-increasing requirements that are being placed on intelligence to protect our troops who have been sent all over the world for every sort of mission.

One of the most important issues facing the intelligence community is the modernization of the National Security Agency. This agency, which supplies signal intelligence to all levels of government, from the most senior policymaker to the pilot in the cockpit, is in many ways the linchpin of our warning capability. But today, this agency is about to be overtaken by technology and by potential adversaries who are increasingly sophisticated.

The NSA, in response, is undergoing a unique transition, the success of which will affect the overall capabilities of the intelligence community for the next several decades. The Director of Central Intelligence has made the modernization of NSA his number one priority.

The good news is that the NSA director, Lieutenant General Mike Hayden, is committed to leading his agency to overcome the modernization challenge. Those challenges are great. They involve overhauling every aspect of the NSA, from technical collection capabilities, to acquisition programs and personnel structure.

General Hayden must be successful. But in order to make the needed changes, he needs certain tools. Perhaps the most critical tool is the ability to move the right people into key positions in the Agency to affect change. Because of the unique and serious situation at NSA, I am pleased that this conference report gives the NSA director that ability through the NSA Voluntary Separation Act. This provision permits the establishment of an early retirement and voluntary separation program for all NSA employees, including the most senior levels of management. With this authority, it is anticipated that the director will be able to accomplish the personnel changes and management changes necessary to see the process of NSA modernization through to completion. General Hayden has our support in these efforts.

I urge all my colleagues to support this conference report.

Mr. DIXON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the House Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the committee (Mr. DIXON) for yielding me the time.

Mr. Speaker, I am delighted to be here to find out if anybody ever got the letter that me and the gentleman from Illinois (Mr. HYDE) sent to the gentleman from Florida (Chairman GOSS) about the fact that criminal matters fall under title 18 of the U.S. Code and is within the total jurisdiction of the Committee on the Judiciary. Did anybody ever find out about that letter?

Well, we were trying to get some jurisdiction for this part of the bill that deals with making it a felony for a Government employee to disclose any and all information that the Government says is classified.

The history of this provision, I say to members of the committee, is that it was dropped quietly into a Senate version and has never had hearings in the House or the Senate, no hearings on a provision that has the exclusive jurisdiction of the Committee on the Judiciary. And we did not even get a response from the letter that the chairman of the Committee on the Judiciary sent the gentleman from Florida (Chairman GOSS).

And so, why are we doing this?

□ 1630

There are a number of theories about this. Members may find out by examining what would have happened had this been the law for the last 30 years:

One, the scope of the government's activities in Vietnam through the Pentagon papers would have resulted in prosecutions.

Two, the CIA's complicity in the overthrow of Salvador Allende in Chile.

Three, the Nixon administration's support of Pakistan in its 1971 war with India.

Four, the revelations about spying at U.S. laboratories.

Five, China's alleged military involvement with Pakistan and North Korea.

Six, basic information regarding the size of the CIA's annual budget.

See, the reason that we are doing it this sneaky way is because it will scare the bejesus out of whistle blowers and they will be able to be criminally punished by not sending this through the Committee on the Judiciary. I am not saying that Judiciary might not have passed this out. We do our share of things that I do not agree with, either. But this super sneaky way of trying to do it does not reflect any credit on the Permanent Select Committee on Intelligence.

I resent this very much the way you have dismissed the Committee on the Judiciary. I think this is a travesty. And, by the way, The New York Times, The Washington Times, the Los Angeles Times, the San Francisco Chronicle, The Austin American Statesman and other papers have all exposed this for what it is. I am shocked that this radical departure of the way we legislate would be applauded on the floor, tremendous congratulations for a bipartisan effort. Well, everything bipartisan is not always right, and here is a perfect example of it.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, notwithstanding what the gentleman from Michigan just said, I am standing on this side of the well so I can say to all the Members of the House, this is one of the most bipartisan committees I have ever served on, and I serve on the Committee on Agriculture which is a bipartisan committee. This is one of the best, thanks to the leadership of the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON). The staff people work together, and we work closely with the people from the CIA and the defense intelligence community and all the intelligence community because we care about the people who are out there around the world putting their lives on the line, in dark corners of the world.

This is a bipartisan effort. People should be supporting this bill, notwithstanding what the gentleman from Michigan said. And I have a great deal of respect for him. This is a bipartisan bill. Every Member should support it. I know we are going to hear opposition to it.

I want to dedicate just a couple of minutes to the human side, the human program of intelligence. It is often portrayed in books and movies. It is the spy versus spy story, the world's second oldest profession. I am glad to say that America has some excellent spies, and I am proud of what the conference report does to make them more productive and effective. And I am sorry, this is not a laughing matter, this is an important matter. After what has happened in the world today, I hope Members will think twice about supporting this bill. This is not a humorous matter. We are talking about people around the world who are offering up their lives in public service for all of us so that we can have a safe world.

Anyone who reads the newspapers and watches the television, if anybody flips over to CNN right now will see reports on there about what happened. Five Americans were killed today and some people believe it was a terrorist attack. So this is important legislation. Criminal organizations use ever more sophistication to infiltrate our financial institutions and expand markets for illegal narcotics. The proliferation of nuclear, chemical and biological weapons remains a top-priority concern of all civilized countries. The cyberthreat becomes more and more real and ominous to Americans as our economy and our well-being become ever more dependent on computers and communication networks.

What these threats have in common is the human factor. What this conference report does for our spies, the anonymous defenders of the United States, for one it will provide more funding for their overseas operations. And it does so in two ways. It provides continued but overdue increases in the budget for human operations; and, number two, it ensures that the funds that we allocate for these operations arrive in tact to those operating overseas.

I encourage and advise all Members to vote for this bill today to send a strong message to the intelligence community all over the world and to public servants who offer up their lives on behalf of all of us that we stand behind them and with them on their important work.

Mr. DIXON. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to commend the conferees, especially the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON), for working together to include in this conference report the Nazi War Crimes and Japanese Imperial Government Disclosure Act which I authored along with the gentleman from California (Mr. HORN) and Senator DEWINE. This provision will extend the original Nazi War Crimes Disclosure Act for 3 additional years while also adding responsibilities to the Interagency Working Group's work as it pertains to war crimes committed by the Japanese Imperial Government during World War II.

In 1998, President Clinton signed into law the original Nazi War Crimes Disclosure Act that established a process for the declassification of documents maintained by government agencies about Nazi war criminals and its allies. To date, the Interagency Working Group has reviewed more than 6 million pages of material and has released over 1.5 million pages of previously classified documents to the public regarding World War II. Already, significant new information about World War II war crimes has been revealed in the more than 400,000 Office of Strategic Services records released this past June by the Interagency Working Group at the National Archives. However, even with the diligent work the Interagency Working Group has accomplished, there is an overwhelming amount of material that still needs to be reviewed and declassified.

This success has also been achieved even though the Congress has not appropriated funds for the support of the Interagency Working Group or for the activities carried out by the various agencies that hold the records. Without the resources to review the materials being released, it will be years before we truly understand the significance of what is contained in the declassified materials.

This conference report is a step forward in providing the Interagency Working Group the authority and support it needs to complete the tremendous tasks before them. I still have some concerns regarding the language concerning the cooperation of U.S. Government agencies with the Interagency Working Group and the ability of the Interagency Working Group to review the more than 18 million pages of Japanese Imperial Government information that the U.S. returned to Japan after World War II. However, I support this conference report before us and hope that the chairman and ranking member will work with me next year to clarify this language and intent of this legislation so as to further the success of the Interagency Working Group.

Mr. Speaker, I would like to clarify one point concerning title 8 of this bill. Is it the gentleman's understanding that this section in no way affects the authority of the Interagency Working Group established under Public Law 105–246, the Nazi War Crimes Disclosure Act of 1998, with regard to the ability of the Interagency Working Group to retrieve documents from U.S. Government agencies?

Mr. GOSS. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Florida.

Mr. GOSS. Yes, it is.

Mrs. MALONEY of New York. Further, is it the gentleman's understanding that the exceptions enumerated in that act are in no way affected by the bill before us today?

Mr. GOSS. That is correct.

Mrs. MALONEY of New York. I thank the gentleman.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON), a very valued member of our committee, given all the events in that part of the world.

Mrs. WILSON. Mr. Speaker, I want to thank the chairman and the ranking member for their work on this bill. I am the junior member of the Permanent Select Committee on Intelligence, and I have found it to be a pleasure to work there because of the workmanlike and bipartisan and professional approach to oversight in the intelligence community. We have a wonderful staff and a focus on what this country needs in a quiet way.

Intelligence is the eyes and ears of our national security. Events like those we have seen today bring that home more closely than we usually see in the day-to-day events of intelligence. It is an important part of keeping our Nation strong and free. And it is more and more difficult because of the diversity of threats that we face as a Nation. We have more data from which to derive information and that creates a tremendous challenge for our intelligence agencies.

I wanted to particularly thank the chairman and the ranking member for what this bill does for counterintelligence. It strengthens counterintelligence in a number of ways, particularly giving more tools to the agencies that need them in order to counter threats from other intelligence agencies.

I also want to commend them on their oversight of our counterintelligence program in this country. The committee played a quiet role in the creation of the NNSA which John Gordon is now the capable head of. And this committee, I think, brought some common sense and some balance to what we needed to do to protect our Nation's secrets while not damaging that which we were trying to protect. I appreciate the committee's point of view, its common sense approach, its balance and its competence in this area.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. BARR)

Mr. BARR of Georgia. Mr. Speaker, I thank the chairman and the ranking member and all members of the committee for their service.

It pains me greatly as a former member of the CIA, as a former United States attorney, as a Member of this body, though, to rise today in opposition to this bill. It pains me greatly not only on the substance of what is contained in this bill, which is by and large very good, solid legislation, properly reflecting the tremendous work that our intelligence officials in this country and all over the world perform, giving them additional tools with which to perform those duties, but it also pains me because of the process whereby I feel compelled to come before this body and oppose this important piece of legislation.

This legislation contains a provision that will create, make no mistake about it, with not one day of hearings, without one moment of public debate, without one witness, an official secrets act. For those who do not know what an official secrets act is, it is something that we have never had in this country. It has been broached many times, particularly in the Cold War era. But our regard for constitutional civil liberties, our regard for the first amendment, and our belief that before the government can put somebody in jail for following their conscience and disclosing information showing government wrongdoing, the government must shoulder a heavy burden, has in every case in which an effort has been made to enact an official secrets act beaten back those efforts.

Yet today we stand here with such a provision amending title 18, the criminal code, that would create an official secrets act. That would mean that any individual who discloses information that is classified by the executive branch can be thrown in jail for up to 3 years for every disclosure.

Currently, if an individual discloses certain categories of important national security information, he can and should be prosecuted. It is not as if these people who harm our Nation's security are not going unprosecuted. They are.

□ 1645

This provision, though, would silence whistleblowers in a way that has never before come before this body and which has never before been enacted. This is about to be done without the Committee on the Judiciary even having been given the courtesy to look at this legislation, to assess its first amendment problems; without one hearing, without one witness, without one moment of debate.

This is very similar, Mr. Speaker, to what happened 2 years ago on this same bill. The government was granted extensive expansion of wiretapping authority without one witness, without one debate, without one day of hearing. It was slipped into this bill 2 years ago.

I urge my colleagues to vote against this bill so that it can go back to the drawing board and these particular provisions that have no business being in this bill without having gone through the Committee on the Judiciary can be properly assessed and their full constitutional ramifications properly studied.

One can only pick up the paper almost every day and see examples, whether it is Bill Gertz or Gary Aldrich or others, of people who have let the public know important information who would be thrown in jail under a provision that is about to pass without one day of hearing, without one witness, without even the Committee on the Judiciary having been given the courtesy to assess it.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Armed Services.

Mr. CUNNINGHAM. Mr. Speaker, I serve on the Subcommittee on Defense of the Committee on Appropriations, and it is one of the most bipartisan committees that I serve on. I appreciate the bipartisanship of the gentleman from California (Mr. DIXON) and the gentleman from Florida (Mr. GOSS) as well. I think the Members on both sides of the aisle will agree that I think we have a long way to go and a lot of work to do. I think this is a good bill. I think hard work has been done on it, but I think there is also agreement in areas that make up intelligence and the agencies, a strong military.

While we may have the strongest military in the world, our national readiness rates are very, very low in many cases. That hurts our intelligence capability. Where our military is strung out for nation-building quite often, according to George Tenet, those assets were spread so very thin that it made it almost impossible to track Osama bin Laden because we were engaged in those events. Our State Department, both under Republicans and Democrats, I think all that needs to be done is take a look at what happened to Enrique Camarena in the drug wars and the lack of support for our agents under the State Department, to Rambouillet, to hitting the Chinese Embassy. I also think it is wrong that we had technology that we were developing to defeat a Soviet missile. I cannot say what that missile is; but when we gained access to that particular missile, we found out our defensive system would not work.

We spent nearly a billion dollars to build that defensive system that would not work. And the reengineering of that, we now have a system at very low cost that will defeat that Soviet system, and that is why I think many of us got so concerned when Loral with Bernie Schwartz gave up second and tertiary missile boots to China, they gave up MRVing capability which we, Intelligence, knew that the W–88 warhead had already been stolen by the Chinese, and then the targeting device. The CIA briefed many of us that North Korea was many years away from striking the United States with a nuclear weapon. They can now hit the United States with a Taepo Dong-2 missile. That should concern all of us, and I think we have a long way to go to secure the national security and intelligence forces of our country.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, I rise in support of the conference report, and I wanted to respond to my good friend, the gentleman from Georgia (Mr. BARR), and the gentleman from Michigan (Mr. CONYERS) as well, on a couple of issues.

First of all, this provision simply says that we are going to take some action to prohibit the unauthorized disclosure of classified information by government officials. Now, a complaint has been made that, well, it should have gone through the Committee on the Judiciary. I am a member of the Committee on the Judiciary, and I guard our jurisdiction very carefully; but, in fact, this was attached by the Senate, who held hearings on this, who heard witnesses and who debated this, and this is a normal process. Whenever they attach a provision, we in the House have to consider it. We have to look at this, and from the standpoint of the Committee on the Judiciary, I believe that this is carefully crafted.

Now, the argument is made that this is going to silence whistle-blowers. Well, I do not think that is true at all. First of all, whistle-blowers are protected under the current law. Secondly, whistle-blowers who have a concern about whether information is properly classified or there is a concern about the agency that they are working for, can come to Congress. That is our job. The oversight committee would hold hearings on it, would deal with that issue, would protect the whistle-blower. They are protected under law and under the interests of Congress, and so I do not think that should be a concern.

The gentleman from Georgia (Mr. BARR) raised the question that we are going to criminalize conduct that historically has not been criminalized and, in fact, what we are doing is to say that if an employee of the United States, this does not pertain to the news media, but if an employee of the United States has possession of classified material and then discloses it to someone who is not authorized to receive that material, then they can be prosecuted.

But there is something more in there that was left out of the presentation of the gentleman from Georgia (Mr. BARR), and that is they must have done it knowingly and willfully, and that is the intent portion of the burden of proof that will be on the government. So it does not prosecute mistakes, someone who accidentally or inadvertently discloses information. They have to intentionally have done that, knowingly have done that.

So I think it is well drafted, and I urge my colleagues to support this well-drafted protection of classified information.

Mr. DIXON. Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am glad that the bill contains my amendment to investigate the effects of espionage on American business and industry and jobs. I am also glad at least we got some report language on China. It should have been in the bill.

There is not enough anatomy in either of these bodies. Mr. Speaker, we have had independent counsels on Henry Cisneros and Monica Lewinsky. Now, look, Monica may be a threat to fidelity. She is not a threat to liberty.

We had a Chinese Red Army general who funneled cash to the Democrat National Committee, and we will not even include the Traficant language as binding that says what is the extent on the national security. A Chinese missile, as we laugh, will not have exemption for one party or the other. A Chinese missile will hit all America. God Almighty. Last month's 1-month trade deficit was $31 billion. At 1,000 jobs per billion, we lost 31,000 high-paying manufacturing jobs. If that were just put into highways, we would have created over a million jobs for 2 years.

What is wrong with us? Are we afraid of the politics of China? The American people are watching. The greatest threat to our national security is China, and they bought and spied and posed that great threat.

I am disappointed. The intelligence committee is our number one charge to secure America, secure that American peace. We are not doing that. I think we are gutless, and I yield back the fact that that should not have been in the report language as a wish; that should have been a commitment and a mandate by Congress to investigate this Chinese business.

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

Mr. Speaker, on balance this is a good conference report that has been brought together in a bipartisan way. I understand the ranking member of the Committee on the Judiciary. I raised in the conference his letter. I attempted to modify the language to make it more narrow. The fact is that the Senate would not yield on this issue. I disagree with that part of the bill because, one, it is the identification of leakers before they can ever be penalized. Increasing the penalty, to me, does not work. I certainly think that the House Committee on the Judiciary should look at this, and I will pledge my support to support legislation that in some way may either modify or mitigate the damage, if any, that has been done.

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

Mr. Speaker, I want to again publicly thank the gentleman from California (Mr. DIXON) for being an extraordinary ranking member, reaching across so many times on complicated and sensitive matters and carrying a huge proportion of the load of the committee. I have a plan that would like to keep him there as ranking member. I realize that may not go entirely across the aisle.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the vice chairman and critical link to the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague, the gentleman from Florida (Mr. GOSS), for yielding me this time.

Mr. Speaker, I have a magnificent speech that has been prepared carefully for this discussion today. I am not going to refer to the speech, but rather submit it.

In the meantime, Mr. Speaker, I want to express my deep appreciation to my colleague, the gentleman from California (Mr. DIXON), with whom it has been my privilege to work for many, many years in the State legislature as well as here. He has done a fantastic job, in my view, providing the kind of balance that we need that makes the work of this committee such a nonpartisan piece of work.

In turn, before coming to the committee, it had not been my privilege to know well the gentleman from Florida (Mr. GOSS). The gentleman from Florida (Mr. GOSS) is a person of fabulous background, but very unique experience in this subject area. He comes to our committee at a most important time in our history. The leadership he has provided for us is very important to the security interests of this country, at home and abroad, but especially of significance to those who care about freedom in the world.

The men and women who make up the personnel base of our intelligence community overall are fabulous people. They do wonderful work on our behalf. Most of it gets very, very little attention. From time to time, we have a problem where someone crosses the line, usually stupidly, sometimes overtly, and the work of the agency does come to public view. It ofttimes is of great disservice to this country. It is important, very important, that we secure those personnel who want to make sure that the work of the agencies take place as reflected in the direction of the law passed by the Congress.

I very much wanted to focus upon the comments of my colleague, the gentleman from Georgia (Mr. BARR). Let me say that whistle-blowers are protected within this bill and within the law. So long as they come forward with matters that are security matters about which they are concerned and they disclose them to people who are cleared to receive such information,

they can carry forward their conscience and their responsibility as they would see fit.

□ 1700

There is no restriction there, and the law is very careful about that. I understand that lawyers, about presuming that only lawyers have these answers, but the committee has worked very carefully with the work done by the Senate, and I am comfortable with that work, as of that moment.

The work of this bill is very, very critical work. Because of some of these questions that are being raised, the votes today may be very important. I urge the Members of the body to realize how significant the work of this committee is and how important it is that they give it their full support, as well as their attention.

Mr. Speaker, I rise today to testify that this is a very fine piece of work done by both bodies, carried forward in a most positive way by the leadership of both the ranking member and the chairman.

Mr. Speaker, this is my last year on the committee, and I want to express to our Chairman and to Mr. DIXON my sincerest thanks for their dedication in ensuring this nation has the intelligence capabilities critical to protecting our freedoms. It's not often thought of in these terms, but intelligence truly is our first line of defense, and the close, personal, working relationship Chairman GOSS and Mr. DIXON have, has made our jobs all the easier. I want to thank you both, and I believe this entire body owes you a great deal of gratitude.

Mr. Speaker, every year those of us who serve on the Intelligence Committee stand before this body to discuss the Intelligence Authorization bill. Because of very real national security issues, we cannot discuss the sensitive details of the bill. We simply have to ask our colleagues to "trust us" as we vote on the classified aspects of our intelligence agencies and activities. Mr. Speaker, let me assure you, and, most importantly, the American people, that each member of the committee takes that responsibility very seriously. The issues and debates we take up in committee about our intelligence programs are based solely on national security interests.

Partisian politics is not a function in the conduct of committee business. This has earned the Intelligence Committee the trust that is required. Mr. Speaker, while the Members deserve much for their efforts to oversee our Nation's intelligence organizations, I would be remiss in not making mention of the superb committee staff. The staff deals with some of the most difficult issues facing our country. They do tough work, in a tough environment, and we ask much of them. I thank each member of the Intelligence Committee staff for the support they provide, and more importantly, for what they do for America.

Mr. Speaker, a quick word about our magnificent intelligence community. It is a community of professionals who work in the background and who don't get much credit, if any, for successfully accomplishing the difficult tasks they are asked to carry out. The men and women of the intelligence community often bear the full brunt of public criticism for the rare, but inevitable intelligence shortfall—after all "perfect knowledge" is a noble, but usually unobtainable, goal. So it is important that we, who know the details of the good work of this community, take every opportunity to thank them for their heroism publically.

We can't, for example, publically acknowledge the Central Intelligence Agency for an operation that might stop a planned terrorist attack, or the National Security Agency for providing the piece of information that might allow military commanders to locate critical targets, the National Imagery and Mapping Agency for providing the proof that a foreign nation is developing weapons of mass destruction, or the FBI for locating and removing a Russian listening device in the State Department conference room. These and the other intelligence organizations and the analysts who make sense of the myriad information stand watch for all Americans day in and day out. I thank them for the jobs they do, for the professionals that they are, and for the sacrifices they make every single day.

Finally, Mr. Speaker, I urge support for this conference report. Indeed it provides the intelligence community with the resources it needs to carry out its mission, and it ensures that the American military forces deployed around the world have the best information resources we can provide them.

That is not to say that I think we have done enough. The world is not a safe place. There are truly bad actors in the world and, in fact, we may be living in a more dangerous and unstable world today than we faced during the cold war: This past week's events in the former Yugoslavia are example; the increase in terrorism—as, tragically, we saw again this morning in the Persian Gulf; the proliferation of inexpensive weapons of mass destruction that puts unbelievable destructive power in the hands of small nations and non-nation groups; the number of countries with nuclear weapons and the means to deliver them is increasing. These threats present tough information challenges for our intelligence community; challenges that must be met. We have to make sure our intelligence organizations are given the proper resources to successful operate in this dangerous world.

This conference report provides adequate resources that should be seen as a down payment on keeping our intelligence community capable and viable in this dangerous world. But to protect our national security, we must resolve to invest more in our "intelligence first line of defense." I urge my colleagues to vote with me in support of this conference report.

Mr. GILMAN. Mr. Speaker, I am pleased to say I support subtitle B of this conference report regarding the Diplomatic Telecommunications Service. Along with the ranking democratic member of the International Relations Committee I wanted to clarify that section 322(a)(6)(C) does not include personnel requirements. It is our understanding that this provision does not require State Department personnel detailed or assigned to the DTS or DTSPO to be polygraphed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the conference report.

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

Mr. BARR of Georgia. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. The Chair will count. An insufficient number of Members have risen, a recorded vote is not ordered.

A recorded vote was refused.

So, the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4392, and the conference report just considered and passed.

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

There was no objection.

APPOINTMENT OF MEMBERS TO COMMITTEE TO ATTEND FUNERAL OF THE LATE HON. BRUCE F. VENTO

The SPEAKER pro tempore. Pursuant to House Resolution 618, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Bruce F. Vento:

Mr. OBERSTAR, Minnesota.
Mr. HASTERT, Illinois.
Mr. GEPHARDT, Missouri.
Mr. BONIOR, Michigan.
Mr. SABO, Minnesota.
Mr. PETERSON, Minnesota.
Mr. RAMSTAD, Minnesota.
Mr. MINGE, Minnesota.
Mr. GUTKNECHT, Minnesota.
Mr. LUTHER, Minnesota.
Mr. OBEY, Wisconsin.
Mr. LAFALCE, New York.
Mr. MARKEY, Massachusetts.
Mr. KILDEE, Michigan.
Mr. RAHALL, West Virginia.
Mr. FROST, Texas.
Mr. COYNE, Pennsylvania.
Mr. HOYER, Maryland.
Mr. KLECZKA, Wisconsin.
Mr. KANJORSKI, Pennsylvania.
Mr. LEWIS, Georgia.
Mr. SAWYER, Ohio.
Mr. MCDERMOTT, Washington.
Mr. BARRETT, Wisconsin.
Mr. HINCHEY, New York.
Ms. EDDIE BERNICE JOHNSON, Texas.
Mr. POMEROY, North Dakota.
Mr. WATT, North Carolina.
Ms. WOOLSEY, California.

Mr. FARR, California.
Mr. UNDERWOOD, Guam.
Mr. BENTSEN, Texas.
Ms. JACKSON-LEE, Texas.
Mr. CUMMINGS, Maryland.
Mr. KIND, Wisconsin.
Ms. LEE, California.
Mr. GONZALEZ, Texas.
Mr. GARY MILLER, California.
Mr. THOMPSON, California.
Mr. UDALL, Colorado.
Mr. UDALL, New Mexico.

LEGISLATIVE PROGRAM

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

Mr. FROST. Mr. Speaker, I ask for this time to inquire about next week's schedule, and I yield to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding to me.

I am very pleased to announce that the House has completed its legislative business for the week. The House will not be in session tomorrow.

The House will meet next week for legislative business on Tuesday, October 17, at 10:30 a.m. for morning hour, and at 12 noon for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Wednesday, October 18, and the balance of the week the House will consider the following measures: H.R. 4635, the Department of Veterans Affairs and Housing and Urban Development Appropriations Act conference report; H.R. 4577, the Departments of Labor, Health and Human Services, and Education appropriations conference report; and H.R. 4942, the District of Columbia appropriations conference report.

Mr. Speaker, the House will also consider any other conference reports that may become available throughout the week.

Mr. FROST. Mr. Speaker, I have several questions, if I may, to the gentleman from Florida.

The first question is, does the gentleman expect any other business on Tuesday besides suspension bills?

Mr. GOSS. If the gentleman will continue to yield, Mr. Speaker, on Tuesday there is possibly a motion to go to conference on the VA–HUD bill. That is a possibility.

Mr. FROST. Another question. The gentleman has said on Wednesday and the balance of the week, and the gentleman listed several bills. Could the gentleman be more specific as to what day the gentleman expects the Labor-HHS appropriations to be on the floor?

Mr. GOSS. It is clear that we can say the conferees are working hard. We hope to know sooner rather than later exactly which bills are going to come up on which days, but I do not think I can give any specific certainty on that. I would not want to preclude the hard work that is going on.

Mr. FROST. The final question, which is, of course, the $64,000 question, on which day does the gentleman expect us to adjourn for the year?

Mr. GOSS. If the gentleman will continue to yield, I think the gentleman undervalues the question.

Mr. FROST. A little inflation.

Mr. GOSS. I am sorry to say that I do not have the answer to that question.

Mr. FROST. I thank the gentleman very much.

ADJOURNMENT TO MONDAY, OCTOBER 16, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, OCTOBER 17, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent when the House adjourns on Monday, October 16, 2000, it adjourn to meet at 10:30 a.m. on Tuesday, October 17, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ARNOLD C. D'AMICO STATION

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 4853) to redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the ''Arnold C. D'Amico Station,'' and ask for its immediate consideration by the House.

The Clerk read the title of the bill.

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

Mr. BLUMENAUER. Reserving the right to object, Mr. Speaker, I will not object, and I rise in support of H.R. 4853.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. MCHUGH. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I will try to be very brief for an explanation to the House.

The bill before us was introduced by our colleague, the gentlewoman from Ohio (Mrs. JONES) on July 13 of this year, and was amended by the Committee on Government Reform on October 5.

The amendment very simply changes the word ''Glen'' to ''Green'', as determined after review by the United States Postal Service. As the Clerk has read, it does redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, now known as the South Euclid Station, to afterwards be designated as the Arnold C. D'Amico station.

As is the practice of the Committee on Government Reform, the entire delegation in this House from the State of Ohio has cosponsored this legislation.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague for yielding to me and giving me the opportunity to speak.

I briefly thank my colleagues for their support to designate a post office in the city of South Euclid on behalf of the mayor, Arnold C. D'Amico.

Mr. Speaker, Arnold D'Amico was born in Warren, Ohio on September 3, 1923 and received his early education from Notre Dame Sisters at Saint Mary's Catholic School. After graduating from Warren Harding School he enrolled at Kent State University. However, World War II interrupted his college education and Mr. D'Amico served with distinction for three years in the United States Army, and was assigned to the Aleutian Islands and the China-Burma-India theaters. Following his distinguished military service he returned to Kent State University, earning a Bachelor of Science degree in business Administration.

After graduation, Mr. D'Amico was very active politically in the Greater Cleveland business community with a career spanning over 20 years. During this time he was elected councilman for Ward 2 in South Euclid, Ohio. While on City Council, Mr. D'Amico served on the Planning Commission, and he was the chairman of the Council of Government of the Tri-City Consortium on Aging Commission. Subsequently, he was elected Mayor of South Euclid, Ohio.

In 1976, Arnold D'Amico became South Euclid's first full time Mayor. He was not only committed to the city of South Euclid, but he was also instrumental in moving the city forward. Under his leadership South Euclid prospered and established itself as a model city of efficiency.

Mayor D'Amico was a wonderful man and I am happy to support this designation.

Mr. MCHUGH. Mr. Speaker, if the gentleman from Oregon will continue to yield, I want to thank the gentlewoman from Ohio for bringing this designation to our attention.

We have had the opportunity on this House floor to name facilities on behalf of many distinguished Americans, and clearly, this particular individual meets that high standard.

I think it is important to note that Mr. D'Amico spent a lifetime in service to his community, a lifetime in service to his country, beginning in his service in World War II in the United States Army, moving on as a diligent worker in the Office of Price Stabilization, and later as an auditor for the Air Force.

But clearly through all of his years, he most distinguished himself during his distinguished service in the South Euclid City Council, and as I am told, later became not just the mayor of South Euclid in 1972, but indeed, the first full full-time mayor in 1976.

Reading the materials presented by the gentlewoman on his behalf, I can say without fear of qualification that he accomplished much during his tenure there. He established an office on the aging, a paramedic program, established the 911 emergency program, and pushed for a community center. He later served as president of the county Mayors' Association, chairman and treasurer of the regional income tax authority, and so much more.

Clearly, Mr. Speaker, we have in this individual someone who understood the sense and the value of community, and did not just recognize it in his own heart but went out and gave of himself to contribute back.

It is with a great deal of pleasure that I, as the chairman of the subcommittee, give my full endorsement to this. I am pleased that we are able to take it up this afternoon in this fashion.

I commend the gentlewoman for her actions.

Mrs. JONES of Ohio. If the gentleman from Oregon will yield further, briefly, Mr. Speaker, I thank the gentleman for his support of this designation.

The reason I was so brief in my commentary, I did not think I had a chance to lay upon the record all the things that the gentleman said about Mayor D'Amico of South Euclid.

He was truly a genuine supporter of mine in every office that I have run for previously, and a leader and a light in the community of Cuyahoga County.

I would just like to associate myself with the comments of the chairman and thank him for his support, and thank the gentleman from Oregon (Mr. BLUMENAUER) for his support.

Mr. BLUMENAUER. 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 bill, as follows:

H.R. 4853

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

SECTION 1. ARNOLD C. D'AMICO STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, and known as the South Euclid Station, shall be known and designated as the ''Arnold C. D'Amico Station''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Arnold C. D'Amico Station''.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCHUGH

Mr. MCHUGH. 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. MCHUGH:

Strike all after the enacting clause and insert the following:

SECTION 1. ARNOLD C. D'AMICO STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, and known as the South Euclid Station, shall be known and designated as the ''Arnold C. D'Amico Station''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Arnold C. D'Amico Station.

Mr. MCHUGH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. MCHUGH).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: ''A bill to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the 'Arnold C. D'Amico Station'.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4853.

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

There was no objection.

FAMINE PREVENTION AND FREEDOM FROM HUNGER ACT OF 2000

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4002) to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Famine Prevention and Freedom From Hunger Improvement Act of 2000''.

SEC. 2. GENERAL PROVISIONS.

(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: ''The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.''.

(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) in subparagraph (A) (as redesignated), by striking ''in this country'' and inserting ''with and through the private sector in this country and to understanding processes of economic development'';

(C) in subparagraph (B) (as redesignated), to read as follows:

''(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;'';

(D) in subparagraph (C) (as redesignated), to read as follows:

''(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and

marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;'';

(E) by striking subparagraphs (E) and (G) (as redesignated);

(F) by striking ''and'' at the end of subparagraph (F) (as redesignated);

(G) by redesignating subparagraph (F) as subparagraph (G); and

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

''(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;

''(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);'';

(I) in subparagraph (G) (as redesignated), by striking ''in the United States'' and inserting ''and the broader economy of the United States''; and

(J) by adding at the end the following:

''(H) that there is a need to responsibly manage the world's agricultural and natural resources for sustained productivity, health and resilience to climate variability; and

''(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.''.

(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:

''(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—

''(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;

''(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;

''(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;

''(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;

''(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and

''(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.''.

(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—

(1) in paragraph (1), by striking ''each component'' and inserting ''each of the program components described in paragraphs (1) through (6) of subsection (b)'';

(2) in paragraph (2)—

(A) by inserting ''and public and private partners of universities'' after ''for the universities''; and

(B) by striking ''and'' at the end;

(3) in paragraph (3)—

(A) by inserting ''and public and private partners of universities'' after ''such universities'';

(B) in subparagraph (A), by striking '', and'' and inserting a semicolon;

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) by striking the matter following subparagraph (B); and

(E) by adding at the end the following:

''(C) multilateral banks and agencies receiving United States funds;

''(D) development agencies of other countries; and

''(E) United States Government foreign assistance and economic cooperation programs;''; and

(4) by adding at the end the following:

''(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and

''(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.''.

(d) DEFINITION OF UNIVERSITIES.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—

(1) by inserting after ''sea-grant colleges;'' the following: ''Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);''; and

(2) in paragraph (1), by striking ''extension'' and inserting ''extension (including outreach)''.

(e) DEFINITION OF ADMINISTRATOR.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting ''United States'' before ''Agency''.

(f) DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.''.

(g) DEFINITION OF AGRICULTURE.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.''.

(h) DEFINITION OF AGRICULTURISTS.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:

''(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.''.

SEC. 3. GENERAL AUTHORITY.

(a) AUTHORIZATION OF ASSISTANCE.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—

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

''(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;'';

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

''(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;''; and

(3) in paragraph (4)—

(A) by inserting ''United States'' before ''universities'';

(B) by inserting ''agricultural'' before ''research centers''; and

(C) by striking ''and the institutions of agriculturally developing nations'' and inserting ''multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs''.

(b) REQUIREMENTS.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''universities'' and inserting ''United States universities with public and private partners of universities''; and

(B) in subparagraph (C)—

(i) by inserting '', environment,'' before ''and related''; and

(ii) by striking ''farmers and farm families'' and inserting ''agriculturalists'';

(2) in paragraph (2), by inserting '', including resources of the private sector,'' after ''Federal or State resources''; and

(3) in paragraph (3), by striking ''and the United States Department of Agriculture'' and all that follows and inserting '', the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.''.

(c) FURTHER REQUIREMENTS.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—

(1) in paragraph (2), to read as follows:

''(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;''; and

(2) in paragraph (4), to read as follows:

''(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and''.

(d) SPECIAL PROGRAMS.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:

''(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.''.

SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.

(a) ESTABLISHMENT.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: ''on a case-by-case basis''.

(b) GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:

''(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.''.

(c) DUTIES OF THE BOARD.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''increase food production'' and all that follows and inserting the following: ''improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;''; and

(B) in subparagraph (B), by inserting before ''sciences'' the following: '', environmental, and related social'';

(2) in paragraph (4), after ''Administrator and universities'' insert ''and their partners'';

(3) in paragraph (5), after ''universities'' insert ''and public and private partners of universities'';

(4) in paragraph (6), by striking ''and'' at the end;

(5) in paragraph (7), by striking ''in the developing nations.'' and inserting ''and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;''; and

(6) by adding at the end the following:

''(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;

''(9) investigating and resolving issues concerning implementation of this title as requested by universities; and

''(10) advising the Administrator on any and all issues as requested.''.

(d) SUBORDINATE UNITS.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—

(1) in paragraph (1)—

(A) by striking ''Research'' and insert ''Policy'';

(B) by striking ''administration'' and inserting ''design''; and

(C) by striking ''section 297(a)(3) of this title'' and inserting ''section 297''; and

(2) in paragraph (2)—

(A) by striking ''Joint Committee on Country Programs'' and inserting ''Joint Operations Committee''; and

(B) by striking ''which shall assist'' and all that follows and inserting ''which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.''.

SEC. 5. ANNUAL REPORT.

Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking ''April 1'' and inserting ''September 1''.

Mr. BRADY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of H.R. 4002, the Famine Prevention and Freedom From Hunger Act of 2000, this Member certainly wants to commend the distinguished gentleman from Texas [Mr. BRADY] for taking the lead on this important issue and introducing this bill which updates the context of agricultural development in Title 12 of the Foreign Assistance Act and expands the role of America's land-grant universities in these efforts. Indeed, it was a pleasure to work with him on this effort.

H.R. 4002 was first passed by the House under suspension of the rules on July 24, 2000. On October 4, 2000, the other body passed a slightly amended version of H.R. 4002 by unanimous consent. This Member supports the expeditious final passage of H.R. 4002 in the House so that it can be enrolled and sent to the President to be signed into law.

Since the Foreign Assistance Act was enacted in 1961, the scope of U.S. food aid and agricultural assistance has expanded to include: forestry, fisheries, family and consumer sciences, horticulture, agribusiness, agricultural processing, marketing, distribution, trade, food safety, nutrition, agricultural policy, environmental protection, food science and engineering, veterinary medicine, agricultural economics and other social sciences, and other science and practice related to food, feed and fiber. Indeed, H.R. 4002 updates current law and U.S. foreign assistance policy to reflect these changes.

This bill also ensures the transformation of development abroad into benefits to the U.S. University research and extension services, especially those associated with America's land-grant colleges, along with their public and private partners are supported to help transform agricultural progress abroad into benefits to U.S. communities and businesses through trade. The pending legislation expands the definition of eligible universities to include those institutions engaged in agricultural teaching, research and "outreach" as well as "extension." This certainly is an effective and responsible approach which utilizes America's land-grant university expertise to help famine prevention and freedom from hunger abroad.

Mr. Speaker, the Famine Prevention and Freedom from Hunger Prevention Act of 2000 would, for the first time, create a direct link between development abroad and the interests of U.S. rural communities. Clearly, it deserves our strong support and this Member urges its adoption. Again, this Member commends Mr. BRADY for his leadership on this issue.

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

There was no objection.

A motion to reconsider was laid on the table.

□ 1715

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4002.

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

There was no objection.

CORRECTING ENROLLMENT OF H.R. 3244, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Mr. BRADY of TEXAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 149) to correct the enrollment of H.R. 3244, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment

of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction:

In section 2002(a)(2)(A)(ii), strike ''June 7, 1999,'' and insert ''December 13, 1999,''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO ATTEND THE FUNERAL OF THE LATE HONORABLE BRUCE F. VENTO

The SPEAKER pro tempore. Pursuant to House Resolution 618, the Chair announces the Speaker's appointment of the following Member of the House to the Committee to attend the funeral of the late Bruce F. Vento:

Ms. PELOSI, California.

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.

SPECIAL RECOGNITION OF SAMOAN HEAVYWEIGHT BOXER DAVID TUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, what is it that Olympian gold-medalist volleyballer Eric Fonoimoana, Junior Seau of the San Diego Chargers, Joe Salave'a of the Tennessee Titans, Edwin Mulitalo of the Baltimore Ravens, Naomi Mulitauaopele of the Utah Starzz, Marcus Tuiasosopo of the Washington Huskies, All-American UCLA discus thrower Seilala Su'a, Yokozuma Sumo Grand Champion Musashimaru, Ozeki Sumo Champion Konishiki, WWF Wrestling Champion Tuifeai, ''The Rock,'' and heavyweight boxer David Tua all have in common?

Mr. Speaker, they are Samoan Polynesians who share the same cultural heritage like the Maoris of New Zealand, the Hawaiians or Kanaka Maoli, Tongans, and Tahitians.

After the elections, Mr. Speaker, I suggest to my colleagues and to the millions of boxing fans throughout America, to kick back and turn their TV sets on to HBO and witness one of the most historic events that will transpire the evening of November 11 in Las Vegas, the world heavyweight boxing championship fight between Lennox Lewis and Samoan heavyweight boxer David Tua.

Mr. Speaker, it is against Samoan tradition to be boastful and arrogant, but as a totally neutral observer, and with all due respect, Lennox Lewis is going to painfully wake up the next morning and count how many ribs he has left, and then he will wonder if he was hit by either a dump truck or a D–9 caterpillar tractor, after fighting against David Tua.

You see, Mr. Speaker, this guy, David Tua, he has the heart and soul of a pure Polynesian warrior. He has got a nasty left hook and a deadly right hand knockout punch. He only weighs about 250 pounds. He has no neck, and his legs and calves are like tree trunks, which is typical of Samoan men who wear what we call here in America skirts, but they are actually lavalavas.

I want to express my personal thanks and appreciation to the good people of New Zealand, all the pakehas and our Polynesian cousins, the Tangata Maohi, for looking after David Tua and his family, and for their acceptance of David Tua, and I say to my Maori cousins (the gentleman spoke Samoan).

Mr. Speaker, I do not know if David Tua is listening to this presentation; but, Mr. Speaker, I do know that David Tua is a humble man, never speaks ill of his opponents, and I believe the American people and boxing fans around the world are going to remember him well for his talents and, above all, his sportsmanship-like conduct.

Mr. Speaker, I call upon the Prime Minister of the Independent and Sovereign State of Samoa and the Governor of the U.S. territory of American Samoa to declare November 11 as National David Tua Day. It will be a day that will be remembered by the Samoans throughout the world, the Samoan David going up against the Goliath Lennox Lewis; and, of course, we all know the results of that famous encounter.

Mr. Speaker, in describing David Tua's physical presence, I am reminded of a poem that a Hawaiian comedian, Frank Delima, once wrote about Samoans. By the way, Mr. Speaker, David Tua's favorite pasttime is writing poetry.

Anyway, the poem, in part, is entitled ''Abdullah Fata'ai,'' and it goes like this:

I am 9 feet tall and 6 feet wide.
I got a neck made of elephant hide.
I scrape da haoles off the soles of my feet.
I drove my Volkswagon from the back seat.
I eat green bananas, tree and all.
My favorite game is tackle football.
I wear a skirt, but you better not laugh, cause it won't be funny when I break you in half.
I'm as gentle and sweet as a grizzly bear.
Only difference is he got more hair.
I got the nicest smile in all the Pacific.
I got an island home that's superterrific.
But I don't like fight and you don't like die.
So when I say (the gentleman spoke in Samoan), you better say ''Hi.''

Mr. Speaker, as we say in the Samoan language (the gentleman spoke in Samoan) David Tua, which means, Mr. Speaker, may your body be as invisible as the air and may your eyes be as bright as the sun. May you be victorious in battle. All our hopes and aspirations are with you, David Tua.

EXCHANGE OF SPECIAL ORDER TIME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

WARNING ABOUT FOREIGN POLICY AND MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, over the last 3 years to 4 years, I have come to the floor on numerous occasions trying to sound a warning about both our foreign policy and our monetary policy. Today our monetary policy and our foreign policy have clashed. We see now that we face serious problems, not only in the Middle East, but on our financial markets.

Yesterday, I talked a bit about what I see as a financial bubble that has developed over the past decade and made the point that a financial bubble can be financed through borrowing money, as well as inflation. A financial bubble is essentially a consequence of inflation. A lot of people talk about inflation being the mere rising of some prices, but that is not the case.

Most good economists recognize that inflation is a consequence of monetary policy; as one increases the supply of money, it inflates the currency. This distorts interest rates, and it distorts the markets. Sometimes this goes into goods and services, and other times these excessive funds will go into marketplaces and distort the value of stocks and bonds.

I believe this is what has happened for the past 10 years. Mr. Speaker, so in spite of the grand prosperity that we have had for this past decade, I believe it is an illusion in many ways, because we have not paid for it. In a true capitalist society, true wealth comes from hard work and savings.

Today, the American people have a negative savings rate, which means that we get our so-called capital from a printing press, because there are no savings and no funds to invest. The Federal Reserve creates these funds to be invested. On a short-term, this seems to benefit everyone.

The poor like it because they seem to get welfare benefits from it; and certainly the rich like it, because it motivates and stimulates their businesses; and politicians like it, because it takes care of deficits and it stimulates the economy.

The only problem with this is it always ends, and it always ends badly. And this is the reason that we have to meet up with a policy that seems ridiculous. The economy seems to be doing quite well, but the Federal Reserve comes along and says there is a problem with economic growth. Economic growth might cause prices to go up; so, therefore, what we have to do is cut off the economic growth. If you have slower growth, the prices will not go up any longer.

They are talking about a symptom and not the cause. The cause is the Federal Reserve. The problem is that the Federal Reserve has been granted authority that is unconstitutional to go and counterfeit money, and until we recognize that and deal with that, we will continue to have financial problems.

We have heard that the 1990s was a different decade, it was a new era, economy, exactly what we heard throughout the decade prior to the collapse of the markets in Japan. The markets have now been down more than 50 percent in Japan for more than 10 years, and there is no sign of significant recovery there.

Also there were other times in our history when they talked about a new era economy.

Let me read a quote: ''With growing optimism, they gave birth to a foolish idea called the New Economic Era. That notion spread over the whole country. We were assured that we were in a new period where the old laws of economics no longer applied.'' Herbert Hoover in his memoirs.

It is an illusion to believe that the new paradigm exists. Actually, the computer industry involves 5 percent of the economy; 95 percent is what they called the old economy. I ascribe to old economic laws, because the truth is, we cannot change economic laws. And if inflating a currency distorts the market and the boom leads to the bust, that cannot be repelled.

If we are looking towards bad times, it is not because of current policy, it is because of previous policy, the previous policy of the 10 years, the time when we live beyond our means. We say how did we live beyond our means? Where did the money come from? Are we not spending less than Washington? No, we are not spending less in Washington. Are not the deficits a lot less? They are less, but they are not gone.

Where did we borrow from? We borrowed from overseas. We have a current account deficit that requires over a billion dollars a day that we borrow from foreigners just to finance our current account deficit. We are now the greatest debtor in the world, and that is a problem. This is why the markets are shaky, and this is why the markets have been going down for 6 months, and this is why in a foreign policy crisis such as we are facing in the Middle East, we will accentuate these problems. Therefore, the foreign policy of military interventionism overseas is something that we should seriously question.

TERRORISM AND VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the news in the Middle East today is unfortunately not very good news. The attack on the U.S.S. *Cole* reminds us as Americans once again how terrorism can rear its ugly head at any time at any place. The events during the past several days in the Middle East and in Israel and the West Bank show us again that terrorism and violence is just right around the corner.

Only a few months ago, Mr. Speaker, the Israeli government demonstrated the willingness to make sweeping concessions at Camp David. Unfortunately, Mr. Arafat rejected it. When we talk about the peace process and we talk about partners for peace, we have to understand that it takes two to tango. We cannot have peace if only one side is making concessions and the other side continues to hang on to its strident demands.

In fact, during the entire process at Camp David, which lasted many, many days, Mr. Barak, the prime minister of Israel, made concessions that no one would have dreamed that any Israeli government or prime minister could have made even a year ago, 6 months ago. He made those concessions; but Mr. Arafat, particularly with Jerusalem but other things as well, stuck to his hard demands.

□ 1730

The Palestinian leadership rejected compromise. They showed that they are only interested in peace on their terms. Again, a peace can only be achieved if both parties are willing to negotiate and both parties are willing to compromise.

The violent Palestinian riots we are witnessing today and for the past several days, in my opinion, result directly from the fact that Yasir Arafat did not prepare his people for peace. In fact, Arafat tries to skillfully use the pale of terrorism as a negotiating tool, playing the classic good guy-bad guy routine.

As Mr. Barak was restraining the expectations of his people, preparing the Israeli people for compromise, Arafat was pumping up the Palestinian demands and preparing them for conflict. If one does not prepare one's people by telling them that they will have to compromise to get a peace, then expectations are raised and a compromise is not able to be gotten. So today, unfortunately, we must say that Yasir Arafat has not been and is not a partner for peace.

Mr. Speaker, I just watched Prime Minister Barak speak live on CNN. Once again, he declared his willingness to make peace, but he rightfully said that his nation, Israel, will do everything in its power to protect its people. Israel needs a partner for peace, a partner that does not engage and incite into violence; one that does not look the other way when there are people that are destroying ancient religious shrines in Nablus; one that does not allow their people to beat innocent Israelis to death, as happened this morning in Ramallah; and one that does everything in its power to set the conditions for peace.

The underlying basis for negotiations was the recognition of the PLO by Israel in exchange for the renunciation of violence by the PLO and Chairman Arafat.

In his September 9, 1993 letter for the late Prime Minister Rabin, Chairman Arafat ''renounced the use of terrorism and other acts of violence'' and pledged to ''prevent violence and discipline violators.'' Unfortunately, 7 years later, this has not happened.

Unless the Palestinian leader calls on his people to halt their fanatical, hostile public violence and directs the security services to maintain order, as he promised, the Palestinians will be in violation of, not only the text of the peace agreements, but the basic understanding which underlay the process.

Furthermore, as the Palestinian rock and molotov cocktail throwers and gunmen continue to rage, Israel will be within its rights as a sovereign nation to take whatever actions it needs to protect its people and frontiers.

Now, there is a moral imperative to stand our ground. Israel is not only our closest friend and ally in the Middle East, they are in the right. Israel has demonstrated its willingness to make peace and is now under attack by thousands of violent rioters. It is time for Congress to express its solidarity with the people of Israel and stand with them at this crucial time.

We must condemn the Palestinian leadership for its cowardly encouragement of mass riots and for doing so little to halt the hysterical rampagers.

We must demand that Arafat and his lieutenants use their security services to restrain unnecessary acts of violence, show respect for our holy sites, and settle grievances only through negotiations.

In the days to come, I expect new challenges to our U.S. policy; and I suspect we will arise to the occasion.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4516) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.''

H.R. 4541, THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. BLILEY) is recognized for 5 minutes.

Mr. BLILEY. Mr. Speaker, the estimate of private sector mandates prepared by the Congressional Budget Office for H.R. 4541, the Commodity Futures Modernization Act of 2000, was not available when the Committee on Commerce filed its report on the bill. Pursuant to section 423(f)(1) of the Congressional Budget Act of 1974, as amended, I am submitting that statement for publication in the CONGRESSIONAL RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 11, 2000.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate of private-sector effects of H.R. 4541, the Commodity Futures Modernization Act of 2000. CBO completed a federal cost estimate and an assessment of the bill's effects on state, local, and tribal governments on September 6.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Judy Ruud and Tim VandenBerg.

Sincerely,

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

Enclosure.

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF PRIVATE-SECTOR MANDATES

H.R. 4541—Commodity Futures Modernization Act of 2000

Summary

H.R. 4541 would impose several new private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) on persons or entities subject to the jurisdiction of the Commodity Futures Trading Commission (CFTC), registered futures associations, and electronic trading facilities. CBO cannot determine whether the direct cost of those mandates would exceed the threshold set by URMA for private-sector mandates ($109 million in 2000, adjusted annually for inflation).

Private-sector mandates contained in the bill

H.R. 4541 would impose three sets of private-sector mandates. First, it would impose Title V of the Gramm-Leach-Bliley Act, the privacy provisions of that act, on all persons or entities subject to the jurisdiction of the CFTC. Second, under certain circumstances it would require registered futures associations to also become registered national securities associations, and hence subject them to the Securities and Exchange Commission as well as the CFTC. Third, it would authorize the CFTC to require certain electronic trading facilities to disseminate trading data.

Privacy Provisions

H.R. 4541 would extend the privacy protection provisions contained in Title V of the Gramm-Leach-Bliley Act to persons or entities whose financial activities are subject to the jurisdiction of the Commodity Futures Trading Commission. CBO cannot estimate the costs of complying with the privacy provisions primarily because of uncertainties about how consumer privacy protections would apply to the broad categories of entities subject to the jurisdiction of the CFTC and because of the unavailability of information about the privacy protection procedures that those entities now have in place.

In accordance with CFTC implementing regulations, the bill would require affected entities to:

Develop administrative, technical, and physical safeguards of the nonpublic information they possess concerning their customers;

Disclose their policies and practices regarding the disclosure of customers' nonpublic personal information to nonaffiliated third parties when customer relationships are initiated and annually thereafter, and give the consumer the option to stop such disclosure to nonaffiliated third parties.

Safeguards. Providing adequate safeguards for customer information could impose several costs on affected entities. The largest of these, perhaps, is ensuring the technical security of customer information. Establishing such safeguards could be quite costly for some entities, particularly the measures needed to protect computer databases. However, the cost may be minimal to entities that already have adequate safeguards in place and would face few additional costs to comply with the requirements. Due to lack of information regarding the existing level of consumer information safeguards, the safeguards that might be required under the legislation and the costs involved in upgrading these safeguards, CBO cannot estimate the cost of those requirements.

Privacy Policy and Disclosure. Developing and disseminating privacy policies, establishing procedures to notify customers of possible information disclosures, and allowing customers to disallow such disclosure would involve a variety of costs. Developing privacy policies may require entities to incur legal costs. After the privacy policy has been adopted, relevant personnel may need training on new procedures. Notifying existing and new customers of the firm's privacy policy would entail printing and mailing costs. And the requirement to notify customers of information disclosures and allow them to opt out might require the development of new databases to track customers' opt-out elections. Furthermore, to the extent that the affected entities have been profiting from the disclosure of consumers' nonpublic personal information, entities may lose revenue if many of their customers opt out of such disclosure.

The total cost of complying with the bill's privacy policy and disclosure requirements is uncertain. Several factors could mitigate the costs of complying with the privacy policy and disclosure requirements. For example, some of the affected entities may only have institutional customers. Entities with no consumer accounts may not incur the costs associated with developing a privacy policy, notifying customers of the privacy policy, and tracking customers' responses allowing or disallowing disclosure of their information. The cost of complying with the privacy requirements would also be reduced to the extent that the affected entities do not disclose personal information to nonaffiliated third parties—in that case, the privacy policy would be relatively simple, and they would not need to track customers' responses to the policy. Moreover, if the CFTC or industry associations furnish model privacy policies, the cost of developing privacy policies might also be reduced. CBO was unable to obtain data on the extent to which the affected entities disclose customer information to nonaffiliated third parties, or obtain data concerning the possible cost of implementing systems to track delivery of privacy notices and customer opt-out elections.

Dual Registration of Registered Futures Associations

H.R. 4541 would require futures associations registered with the CFTC to register with the Securities and Exchange Commission (SEC) as a national securities associated, if any of its members effect trades in the newly authorized security future products. This provision would mandate that the National Futures Association, a self-regulatory organization for the U.S. futures industry, be registered with, and fall under the regulatory scrutiny of the SEC. The National Futures Association and the SEC do not expect this requirement to impose many additional costs since this new regulatory oversight would largely parallel existing supervision by the CFTC.

Dissemination of Trading Data by Certain Electronic Trading Facilities

H.R. 4541 would authorize the CFTC to prescribe rules and regulations to ensure timely dissemination of price, trading volume, and other trading data by electronic trading facilities dealing with transactions in exempt commodities or swaps, should the CFTC determine that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying the contracts being traded on the electronic trading facility. Based on information provided by the CFTC, it is quite possible that the CFTC would not use this authority. If, after a period of time, the CFTC did require such an electronic trading facility to disseminate trading data, the cost to the electronic trading facility would depend upon the specific information to be released, and the type of dissemination that the CFTC required. The costs of disseminating trading data may be small if simply daily dissemination to a public source were required, but would be higher if continuous, real-time dissemination were required.

Estimate prepared by: Judy Ruud and Tim VandenBerg (226–2940).

Estimate approved by: Roger Hitchner, Assistant Director for Microeconomics and Financial Studies Division.

URGING ENVIRONMENTAL DEBATE BETWEEN PRESIDENTIAL CANDIDATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, I want to spend this time this evening dealing with an issue that I hope will get the attention that it deserves yet in this election. We just had the second Presidential debate last night. I still hold out hope for an environmental debate between the candidates for President as well as leaders in both parties up and down the ticket.

The significance of the environment to the American public is not just a matter of public opinion polls, although I note with interest recently a publication of the Clean Air Trust where they had conducted a survey of voters that indicated that 4 in 10 suggested that they would shun a Presidential candidate who opposed tougher new clean air standards, according to their national poll by the nonprofit Clean Air Trust. They were conducting this survey to determine the impact of just this one key environmental issue, clean air.

At the same time, nearly 6 in 10 voters say they would reward a Presidential candidate who fought to support clean air standards. These are entirely consistent with results of a separate Clean Air Trust survey of likely voters in the battleground State of Michigan. But we do not have to just look at public opinion polls.

I note with interest that, when we open up the newspapers in our communities from coast to coast, border to border, they are filled with issues of environmental concern to our citizens. A lot of the work that I do in Congress focuses on livable communities and what the Federal Government can do to be a better partner in promoting an environment where our families are safe, healthy, and economically secure.

I am pleased that the Vice President has been a champion of the Federal partnership in promoting livable communities. His activity on behalf of the President's Council for Sustainable Development, indeed, he has been pushing and probing across the board in the Federal Government for each and every agency to have their program of sustainable development, of livable communities, of ways to promote environmental enhancement.

The contrast with Governor Bush I think could not be more stark. There is no comprehensive State program in the State of Texas dealing with environmental quality and livability. Indeed, there is no indication that Governor Bush has chosen this as an area that he wants to promote Federal involvement and partnership.

When we look at the response to local communities in the State of Texas to try and deal with those problems, it appears that he does not really look with favor at initiatives at the local level.

I would quote from a recent column by Neal Peirce, one of the national journalistic experts in this arena who has been following livability environment and what happens in our metropolitan areas for several decades. He had indicated that the question about Governor Bush is why he seems oh so indifferent to America's growth quandaries. He constantly stresses local control.

But The Austin American-Statesman reports that, when the growth-deluged city of Austin, the capital, moved to regulate development and water quality, Governor Bush approved State legislation to negate all its efforts.

So it appears that he does not have a comprehensive program in the State of Texas. He does not support a comprehensive approach on the part of the Federal Government. He is willing to cut active local governments like the capital city of Austin off at the knees.

This, I think, speaks volumes to the American public about the most important challenge that we are going to be facing in terms of enhancing and maintaining our quality of life.

I think a further elaboration of the difference between the record of the Vice President and the Governor of Texas is enlightening.

The State of Texas ranks near the bottom in spending on the environment, 44th out of the 50 States in per capita spending on environmental programs, according to The Los Angeles Times last April. Texas is the third worst in the country for toxic water pollution last year. It was ranked third worst in terms of dumping chemicals into the water supply. It also ranked second worst for omitting known and suspected carcinogens to water in the country.

In 1998, Texas also had the record with the third most pollution in the country and ranked third in omitting reproductive toxins into the waterways, and second worst in dumping nitrate compounds into that State's waterways.

Governor Bush selected as his Vice Presidential nominee Dick Cheney, a gentleman, a former colleague of many in this Chamber where he served for some dozen years in the 1980s and 1990s. Secretary Cheney, as a Member of this body, voted seven times against authorizing clean water programs, often as one of a small minority of Members who voted against the authorization.

In 1986, Secretary Cheney was one of only 21 Members to vote against the appropriations to carry out the Safe Drinking Water Act. In 1987, he was one of only 26 Members who voted against overriding President Reagan's veto of the reauthorization of the Clean Water Act.

The contrast here with Vice President GORE is stark. As a Senator, GORE fought for cleaner water. He was an original cosponsor of the Water Quality Act of 1987. He has been part of an administration that has set aside more lands for Federal protection than any administration since the man who got the ball rolling, Republican President Teddy Roosevelt almost a century ago.

He has been an active promoter of critical partnerships to protect habitat. As my colleagues know, 70 percent of the continental United States is in private hands, and any successful effort to maintain and restore the Nation's wildlife must include these private landowners.

One of the most valuable tools that has evolved is the habitat conservation plan, which is a long-term agreement between government and land owners that helps ensure the survival of threatened wildlife, while still allowing productive use of the land.

Prior to 1993, only 14 such plans existed. This administration, with the Vice President as the point person on the environment, has since forged another 250 plans, protecting more than 20 million acres and 200 threatened species, voluntary programs with private landowners to protect wildlife.

I think it is also clear that the Vice President would continue to protect and perhaps even expand national parks and monuments. This has been an item of some modest concern on the floor of this House, and we have had an opportunity to discuss it. I think the Vice President is clear that he would be supportive of those efforts, and he would seek full funding of the land legacy initiative that the administration, Mr. GORE, proposed.

They have supported full and permanent funding for the Land and Water Conservation Fund. As part of the 2001 budget proposal, the President and Vice President requested $1.4 billion for the Land Legacy Initiative. I have every confidence that, as President, AL GORE would continue to insist that the Land and Water Conservation Fund be fully funded.

□ 1745

The Vice President is also on record to support reform of the antiquated mining law to help pay for conservation. Currently, the Mining Act of 1872 remains on the books exactly as it was signed by President Ulysses S. Grant more than a century and a quarter ago. It grants, effective today, allowing patents for hard rock minerals on public lands to be mined for $2.50 or $5 per acre.

Since taking office in 1993, just in the course of the last two administrations, the 1872 Mining Law has required the Department of the Interior to sign 40 mining patents that deeded away publicly owned resources valued in the billions of dollars, one estimate is more than $15 billion, to individuals and private mining companies. No guarantee that those private mining companies are even American companies. In return, the taxpayers have received a little more than $24,000.

The Vice President supports modernization of this law to take advantage of changed circumstances. We are

no longer needing to bribe people to exploit the wilderness and settle the West. We can use the money from any mining royalties that we ought to grant to help pay for incentives to protect open space and help communities support local parks.

Again, as I look back and reflect on the difference that there would have between the Vice President and Governor Bush, I think this record is stark. If one reviews the record of Governor Bush, who cites his stewardship, now in his second term as governor of our country's second largest State, and look at what he has done for parks or public land in the State of Texas, I think any objective review of that record would find that it is indeed sparse.

Texas ranks number 49 out of all the States in the amount of money it spends on State parks. That is number 49, I might add, from the top to the bottom. It is next to the last. A 1998 State audit found that Texas had a funding backlog of $186 million just for maintenance of its existing parks. In 1999, the Texas Parks Commission tried to remove a cap on the sporting goods tax to increase its revenues so it could do something to help this desperate situation in the State of Texas. The governor, sadly, did not support the proposal and the measure died.

There was at least some lip service that was given by the administration of Governor Bush when he appointed a task force to find solutions to these problems. He created a task force on conservation which he ''charged with finding ways to ensure that Texas leaves a legacy for our children and grandchildren, a legacy of unwavering commitment to protect and preserve our treasured lands.'' Sounded good. But when he had an opportunity to translate this into action, the governor ignored the request for additional funding from the Texas Parks Commission.

One of the most exciting proposals that has developed in this Congress, and something that has excited the attention of Americans across the country, has been fully funding the Land and Water Conservation Act, the CARA legislation, which passed this Chamber with an overwhelming bipartisan vote under the leadership of the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, and the ranking member, the gentleman from California (Mr. GEORGE MILLER). That was really an artful piece of legislation that would have the opportunity of really transforming the use of our public land. It had resources for urban parks, for nature areas, for habitat restoration, conservation, purchase and maintenance, and historic activities. There was something here that excited, I think, the attention of environmentalists, conservationists, and citizens all across the country.

According to the San Antonio Express News last year, when asked if he would support the legislation, the governor did not know. I quote: ''I do not know how to answer your question.'' And to the best of my knowledge, I have not seen him adding his voice to try and pry this legislation out of the death grip that it has with the Senate leadership where it has not been permitted to move.

It is clear that Governor Bush would increase logging on public lands, but it is less clear what that environmental impact would be. He would reverse the roadless area protections that are encountered in the administration's roadless areas initiative, and this came out of his visit to Seattle, as quoted in the Seattle Post-Intelligencer on June 26 of this year.

The vice presidential nominee of the Republican Party has been clear that a Bush-Cheney administration would be very interested in reopening the issue of the lands that have been protected from development by this administration.

Another issue of great concern to those of us in the Pacific Northwest, where we are struggling with how to balance the variety of interests dealing with the problems of the Columbia River System, with the issue of endangered species, with salmon, treaty rights to Native Americans, where there are conflicts in terms of barge traffic on the rivers, recreational users, and power, this is not an easy issue; and one of the things that has been clear is that this administration is willing to explore all options, and even some that are going to be very difficult. Vice President GORE has reiterated the fact that he feels that until we have a plan in place, that we need to keep all these options on the table.

Unfortunately, Governor Bush has stepped into a difficult situation, one that does not have an obvious solution, and is willing publicly, I think sadly for political purposes, to rule out some options without having anything in the alternative. For him, evidently, not complying with the Endangered Species Act, not dealing with our commitments under treaty obligations to Native Americans, the extinction of salmon runs is, in fact, an option.

The area of clean air is another one that is of great concern, I think, to all Americans; but I want to pause at this point because I have been joined by the gentleman from New York (Mr. HINCHEY). I am going to begin a somewhat lengthy piece, but the gentleman from New York, who is a member of the Committee on Appropriations and a tireless champion for environmental interests in his district, in his State of New York, and throughout the country, I know has been deeply involved in a number of these issues. He is a member of the Subcommittee on Interior of the Committee on Appropriations as well, and I would yield to him if he has some observations or thoughts at this point as we have been discussing these issues as it relates to the Vice President, Governor Bush and the choices before us.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me, and I particularly thank the gentleman for taking this time to discuss an important issue, which has not gotten the attention that I think it deserves in the context of this particular Congress.

In fact, as a member of this Congress, I have often felt that we are fighting a defensive action here, where we are taking actions that are designed to prevent harm from being done rather than moving forward in a positive direction on a number of environmental issues that really need to be addressed. The Endangered Species Act is one, and I know that the gentleman just referenced it, that deserves a great deal of attention.

The issue of CARA, a piece of legislation which is designed to protect public lands and open space, and provide also recreational opportunities both in rural and urban settings, is a critically important piece of legislation. A good portion of that was advanced in the context of the interior bill, which we passed here just recently and which was signed by the President just the other day.

Now, the reason that that provision advanced in the interior bill was in large measure a result of the leadership provided by the administration, both the President and Vice President GORE. That interior bill contained a landmark preservation, if I am not mistaken the amount was $12 billion, over a period of time for open space protection, preservation, and also for recreational activities, again in rural but also in urban settings in association with urban parks and things of that nature.

One of the issues that I think that we really need to address, and which has not gotten enough attention, is the issue of water resources, particularly fresh water resources. It is true, and many people have observed fairly recently, that fresh water resources around the world, including those fresh water resources here in the United States, are being depleted, particularly those resources that lie in aquifers underground. We know that, for example, in the great Midwestern section of our country there is a huge underground reservoir known as the Ogallala, which runs from northern Texas up to the Dakotas, and covers a huge vast area, or at least underlies a huge vast area of the central plains.

That water resource contained in that Ogallala underground reservoir is being depleted at a rather alarming rate. This is fossil water. In other words, it is water that has lain underground for centuries and there is no visible source of rejuvenation for this aquifer. The fact that we are depleting

it at such a rapid rate is something that ought to be of increasing concern.

Now, the depletion is primarily for agricultural purposes, for applications of an agricultural nature throughout that area, and, of course, good purpose. But the idea that we can continue to drain a resource in the belief that that resource is always going to be there and will not be depleted is a false notion. It is a basic fallacy, and it is one with which we have to come to grips.

So I think that this issue of fresh water resources is an issue that is going to require a great deal of attention from this Congress in the future and from the next administration. And that, of course, raises the question of what kind of administration do we want to have in place here to succeed the Clinton administration which will husband these resources in a reasonable way; in a logical and rational and intelligent way. I think the answer to that question becomes quite apparent when we look at the choices that we have before us.

We have on the one hand Governor Bush, who has a record of depletion and deterioration of resources in the State in which he is the executive; and, on the other hand, we have Vice President GORE, who has a very deep and long record of environmental protection and husbanding of resources going back to the time when he served in this House, and then later in the Senate, and all of which he brought to his position as Vice President of the United States.

So I think as people make decisions with regard to this upcoming election, and I think it is easy to lose track of time around here, but I think it is somewhere in the neighborhood of 3 weeks now until November 7, as people begin to think more closely about the decision they are going to make with regard to who is going to be the leader of our country for the next 4 years, I think one of the issues that they ought to factor into their decision-making is the issue of the environment and who among those who are holding themselves out for this office for President of the United States is best equipped and has the knowledge and the sensitivity and the ability to care about this issue. Who is best equipped, then, in that regard, to assume the responsibility of President of the United States.

□ 1800

So this is one of the issues that is of concern to me as I think about the upcoming election and I think about the kind of leadership that we are going to need to carry us forward into the 21st century at a time when environmental resources are going to be increasingly under adverse pressure and forced into adverse circumstances.

So that is a question which I hope people will be thinking closely about as they make their decision about the President and Members of the Congress and Members of the Senate as they cast their vote on November 7.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I would like if I could, with the indulgence of the gentleman from New York (Mr. HINCHEY), yield to our colleague, the gentleman from the State of Maryland (Mr. CARDIN), who has a long and distinguished record as a State legislator, as a private citizen, and as a Member of this Congress for focusing in on many of these concerns that I know my colleague shares.

Mr. CARDIN. Mr. Speaker, let me thank my friend for yielding to me and thank him for bringing this issue before this body.

As he pointed out, in last night's debate, we had a little bit of a discussion about the environment, not enough of a discussion on the environment. There is a clear difference between the Vice President and the Governor on the environmental issues.

The Vice President, as the gentleman from New York (Mr. HINCHEY) has pointed out, throughout his entire career has been one of the real leaders on sensible environmental policies, policies that not only help preserve our environment but also deal with economic expansion but not at the cost of destroying our woods or our airs. He understands the importance of smart growth. He understands the issues of being sensitive to our environment.

I particularly appreciate the gentleman from Oregon (Mr. BLUMENAUER) taking this time. Because when we contrast that to the record of Governor Bush and the State of Texas, which has one of the worst environmental records of any State in this Nation, and the Vice President mentioned some statistics yesterday as related to health care, it is very clear that the State of Texas has been at the bottom of our Nation in providing health benefits for its citizens, but it is also at the bottom of our Nation on its record on environment.

They have literally destroyed much of their environment at the cost of trying to do certain types of growth when it was not necessary to do that. It is certainly not the model of leadership that we need in this nation.

This issue is particularly important to the people of Maryland, important to all the States. But the quality of life in Maryland is very much dependent upon the quality of our environment. We pride ourselves on the Chesapeake Bay, the most important natural resource in our State.

I must tell my colleagues, when I was speaker of our State legislature, we took on the challenge to try to reclaim the Chesapeake Bay. Because it was becoming unsafe in many areas for people to swim or for people to use for recreational purposes. If they fell into our harbor, they did not have to worry about drowning, they would worry about whether they could survive the pollution that was coming in from all sectors, from the industrial use, from the farming use, from just not paying attention to our environment.

We made a commitment 25 years ago to do something about it. And we have. We have done a pretty good job in helping to clean up the Chesapeake Bay. But I must tell my colleagues, we need a clean air policy because that affects the quality of the Bay and acid rain. We need a smart growth policy because that affects the quality of the waters leading into the Chesapeake Bay. We need a national policy on environment. We need leadership in the executive branch that will be sensitive to these environmental issues.

Mr. Speaker, there is such a contrast between the two candidates for President on this issue. And I hope that in the remaining 3-plus weeks, less than 4 weeks, before the election that we will focus as a Nation on the environmental issues.

Look at the record of the Vice President and the Governor on the issues that we have been talking about this evening. They are very much related to the quality of life in our community, very much related to our commitment to try to improve the quality of life in each of the districts that we represent.

So I hope that we will take the time to compare the candidates who want to be President of this great Nation as to where do they stand on smart growth, that is placing people near where they work and where they live so that we can put less stress on the commute times in this country, less time on our energy dependency.

We are too dependent upon imported oil. We all know that. Part of the solution, as the Vice President has said, is less use of fossil fuels in our community, more smart growth in our community. That will help the quality of life for people who live in my district and every district in the Nation, and it will also help preserve the Chesapeake Bay and the other great bodies of water in our Nation and our air that we breathe.

I have been disappointed by what we have done in this session not because of the administration but because we have been spending more time trying to beat down some bad action by our colleagues, particularly on the other side of the aisle, when we should be looking at building a record that we can look back at with pride.

I very much hope that as we get into the last weeks of this campaign that we will challenge the leadership of our candidates running for President as to how they stand on these issues. I think there is no comparison here between the Vice President, who in his entire career in Government has shown leadership and sensitivity to the interrelationship between all the environmental issues, and the Governor, who

has a record that none of us want to emulate from the State of Texas.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Two observations. One, I appreciate his reference to growing smarter in terms of wiser use of our resources and avoiding unplanned growth and sprawl.

The State of Maryland has recently been cited as another national model for experimenting with this. And I think it is important that, unlike what some of the people who are attempting to be critical of this, there is no effort with smart growth to deny choices to the American public. The notion here is to give them more opportunities in terms of where they live, how they move.

If the only way somebody can get their children to a soccer game or to school is to drive them, if they cannot walk, if they cannot cycle, if they cannot get there on their own, if they have no access to transit, it narrows their choices. If there are neighborhoods that are disposable, hollowed out, it narrows the choices.

One of the things that I am, I guess, most appreciative of for the Vice President is taking the risk that some people will try and turn these concepts on their head and suggest that somehow this is a war on the suburbs or it is trying to deny choices, when nothing could be further from the truth than trying to promote more opportunity.

I am prepared to talk a little further on clean air, but I notice we have been joined by my colleague the gentleman from Southern California (Mr. SHERMAN).

Mr. Speaker, I yield to the gentleman.

Mr. SHERMAN. Mr. Speaker, I just want to associate myself with the comments of my colleagues. I could speak a minute on this issue, but I think I would simply repeat what the rest of them have said. I have some comments about some of the fiscal issues and if the gentleman has time at the end and wants to yield time to me to discuss that point, I will. Otherwise, I thank the gentleman on the other side for agreeing to allow me to have 5 minutes at the end of his remarks.

Mr. BLUMENAUER. Mr. Speaker, I continue to yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, let me make an observation, if I may, in connection with the comments that were made just a moment ago by the gentleman from Maryland (Mr. CARDIN).

I think that occasionally, if we look at these issues superficially, we fail to recognize the co-relationship between issues that sometimes are taken separately and distinctly and not joined together.

The gentleman mentioned the relationship, for example, between the environment and energy. And there is a clear nexus there, obviously, that needs to be dealt with. And in that regard, it gives another opportunity to talk a little bit about the initiatives of Vice President GORE and his leadership on both environmental and energy issues in a way that addresses the complexities of both.

For example, we know that we are increasingly dependent upon foreign oil. I think we are importing now something in the neighborhood of 56 percent of the oil that we consume here in the United States from outside of our borders. This becomes, at that level, an issue even of national security. We are far too dependent upon outside sources for the fossil fuel that we depend upon for transportation, for heating, and for a variety of other uses.

Now, that is something that we have to deal with. We have to gain energy independence to a greater degree. We have to reduce our reliance on foreign oil. How do we do that? One of the ways in which we do it is to develop alternative sources of energy. And this is an issue on which Vice President GORE has taken a leadership position that in fact was far ahead of its time. He was talking about these things when it was not apparent to most people that it would be necessary to take any action in this area.

For example, he was talking about the need to develop photovoltaic cells, for example, and direct solar energy for the creation of less electricity and, by the way, in so doing, creating a vast new industry for America which will enable us to address other issues, such as our balance of trade, balance of trade deficit.

If we are developing new sources of energy for a world that is going to be crying out for new sources of energy, that enables us to deal with our own energy situation more intelligently, reduce our dependence upon fossil fuel, create energy alternatively, and at the same time produce a product that will be desired by virtually every other country in the world.

We have an opportunity, in other words, to take a leadership position here in a new industrial venture that will enable us to accomplish a variety of objectives in a very concise and particular way. And for that I think Vice President GORE deserves a great deal of credit for stepping out in front on this issue and directing the way toward its solutions.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding. I say to the gentleman from New York (Mr. HINCHEY) that I could not agree with him more.

It is rather tragic at a time now when we see the great peril that the Middle East is again embroiled in as the peace negotiations falter and the acts of violence are currently playing themselves out, and we think that if at the end of the Iraqi war if we had made a commitment that we would not ever again put ourselves in a position where we had to send American soldiers in the pursuit of oil or to protect the Kuwaiti fields or to protect the Saudi Arabia fields, or what have you, that we would have pursued this vast array of alternatives that the Vice President has been talking about almost his entire public life, that we could have, in fact, pursued alternatives in energy consumption, in conservation, in technologies that would have, in fact, really made us independent and insulated us in these kinds of situations.

But, in fact, we chose to go another route. And that was massive increases in consumption, the failure to go for the efficiencies, the failure to recognize what was readily available on the market and use that here domestically or to sell it overseas. And yet, even now we continue to see the other side of the aisle and Governor Bush suggesting, if we just had one more drilling of oil.

The fact is we have increased the production of oil in America over the last 10 years rather dramatically. The hottest oil play in the world is the Gulf of Mexico. Oil companies have spent tens of billions of dollars to be able to go in and to drill there, and it has obviously been worth their while. It is a fantastic find because of new technologies in that field. But it has not made us any more independent. It has not made us any more independent. It has continued the addiction that we have had to foreign oil.

And so, rather than get our house in shape here and get our country in shape as the gentleman has suggested and as the Vice President has suggested over the last decade, we have done just the opposite, we have made ourselves more dependent. And like any other addiction, it is very difficult to break. But we ought to stop it at this point and recognize the peril it places us in internationally, the peril it places our economy in, and the unneeded expenditures by Americans for energy that is not necessarily simply because of the waste that is involved.

□ 1815

That was clearly one of the choices that was presented in the debate last night about whether or not we embrace this in terms of the future and in terms of the knowledge that we now have about energy efficiencies, conservations and technologies or whether we just say, ''Let's go back to what we were doing in Pennsylvania at the turn of the century and just put another hole in the ground.'' It is wonderful to get the oil, but it does not relieve the dependence and there is no indication

that it ever will relieve the dependence unless, in fact, we go to these new technologies. I just want to thank the gentleman for making that point.

Mr. BLUMENAUER. Reclaiming my time briefly, I could not agree more with my distinguished colleague from California. He points out that we are, in fact, extracting more energy from more sources. But if we as a Nation that represents 5 or 6 percent of the world's population continue to use 25, 30 percent of the energy supply and if our primary bets are on fossil fuels that are, in fact, finite no matter what some would hope, we are on a downward path that can only lead to disaster.

Mr. GEORGE MILLER of California. When 70 percent of the import is for transportation, we deny the fact that readily available today at these market prices, with no compromise in safety, speed or technology, a car is available, you can get 35 miles to the gallon. Not a big push from where we are today, but a dramatic change in our consumption pattern and our independence, if you will. That could just be done today with essentially no sacrifice being made. Not a dramatic runup in the price of an automobile, not a dramatic compromise in the safety for you or your families and your comfort or anything else. It is available today.

Mr. BLUMENAUER. Could those vehicles, energy-efficient vehicles be made here in the United States by American workers?

Mr. GEORGE MILLER of California. Those vehicles could be made here with no change. The difference is that all the advances that we have made on engine efficiency, the dramatic increases that we have made in efficiencies of the internal combustion engine have been loaded up with weight so that you can drive a bigger and a heavier car rather than returning the benefit to the economy, to the consumer and to the environment. We just decided we would take all the improvement and we would negate it by putting 9,000 pounds on top of it. So here we get what the industry said they could do, what many of us in the Congress wanted them to do, what the environment needs them to do, and then we just larded it up. So rather than driving an ordinary car, we took all those benefits and just put them in, if you will, to style. That is costing the American consumer a huge amount of money, a huge amount of money for no real benefit at all.

Mr. BLUMENAUER. Is it possible that if we had at least studied the CAFE standards, that if we would have applied the CAFE standards across all of today's fleet, not having massive exemptions, that we could have actually had the best of both worlds?

Mr. GEORGE MILLER of California. It is all there. It is there. But obviously when we suggest to them that they can do this voluntarily, just like when George Bush suggested to all those old polluters in Texas to just do it voluntarily, they chose to do it another way. They chose to do it to maximize profit and forget the public interest, forget the needs to clean up the environment, forget the air quality, forget the economy of people who are reaching into their pocket to pay $2 for gasoline in a car that is getting them 20 miles to the gallon when, in fact, they could be getting 35 with none of these trade-offs.

It could be done here, it could be done with American labor. They are the best autoworkers in the world. That is not even a contest. But it is not being done because huge, huge cars now are cash cows for the automobile companies and that is more important to them than the public safety, the environment, household incomes, expenses or our dependency on foreign oil.

Mr. BLUMENAUER. Reclaiming my time, I was struck by your comment about the voluntary emission reduction plan in Texas. This is one of the innovations that has been cited by Governor Bush under his leadership. There was legislation that was introduced, he supported, Texas Senate bill 766 that took effect more than a year ago. It has been touted as an approach to voluntarily clean up these 760 old plants that were grandfathered in. I find it fascinating that as a result of this effort, there have been 73 so-called pioneer companies out of the 760 that have taken part, that the majority of these plants, even of the 73 that took part, there are only 28 that even applied for permits, only 19 received them and only five of these volunteers with permits that actually required reductions. So there are actually only five out of 760 plants that are actually producing any result and it is something like 0.3 percent.

Mr. GEORGE MILLER of California. That is the exact point. When you say to these companies, there is going to be voluntary compliance, if you can do it, do it, we would all appreciate it. You are also sending the same signal that says, ''And if by the way you continue to pollute, that's okay, too. If you choose to clean up, that would be nice, but if you choose not to clean up, it's the same.''

Before we had the Clean Air Act and I know the gentleman is very interested in the Clean Water Act, before we had the Clean Air and the Clean Water Act, I do not remember companies walking in and saying, ''I'm going to voluntarily clean up the arsenic in the water,'' or ''I'm going to voluntarily clean up the benzene in the air, the lead in the air or the pollution in the Hudson River.'' I do not remember that happening. It was only because of the Clean Air Act, the Clean Water Act that these companies stepped forward. They did it because it was the law of the land. What we have seen for 6 years in this Congress under a Republican majority and what we have seen in the State of Texas is continued efforts by corporate entities to lean on the political system so it is not the law of the land. And if it is not the law of the land, you will not clean up the Hudson River, you will not clean up the Sacramento River, you will not clean up the Mississippi River, you will not clean up these areas that America holds as treasures.

And so as the gentleman points out, when Governor Bush got all done with his volunteer stepping forward, this is like a bad film of the Army: I need these volunteers, now everybody take one step forward and everybody steps back and one guy is left there as the volunteer. This is like a bad movie. If we work at this rate on cleaning up pollution in America that they are in Texas, we will all be choking to death. It is not happening. The figures point it out. The Governor could sit there last night and say, ''We have a plan and it's working.'' Well, if this is his definition of ''working,'' there is a horror story in store for the American public, because that does not address the needs of the cities and others who have air pollution problems and toxic problems. That is just unacceptable.

We have struggled in this Congress to try to get entities to step forward and be responsible for Superfund sites, for water pollution and air pollution. I think the gentleman makes a very important point about the so-called voluntary program in Texas. You voluntarily get not to obey the law is what you do. That is what you get to volunteer to do.

Mr. HINCHEY. The gentleman from California, I think, makes very important points about it as well. It is even true that after you require it in the law, if you do not have proper enforcement of the law, even then you will find some of these corporations that were responsible for the pollution in the first instance resisting taking the appropriate and responsible action to clean up the mess that they made.

The gentleman mentioned the Hudson River. That is one clear example where you have had PCB contamination now for decades and the responsible parties have not done anything to address that pollution. In fact, what they have done is they have come here to the Congress, they have gotten Members of the Congress to introduce amendments to pieces of legislation which will, in fact, delay any act of responsibility on their part. So not only do voluntary actions not work but in addition to the law we have found in our experience that you also have to have effective enforcement. No, absolutely not, they are not going to do any of these things voluntarily because it costs them money, and it should cost

them money because they made enormous profits in creating that pollution in the first place in most instances. But in addition to having good, decent, powerful laws, you also have to have consistent and effective and honest enforcement.

Mr. BLUMENAUER. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY) who has been a leader on a whole host of environmental and energy issues.

Mr. MARKEY. I thank the gentleman very much, and I thank him for holding this very important special order.

Mr. Speaker, on September 29 of this year, Governor Bush of Texas, attempting to reassure the public that there was no choice to make between oil production and preserving wilderness waxed eloquent on the subject of the Arctic Refuge.

''We should open up a small fraction of the Arctic National Wildlife Refuge for responsible oil and gas exploration. The Vice President says he would rather protect this refuge than gain the energy. But this is a false choice. We can do both,'' said Mr. Bush, ''taking out the energy and leaving only footprints.'' Leaving only footprints. A wonderful image, is it not, leaving only footprints in the Arctic Refuge? Like Robert Frost and his little cat's feet or Robinson Crusoe discovering he was not alone when he spied the telltale footprints of Friday on the shore of sand before the high tide washed them away.

An image of footprints in the Arctic Refuge that the petroleum industry would leave and would love to have linger in our minds, these footprints of Friday or cat's paws in the sand, children walking along the beach. Footprints.

It is against the law, of course, as we know, to drill for oil in the Arctic Refuge and the only way that will ever change is if the industry manages to get Congress to change the law. They are very resourceful, this industry. They have put together a dream ticket in the person of an oilman for President and an oilman for Vice President. And now they are engaging in industrial strength poetry as they try to win a license to destroy the wilderness of one of the last places on God-created Earth that man has yet to try to improve.

So Governor Bush says his plans would only impact about 8 percent of the refuge. Well, it turns out that what they want to drill is in the biological heart of the refuge, where polar bears den and caribou give birth. Imagine your doctor telling you, ''This won't hurt. We're only going to drill in a small fraction of your body, only about 8 percent, only around the region of your heart, only that 8 percent of your body. That is the only place we're going to operate. Don't worry, we won't touch the rest of you. Only that 8 percent. The heart.'' The heart of this refuge.

Now, let us take a look at the industrial footprints that have already been left on the North Slope by environmentally sensitive oil companies which want to drill in the heart of the refuge. These pictures are from Dead Horse and from Prudhoe Bay. They are part of a vast industrial complex that generates on average one toxic spill a day of oil or chemicals or industrial waste of some kind. It seeps into the tundra and becomes part of a new and improved North Slope as it is viewed by the oil industry. This energy sacrifice zone already spews more nitrogen oxide pollution into the Arctic each year than the city of Washington, D.C.

□ 1830

That is all of the pollution created in Washington, D.C. is not as great as the pollution created by these sites already in this Arctic North Slope area. As we can see, the drilling for oil takes a huge amount of equipment for roads, for pipes, for wells, for pumping. All the trappings of a massive industrial undertaking have been hauled or flown or barged to the North Slope around Deadhorse and Prudhoe Bay. The companies have been able to afford to bring everything in to such a remote location because today they are making money. But guess what? Tomorrow it will still be there, and tomorrow and tomorrow and tomorrow. All this stuff never leaves. The roads, the pipes, the dry holes, the bulldozers, the spent wells, the gravel pits, it all stays. And together, it makes up a footprint that can only be described as a world-class mess, and it is going to stay that way because once the industry starts making money up there, the last thing they are going to do is to go into debt in order to clean it up.

The industrial footprint extends for miles. When it is overlayed on the refuge, we can see that it would end any notion of this treasured corner of God Almighty's earth remaining wild, untrammeled, and untouched.

Let me finish by noting that this is Federal land that has been set aside for all of the people of the United States. It does not belong to the oil companies. It does not belong to just one State. It is a public wilderness treasure. We are all the trustees. As far as I am concerned, we are going to have to work as hard as we can in order to make sure that this incomparable wilderness is not touched. There are plenty of other places that can be explored in Alaska; and as Joe LIEBERMAN said in his debate, if we just increase fuel efficiency of an automobile three miles a gallon, it would produce more oil than all of this Arctic wilderness.

Let me conclude and compliment the gentleman from Oregon (Mr. BLUMENAUER) for holding this important special order. I think all of these issues have to be discussed.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman from Colorado (Mr. UDALL) joining us, and I yield 2 minutes to the gentleman from Colorado (Mr. UDALL), who has been active in these issues since long before he came to this Chamber.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding.

Mr. Speaker, I wanted to associate myself with the comments of my colleagues and in particular acknowledge the articulate and eloquent comments from the gentleman from Massachusetts (Mr. MARKEY) about the Arctic National Wildlife Refuge. As I think he pointed out, the geologists tell us we have probably something along the order of 6 months' supply in this area, and to me it would be a big mistake for that short-term supply of oil to trample an area that was described in such fashion. It is a trade-off that is not really acceptable, I think.

What is acceptable? Well, if we look at what Vice President Gore has been talking about, what is acceptable is to throw ourselves into all of these opportunities that we have to develop different types of energy production methods that are really exciting technologies out there. One hundred years ago, when petroleum was discovered, there were only two or three obvious uses for it. What did we do as a country? What did we do as a society? We said let us invest in research and development.

The Federal Government stepped in, and now we have almost countless uses for petroleum. In fact, some historians, I think, will tell us that we wasted it in our automobiles in the latter half of the 20th century.

We have very promising technologies in solar, as demonstrated by phototechnologies. We have wind technologies where the price of kilowatts is coming down dramatically. Biogas. We ought to be throwing all of those kinds of technologies into the mix at this time. I think we are going to see some enormously exciting things happen.

It is a false choice: it is going to hurt our economy, or it is going to hurt our environment. It is truly a false choice and the Vice President is saying, look, we have incredible opportunities in the developing world to take these technologies to places like China and Indonesia and India, and in the process do right by our economy, do right by the economic development opportunities. So the Vice President looking ahead, oil is going to be a thing of the past; the geologists tell us that those supplies are limited, that in the next 100 years oil as we know it will not be available to us. Let us look ahead, follow the leadership and the vision of the Vice President.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentleman has expired.

Mr. BLUMENAUER. I am sorry, Mr. Speaker?

The SPEAKER pro tempore. All time has expired.

Mr. BLUMENAUER. Mr. Speaker, I had yielded the gentleman 2 of 3 of my minutes.

The SPEAKER pro tempore. Apparently he used more than the 2 minutes. I am sorry if there is a misunderstanding, but the hour is up.

Mr. BLUMENAUER. Mr. Speaker, I would ask unanimous consent for 30 seconds.

The SPEAKER pro tempore. I would advise the gentleman that a unanimous consent is not acceptable under a special order for additional time.

TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentleman from California (Mr. SHERMAN). I am sorry, but I thought the Chair would notify me when the time had expired. I apologize.

Mr. Speaker, the Vice President has sometimes been accused of being sort of robotic and wooden. In fact, he has joked about it himself. But there is one thing that that man is passionate about. It is the environment. When I look at the dismal record in the State of Texas with the air quality deteriorating, I look for the passion and the commitment from the governor of that State, but I do not see it. I think there is a huge difference between the two, and I hope that the American public will have the opportunity in the remaining 3½ weeks to focus on this.

Mr. SHERMAN. Mr. Speaker, I would like to address yesterday's debate and focus on taxation. Why such a dry topic as taxation? After all, one of the candidates seems like a much nicer, more likeable guy. Why do we not just make him President by acclamation? Well, it seems that running the Federal Government is a little bit more complicated than just being a nice and congenial individual.

First, let us talk about the cause for our prosperity. We have the longest expansion in this country's history. It has lasted so long some people take it for granted, but we should not because it arises from the combination of two very important causes; one of which is the ingenuity, the hard work and the inventiveness of the American people working in the private sector. But let us remember, Americans worked hard in the early 1980s, the late 1980s, and the early 1990s; but not until the mid-1990s did our prosperity begin to bear fruit.

Why is that? Because only then was it combined with the other essential element: Federal fiscal responsibility. Responsibility at the Federal level is something this administration achieved when most of us thought it was impossible, and in doing so they have given us lower interest rates, available capital for the private sector, and a lower inflation rate.

The governor of Texas would have us put this all at risk for $1.5 trillion of tax cuts, nearly half of which goes to the richest 1 percent of Americans; plus another $1 trillion in unstated costs as the cost of shifting from our present Social Security system to this new Social Security system he promises with individual accounts funded by a trillion dollars that no one mentions.

Let us talk about taxes. There are basically three taxes that support the Federal Government: the estate tax, which falls chiefly on the richest 1.5 percent of Americans; the income tax which is paid by everyone except the poor; and the FICA tax, the payroll tax that is borne by the poor and the middle class and has only a tiny effect on the rich.

The governor said last night, I believe everyone who pays taxes ought to get relief; but what he did not mention was that there are over 15 million Americans who pay that FICA tax, that payroll tax, and do not pay an income tax and do not get a penny of relief under his program. There are, in fact, 30 million Americans who pay a FICA tax with no net income tax liability, and over half of them, 15 million Americans, pay a net FICA tax even adjusted for the earned income tax credit which they receive; 15 million Americans that the governor from Texas cannot see apparently because they are poor. They are the janitors; they are the men and women who pick up at restaurants; they are people working hard every day to support families on incomes of $10,000 or $15,000 and they do not get a penny. But 43 percent of George Bush's tax benefits go to the top 1 percent of Americans; and that is more than he spends on health, Medicare, education and the military.

Last night, Governor Bush told us that only $223 billion goes to the richest 1 percent. He is right, if we only look at the income tax. But if we look at the estate tax, we see another $500 billion going to the wealthiest 1 to 1½ percent of Americans. So we look at the estate tax and the income tax combined and we see roughly $700 billion going to the wealthiest Americans.

But Mr. Bush cannot see half a trillion dollars in tax reduction, cannot notice it and denies that it exists because, after all, it is estate tax relief for the very wealthiest Americans. He cannot see 15 million poor Americans. He cannot see half a trillion dollars going to the wealthy. I think we could only describe this as fuzzy fiscal facts; and we need instead, as our President, someone who will provide tax relief to working Americans and preserve our fiscal responsibility.

TRIBUTE TO CONGRESSMAN TOM BLILEY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Missouri (Mr. BLUNT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUNT. Mr. Speaker, before I get on with the business at hand, I would like to make some comments about the hour or so that we have just heard of facts that just simply do not bear up under the reality of what has happened in Texas in the last few years.

Since 1995, Texas has led the country in reducing the release of disposal of toxic pollution and has led it by 43 million pounds of reduction.

Since 1994, industrial air emissions in Texas have fallen by 11 percent. The EPA says that that is the fact. Under legislation signed by Governor Bush, Texas became the third State in the Nation to require pollution reductions and permits from grandfathered utilities, utilities that would not have had to meet these new standards. Governor Bush said they would have to meet these new standards. Under that plan, they will reduce nitrogen oxide pollution by 50 percent and sulfur dioxide emissions by 25 percent by 2003. Governor Bush has been praised for his leadership in requiring air pollution reductions from these utilities, and the record is clear on that.

The Wall Street Journal in September of this year said that no one in the Clinton administration has been willing to face this issue separately.

I think what we see happening on the floor is a willingness to distort the facts. We see a willingness to talk about an America that Americans would not want to see happen in our country in terms of the kinds of solutions that have been proposed, but even those solutions, the gentleman from California talking to the gentleman from Oregon a minute ago, talking about electric cars, said that all this could be done today. Well, if it could have been done today, why has it not been done for the last 8 years? That was maybe the greatest condemnation of the point they were trying to make that was made on the floor today, but that is not the purpose of our order here tonight.

The purpose of the order tonight is to talk about the 5 decades of service of the chairman of the Committee on Commerce, the oldest committee in the House, a committee that has such jurisdiction that approximately half of all the legislation that comes to the

House comes through the Committee on Commerce, a committee for the last 6 years that has been chaired by the gentleman from Virginia (TOM BLILEY).

□ 1845

The gentleman from Virginia (Mr. BLILEY) began his political career, as others will talk about in a few minutes, when he was elected to the city council in Richmond, Virginia. He served as vice mayor, he served as mayor, and then in 1980, 20 years ago, he was elected to the Congress. He was elected in 1980.

He had steered Richmond through some of its greatest challenges as the schools were desegregated, despite the unpopularity of the measures that were taken at the time. The gentleman from Virginia (Mr. BLILEY) as the mayor said that ''This job will be done,'' and stepped forward and carried the load of seeing that that happened in his city.

As chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) led the drive to enact mammography quality standards, assuring the safety, accuracy, and overall quality of mammogram services for women.

As chairman, he led the passage of the 1996 Telecommunications Act, which has unleashed many of the innovative forces and gains in efficiency that are driving our economy forward today. He spearheaded enactment of securities litigation reform, and a host of other reforms that my colleagues will talk about.

They will also talk about their pride in being able to serve with him, a person who served 3 years in the Navy and left the Navy as a lieutenant; a person who the National Journal in a front page feature called ''Mr. Smooth'' because of the way he gets his job done.

We will talk about his family: his wonderful wife, Mary Virginia, his two children, his grandchildren; about his commitment in his whole political career to always be sure that Sunday was reserved for family, a commitment that my wife has pointed out to me is something that I should emulate, and the absolute dedication of the gentleman from Virginia (Mr. BLILEY) to preserving that time for church and family.

He has done a great job. He has made many friends. His leadership will be missed on our committee. I do not know how his teammate on the tennis court will deal with that, or whether they have made plans about their continued competition. But I am glad to yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

Before I talk about the gentleman from Virginia (Mr. BLILEY), I want to commend the gentleman from Missouri (Mr. BLUNT) for his comments regarding the previous hour. Much of that rhetoric was reckless, and it was obviously designed to trash George Bush of Texas, and I thank the gentleman for responding to that.

Mr. Speaker, I met the gentleman from Virginia (Mr. BLILEY) primarily through tennis. Mr. Speaker, as we know, many Members of Congress or most Members of Congress who are involved in recreation do so in golf. Hunting and fishing would come next. My friend, the gentleman from Massachusetts (Mr. MARKEY), is a good basketball player in his own right.

I see my friends, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. UPTON), and we enjoy tennis. I met the gentleman from Virginia (Mr. BLILEY) on the tennis court. What struck me initially was his James River-Virginia dialect. My staffers will say to me when I leave work in the evening, ''Take Cah,'' meaning to take care. That is the way the gentleman from Virginia says it. They emulate him almost precisely accurately.

As Members may know, before he came to the Congress, the gentleman from Virginia (Mr. BLILEY) was an embalmer, a funeral home operator. When I first came to the Congress, my mayor back home is an embalmer, a funeral home operator, and the gentleman from Virginia knew him as mayor.

He came to me one day and in his James River dialect, he says, ''How do you get along with your mayuh?'' I said, ''I get along fine with my mayor.'' He said, ''Well, if you have any trouble with him, I will talk to him mayor to mayor, gravedigger to gravedigger.''

I did not have to call him in because my mayor and I did get along very well.

I would be remiss if I did not mention the turf battles that go on up here between the prestigious Committee on Commerce members here who have flanked me on either end here and the Committee on the Judiciary here on which I served. We have had turf battles when the gentleman from Michigan (Mr. DINGELL) was chairman, and when the Republicans became the majority party in 1994, I said, ''Finally we will get rid of these turf battles.''

Mr. Speaker, it must be the water they drink over there in the Committee on Commerce, because the turf battles would continue. Someone said to me, how I would respond to the turf battles. I said, ''Have the Committee on Commerce people keep their grubby paws off the Committee on the Judiciary issues and it will be resolved.'' But we will hear more about that later.

Mr. Speaker, finally, in closing, I want to say that the gentleman from Virginia (Mr. BLILEY), and the gentleman from Missouri has already said it very accurately, the gentleman from Virginia (Mr. BLILEY), a former Democrat converted to Republican; the gentleman from Virginia, mayor; the gentleman from Virginia, Congressman; the gentleman from Virginia, Mr. Chairman, and has served very well, following the gentleman from Michigan (Mr. DINGELL), who also served as a very able chairman; the gentleman from Virginia (Mr. BLILEY), tennis player; the gentleman from Virginia (Mr. BLILEY), a sailor, and in fact, maybe sailor par excellence. I am told his sailing skills have been refined to almost a sophisticated element now.

My staffers refer to him as the distinguished Virginia gentleman. I say to him tonight, to the distinguished Virginia gentleman, we will miss him here. Best wishes to him and Mary Virginia, the two children, and the grandchildren.

I want to commend my friend, the gentleman from Missouri (Mr. BLUNT) for having taken out this special order in honor of his chairman and our friend, the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, I am certainly grateful to be joined by the gentleman from North Carolina (Mr. COBLE).

In spite of his totally erroneous perception of what happens in our conflict between the two committees, we all know who is truly at fault. The gentleman is outnumbered here today in a significant way, Mr. Chairman. He is a great friend of our chairman and he appreciates us.

Mr. COBURN. Mr. Speaker, if the gentleman will continue to yield, I see the gentleman from Louisiana (Mr. TAUZIN) has already gotten into the gentleman's head, when the gentleman from Missouri calls my charges erroneous.

Mr. BLUNT. Mr. Speaker, in spite of the great accent that the gentleman from North Carolina (Mr. COBLE) after all those years on the tennis court has managed to be able to emulate from our great chairman, the gentleman from Virginia, I saw a video the other night. I do not know that I ever saw a more accurate performance of the chairman than that of the great member of our committee, the gentleman from Massachusetts (Mr. MARKEY). It was an odd combination of a Bostonian reserve and southern charm when he had that bow tie on and was talking about our chairman.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I over the last 20 years have come to know the gentleman from Virginia (Mr. BLILEY) very well. Yes, we do share several things in common. He is Irish Catholic, as am I. Mary Virginia, his wife, is Irish Catholic. What are the odds of two Irish Catholics being in Richmond? I think it is pretty slight.

So his good fortune on this planet has obviously been marked by that

greatest of all achievements in his life, his marriage to Mary Virginia, and the family which they created.

I know that he in his public life is animated by the values that his mother and father instilled in him. I know that he tries every day in our committee to ensure that those principles are in fact fulfilled. I know that those values are animated by the Jesuit education which he was able to obtain at Georgetown University, the same Jesuit education which I have.

As we know, the Jesuits can educate in a way in which liberal Democrats and conservative Republicans can both be proud. That is the greatness of the Jesuit tradition. I appreciate that.

If there were two incidents that come to mind when I think of the gentleman from Virginia (Mr. BLILEY), they are these.

When Richmond was under a desegregation order in the 1970s, it would be almost impossible to find a more difficult situation in a more difficult State to effectuate the desegregation of a school system.

If I was going to pick one person who could preside over the delicate job of implementing a desegregation order in a southern city, I would pick the gentleman from Virginia (Mr. BLILEY), because I am sure that then, as we all know now, he is the one person who, with fairness and honesty, can deal with all sides in a deliberation. We know that the Richmond story turned out to be a success, a model.

In my own career, I think that while less sensitive, from the perspective of the 1990s in this Congress, when history looks back, they will say that the most important piece of legislation which passed was the 1996 Telecommunications Act. It was not just one piece of legislation, it was 20 pieces of legislation in one. It dealt with every aspect of telecommunications, computer, Internet, satellite, cable, in our country. It rewrote all the laws.

The gentleman from Virginia (Mr. BLILEY) presided over that in the Committee on Commerce on this House floor and in the conference committee with the Senate. The bill is not perfect, we all know that. Nothing is. But a lot of times when people are doing comparisons, they let the perfect be the enemy of the very good. This is a very good bill.

By the year 2000, we have something which stands in testament to the success of that bill. We call it today the NASDAQ. The NASDAQ is nothing more now than the compilation of all the companies that have been the product of that 1996 Telecommunications Act, and the gentleman from Virginia (Mr. BLILEY) stand at the front of the line of those who deserve the credit for that becoming a new blueprint for our country.

The rest of the world has not caught up. It is difficult to change laws in a way that creates a competitive climate that allows for any entrepreneur or any company to believe that if they can raise the money and they have a good idea, that they can successfully compete in a modern telecommunications environment.

That is why we right now are number one looking over our shoulder at number two, three, and four in the world in all of these areas. It is not that we are number one necessarily in every area, but in totality we clearly are the world leader.

The gentleman from Virginia (Mr. BLILEY) was the principal author of that piece of legislation. I stand in admiration for his great contribution to the only on that issue. I mention it because it stands first among all, but it does not mean that there were not dozens of others that we could go down the litany and talk about here this evening.

It is only to serve as an example of the type of historic leadership which he has given in his hometown and here in Washington throughout his lifetime, and again, as I say, always animated by the values of his parents, his wife, Mary Virginia, and the Jesuits.

As he leaves, this place, having been enriched by his presence, will be able to I think congratulate him on a successful career of historic proportions, and know that we will not see his like again.

I thank the gentleman for holding this special order.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for taking the time to come tonight. I also mention that we have a number of members of our committee and Members of Congress, Members from Virginia, who have left for the RECORD the comments they want to insert in the RECORD tonight from both sides of the aisle, and certainly I am grateful for the gentleman from Massachusetts (Mr. MARKEY) taking his time to be here.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Commerce.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Missouri for reserving this special order.

I rise to pay special tribute to my friend and colleague and leader of our committee, the gentleman from Virginia (Mr. BLILEY), our chairman.

There is not a finer committee in the Congress than the Committee on Commerce. I wish my colleague, the gentleman from North Carolina (Mr. COBLE), was still here for me to rib him, because he knows in fact that it is the best committee in the Congress for a lot of reasons: the jurisdiction, whether it be health care, trade, commerce, telecommunications, you name it, it comes under the authority of our committee.

If we look at the legislation that passes through here in the House on a weekly basis, really about one-third to 40 percent of the major bills that pass through this Congress originate in the Committee on Commerce.

It is a terrific committee to serve on. We have wonderful Members. We have terrific staff, hard-working. We have had a wonderful leader in the gentleman from Virginia (Mr. BLILEY) the last 6 years.

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Mr. Speaker, I was fortunate when I was first placed on the Committee on Commerce to serve under then ranking member of the Subcommittee on Oversight and Investigations, the gentleman from Virginia (Mr. BLILEY). He was always fair, and he has always been fair, certainly in his 6 years as he led this committee in so many ways that will impact all of America for many years to come.

The gentleman from Virginia (Mr. BLILEY) is a straight shooter. Yes, we knew when we were in his doghouse, but there was always a way to get out. He wanted an answer, he usually had the votes, and if you were straight up with him, your reputation stayed honest and strong, and he was able and willing to help you on a whole host of issues as legislation moved through the Congress.

I am only sorry tonight that the hour is late. We are all trying to get home, back to our districts. Congress will not be in session tomorrow. I have had the wonderful opportunity of serving with him also on the tennis court, opponent, as well as partner. He plays on the court just as hard as he plays in committee. This Congress would be far better off to have more gentlemen like the gentleman from Virginia (Mr. BLILEY).

There is not a day that he has not been able to go home or he has not been able to have his head high in the issues that he helped lead knowing he has done the right thing. His impact will be felt not only on this body, but across the country for generations to come.

Mr. Speaker, I thank the gentleman from Missouri (Mr. BLUNT) for reserving this special hour for a really very special guy, a real gentleman in every respect of the word. I thank the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for all he has done for us taking the time and also for the great leadership he has shown on the Subcommittee on Oversight and Investigations and congratulate him on the legislation that was passed this week to deal with a significant problem of public safety that we have seen develop over the issues of tires and automobile safety in the last few months. I appreciate the gentleman's great leadership on this, bringing this bill to the floor

and having it overwhelmingly adopted here on the floor.

Mr. Speaker, I yield now to the gentleman from Louisiana (Mr. TAUZIN), my good friend, the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, a person who is knowledgeable in the intricacies of the many things we deal with in the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, I thank my friend, the gentleman from Missouri (Mr. BLUNT), for yielding to me. Let me thank the gentleman for leading us in this special order.

Before I begin my contribution to it, I wanted to thank the gentleman also for taking a few minutes to respond to the hour that preceded it, because America was treated with some incredible, I think, manipulations of the truth. The truth of the matter is that in the States of Texas and Louisiana, men and women are working every day, not only to produce the energy that America needs, but to process it in the plants that are required to refine it, make fuel oil for the homes of the Northeast, for Massachusetts and for Michigan and for other States across the colder regions of our country, to make the gasoline that powers our cars and the diesel that powers the trucks that deliver the products across this country even in this dot-com age, and to make the jet fuel that powers the jets, not only across our country but around the world.

It is States like Texas and Louisiana that are making the contributions. I am not sure Americans are aware of it, but the last refinery in America was built in my home district in Louisiana 20 years ago. We have not had a refinery built since then. In fact, 36 refineries closed during that period, and America is dependent not only on oil and gas more and more from places that are very unstable like the Middle East, but more and more on refined products produced in other countries.

When the price goes up in the Northeast and the Members who appeared on this floor complain about Texas and Governor Bush and our policy on promoting independence in production and supplies for this country, I hope they remember that the prices are not set in Texas any more. They are being set somewhere in the Middle East and somewhere in councils that we do not control.

Then when short supplies arrive in the wintertime, it could well be that we have had an anti-energy policy in this country for the last years of this administration that has not, in fact, licensed a new refinery for America, and that has shut down areas to production and development.

It ought to be opened up, if we are going to be an independent and free and stable economy and if our people are going to be warm in the winter and if our cars are going to be powered and our jet planes are going to continue to fly. There is another story. I hope one day we get to tell it all about why this administration has put this country into such jeopardy now as we face another energy crisis; 58 percent dependent on foreigners to supply us with the fuel we need.

And when the Strategic Petroleum Reserve was started in 1975, we were a mere 36 percent dependent. Think how much more vulnerable we are today with fewer refineries and more foreign oil dependence. That has been the story of this administration and why I hope the next administration under George Bush will change it.

But I came tonight to honor the gentleman from Virginia (Mr. BLILEY). I came tonight to join my colleagues on the Committee on Commerce, and the gentleman from North Carolina (Mr. COBLE), my friend from the Committee on the Judiciary, to remind this House what a contribution the gentleman from Virginia (Mr. BLILEY) has made to this institution and what an incredible personal contribution he has made to this body in the person, the man that he is.

The gentleman from Virginia (Chairman BLILEY), as my colleagues know, has chaired what I consider to be the most important committee in this Congress, the Committee on Commerce, formerly the Committee on Energy and Commerce, and hopefully Committee on Energy and Commerce again next year is the oldest committee of this House. As my colleagues know commerce and interstate commerce was one of the first assignments given to the national government when this country was started, and the Committee on Commerce represents jurisdiction over the commerce of the country, and that includes an incredible array of items, including telecommunications, indeed, and transportation and environmental issues and health care issues, and issues dealing with such complex combinations as to how to make sure our health care system stays solvent and how to make sure Medicaid is available to the poor and needy of our society, how to make sure that prescription drugs hopefully will be available to our seniors.

It is an incredible mix of jurisdictions as we debate matters as complicated as this awful tire recall. And I want to commend the gentleman from Missouri (Mr. UPTON), my friend who just appeared, for his incredible work in finding out what went wrong over these years with that horrible mess in auto safety and how expeditiously our committee produced a bill for this floor to consider and for the Senate to consider, and it is now on the way to the President for his signature.

Mr. Speaker, I think that effort alone tells a story about the gentleman from Virginia (Mr. BLILEY). The gentleman from Virginia (Mr. BLILEY) chairs this incredible important committee, and he literally is the leader under whom we have worked for these past years to develop, not only hearings like we produced on the Firestone tire recall, but the legislation that followed it.

I do not know if my colleagues remember, but there was another recall in 1978 with Firestone 500 tires. Following that, there were hearings; but there was no legislation. This year, in 3 short weeks, the Congress and under the leadership of the gentleman from Virginia (Mr. BLILEY) and the Committee on Commerce produced the most significant reform of tire and auto safety in 30 years.

And that has been the history of his leadership: telecommunications reform, the first rewrite of the Telecommunications Act since 1934; financial securities modernization, the first real modernization of our Securities Act in years and decades; the Food and Drug Modernization Act, to make sure that Americans have safe and quality drugs and pharmaceuticals in our country.

The work he has done in safe drinking water to make sure that Americans have good safe water to drink. The last hearing he chaired today was on safe water, not only here in America, but the global concerns of safe water and the pollution of global water supplies that are critical as nations and ethnic groups are fighting now around the world over water supplies, and people are dying because of the lack of good potable water and clean and healthy sanitary conditions.

The gentleman from Virginia (Mr. BLILEY) has led those efforts for the last 6 years, and he has produced remarkable legislation from our committee that has literally broken up the monopolies in this country in telecommunications and transportation. He has been a huge, literally a ''trustbuster'' in this Nation. He has done more to back off unnecessary Federal regulations in many areas of our economy and to open it up to consumer choice and competition. That has been the history of his tenure as chairman of our Committee on Commerce.

I want to tell my colleagues something about him personally that my colleagues may not know. He spent his 20 years here in Congress also dedicated to women and children's issues. The gentleman from Virginia (Mr. BLILEY) has been a leader in adoptive services and making sure that adoption was a real and viable option for children in America, and to make sure not only here in this country but around the world that adoption was available to kids and to parents who wanted to love them.

He has been a stalwart defender of adoptive services all of these years and a promoter of that as a means of protecting and preserving young life in

America and around the world. And he has been a real champion for mammography services to make sure, in fact, that mammograms were available to poor people, and that women could, in fact, get the benefits of health care and early warnings of breast cancer and other diseases. He has been a champion of women health issues. I am not sure if Members really know of his extraordinary service in this area.

Lest we forget, for 20 years he has served on NATO's parliamentary assembly, the assembly of NATO countries, the parliamentarians who try to keep the strength and the unity and the bonds that have held NATO together and been important not only in winning but preserving world peace. The gentleman from Virginia (Mr. BLILEY) now serves as president of that body and will serve through the month of November until his retirement from the Congress. But he leaves us as we end this session to go back to Richmond, Virginia, a place where his career started, where he began serving the people of America on the city council and later on as mayor.

The gentleman from Massachusetts (Mr. MARKEY) talked about his incredible service to our Nation and to Richmond during those awful days when our Nation was coming to grips with the horror and the history of segregation and bigotry in our country. He came to grips with it and dealt with it in a humane and positive and effective way that was a model for other country communities across America. I hope we remember him and his service for that great effort.

Finally, I want to talk about the gentleman from Virginia (Mr. BLILEY) the man, the father, the grandfather, the husband, the man who has always been the gentle man from Virginia.

We get into some awful fights around here. We get into some bitter arguments sometime, and we forget to remind ourselves that all of us come here representing people back home, and all of us come here with a mandate to speak for those people back home. We sometimes forget our own humanity. We forget to remember to treat each other as human beings and as gentlemen and ladies in this body; and incivility sometimes reigns, but it never reigns under the leadership of the gentleman from Virginia (Mr. BLILEY) on the Committee on Commerce.

The gentleman reminded us all to be gentlemen and ladies. He reminded us all to differ and to argue and disagree but to do so agreeably, and to remember we all have indeed a special honor to be in this body representing this great Nation, and that honor means that we ought to respect one another as much as we respect this institution.

The gentleman from Virginia (Mr. BLILEY) was truly a man of the House, a man this Nation can be proud of, a man our Committee on Commerce is certainly proud of and a leader and a chairman we are going to miss a great deal. The gentleman from Virginia (Mr. BLILEY), on behalf of all the Members of the Committee on Commerce we miss you, bon voyage, happy sailing, great tennis games. And remember the gentleman from North Carolina (Mr. COBLE) still can be beat. There is a way to do it. Come around and we will have some great games together and some great times.

To the gentleman and your family, we want to wish the gentleman the best in retirement and the best that our Nation has to offer, a true servant of the American people, the gentleman from Virginia (Chairman BLILEY).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for joining this special order and all he does to make our committee work, the way it works under the leadership of the gentleman from Virginia (Mr. BLILEY). Mr. Speaker, three Virginians decided to leave the Congress this year, the gentleman from Virginia (Mr. BLILEY), his good friend, the gentleman from Virginia (Mr. Bateman), who last month we stood here on the floor in memorial remarks about the gentleman, we remembered his life and his great service, and the gentleman from Virginia (Mr. PICKETT), who left a statement today, planned to be here today, but because of what appears to be the cowardly attack on our ship, the U.S.S. *Cole*, went back to his district, where that ship is based, to be with the families of the sailors who were on that destroyer as it was attacked in a terrorist manner today.

And my colleagues know, the gentleman from Virginia (Mr. BLILEY), the gentleman from Virginia (Mr. Bateman), and the gentleman from Virginia (Mr. PICKETT) all have served with the NATO parliament. And as the gentleman from Louisiana (Mr. TAUZIN) just mentioned, a group that the gentleman from Virginia (Mr. BLILEY) was chosen to be the president of this year, the president of the parliament organization of all of the NATO countries, maybe that in and of itself should suggest the esteem that the gentleman from Virginia (Mr. BLILEY) has held not only here on the floor of the Congress, not only here in the halls of the Congress, not only here in the Nation's capital, but in the capitals of our allies, in Europe, as he is now leading that organization, and will continue to lead it until the November meeting of parliamentarians from the NATO countries, and has brought honor to the United States in the way that he has led that group of parliamentarians.

Here are just a few of the accomplishments during the watch of the gentleman from Virginia (Mr. BLILEY) while on the Committee on Commerce, if I can mention them: the telecommunications reform, financial services modernization, FDA reform, modernizing securities law, securities litigation reform, the Safe Drinking Water Act, Internet tax freedom, Satellite Home Viewer Improvement Act, the Child On-line Protection Act, Digital Millennium Copyright Act, Improving the Food Quality Act, the Open Market Reorganization for the Betterment of International Telecommunications Act, also known as ORBIT, the Balanced Budget Act, Medicare part B and Medicaid and Kids Care were refined and improved through the work of the Committee on Commerce, the necessary improvements on our efforts to balance the budget and the effects that it had on Medicare.

□ 1915

Legislation that, maybe, made a difference for availability of mammography. Biomaterials Access Assurance Act, the Health Insurance Act, the Health Insurance Portability Act, the Assistive Suicide Restriction Act, the Nursing Home Resident Protection Amendments, the Year 2000 Readiness and Responsibility Act, the list goes on, the Wireless Communication and Public Safety Act, the Wireless Privacy Enhancement Act, the Chemical Safety Information Act, the Clean Air Act and its amendments, the Animal Drug Availability Act, the Electronic Signature Act.

The breadth of what the Committee on Commerce deals with as well as the accomplishments in these many areas I think create a sense of just how big a job the job of the chairman of the Committee on Commerce is, and the accomplishments suggest how well that job has been done.

Another area I want to mention as we draw to conclusion here is the chairman's efforts on behalf of adoption. The Blileys' children, Tom and Mary Virginia's children were adopted. He is a leader on adoption issues in the House of Representatives. He testifies before other committees. He testified just this year before the Committee on Ways and Means and in favor of adoption legislation.

The gentleman from Virginia (Mr. BLILEY) said ''I have been blessed'', and when he gave his testimony, ''I have been blessed by my experiences with adoption. So now I am doing what I can to help thousands of innocent children find a mom and a dad.'' He added that mom and dad are the greatest titles in the world.

He led efforts to increase adoption counseling and to make the adoption tax credit permanent, and increased the cap for that tax credit from $5,000 to $10,000.

The gentleman from Virginia (Mr. BLILEY) is a man who has cared about the issues we deal with. He has cared about the jurisdiction of his committee, the efforts that that committee needed to make to see that the United States was at the forefront in commerce, the efforts that we need to see

that Medicare works properly, the efforts that we need to make to see that we have safety in transportation and in commerce, that we have security over the Internet and in the changes in telecommunications.

The gentleman from Virginia (Chairman BLILEY) has done a tremendous job, a job that people in this Congress will remember and talk about for a long time. While people all over America may not talk about the legislation that has been passed for a long time, they will benefit from the legislation that has been passed and the leadership that has been shown for years to come, for decades to come, as we enter this new century, a century with limitless opportunity and a century that really defies the old definition of what was possible.

The Committee on Commerce under the gentleman from Virginia (Mr. BLILEY) has been at the forefront of making it possible for us to be the incredibly competitive society that we are in America today.

Mr. Speaker, it would be easy to overlook many of the accomplishments in this life and career. I am glad we had a chance to share some of those tonight. Others will be shared in the official RECORD of the proceedings today. But I am glad that we were able to be here, Members of the Committee on Commerce, the gentleman from North Carolina (Chairman COBLE), and others who have submitted their remarks from many committees and from both parties, both parties here on the floor tonight, remembering the great work, the great leadership of the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, It would be easy to overlook many of the accomplishments of his life and career—I'd like to share some of the highlights of a lifetime of accomplishment. TOM BLILEY represents the Seventh Congressional District of the Commonwealth of Virginia in the United States House of Representatives. The Seventh District includes the western part of the City of Richmond as well as sections of Albemarle, Chesterfield, and Henrico Counties; it includes all of Culpeper, Goochland, Greene, Hanover, Louisa, Madison, Orange, and Powhatan Counties.

TOM BLILEY began his political career in 1968 when he was first elected to the City Council of Richmond, Virginia. He served as Vice-Mayor from 1968 to 1970, and then as Mayor from 1970 to 1977. He was first elected to Congress in 1980 and has been elected to each succeeding Congress. As a former President of Joseph W. Bliley Funeral Homes, he gained important business experience that has shaped his attitude towards problems facing small business owners.

In Washington, Mr. BLILEY is serving his third term as Chairman of the House Committee on Commerce, the oldest committee in the House. As Chairman, he is an ex officio member of the five Commerce Committee subcommittees: Telecommunications, Trade, and Consumer Protection; Finance and Hazardous Materials; Health and Environment; Energy and Power; and Oversight and Investigation.

As Mr. BLILEY plans the committee agenda and schedule hearings and legislation for the 106th Congress, he follows the same, time-tested principles that have made his committee one of the most constructive and successful in Congress: Promoting free and fair markets, standing up for consumer choice and common sense safeguards for our health and the environment, keeping an eye on the federal bureaucracy.

In the 105th Congress, Mr. BLILEY was instrumental in the enactment of the Food and Drug Administration and Modernization Act. New treatments will be available sooner for the seriously ill while expanding access to safe and effective drugs, devices, and food because of Mr. BLILEY's efforts. Electronic commerce is the newest, fastest growing form of interstate and foreign commerce. Mr. BLILEY was a leader in the enactment of a new law setting a three-year moratorium on certain taxes for Internet access or consumer purchases made via the Internet.

Mr. BLILEY also led the drive to enact the Mammography Quality Standards Act of 1998. This legislation will assure the safety, accuracy, and overall quality of mammography services for women. This bill will help save lives by ensuring for the first time that all patients are directly notified of their mammogram results in terms they can understand.

In the 104th Congress, Mr. BLILEY broke up bigger monopolies than President Theodore Roosevelt. He tore up more federal regulations over American businesses than President Reagan. Mr. BLILEY led passage of the Telecommunications Act and opened a trillion-dollar a year industry to fair, free, and open trade. He gave Americans peace-of-mind about the chemicals in the foods we eat, and about the purity of the water we drink when he successfully led bipartisan efforts to enact Food Safety and Safe Drinking Water legislation into law.

Mr. BLILEY also spearheaded enactment of Securities Litigation Reform, part of the "Contract with America." When President Clinton vetoed that measure, Mr. BLILEY led the House in the first—and only—successful veto override of the Clinton Presidency. Under Mr. BLILEY's leadership, the most comprehensive overhaul of the nation's securities laws in more than 60 years was achieved upon enactment of the Capital Markets legislation.

Since his first election to Congress, Mr. BLILEY has been recognized by many organizations for his work. He has served in various roles with the NATO Parliamentary Assembly—from November 1994–October 1998, he was Chairman of the Economic Committee, in November 1998, he became one of the four Vice Presidents; and, with the resignation of its President in May 2000, Mr. BLILEY became the Acting President and will serve in this capacity until November 2000. His commitment to balancing the federal budget has earned him the National Watchdog of the Treasury's "Golden Bulldog Award" every year since 1981. He has been named a "Guardian of Small Business" by the National Federation of Independent Business. The Louisville Courier Journal called him "the most powerful Virginian since Harry Byrd" and the National Journal, in a front page feature, called him "Mr. Smooth."

Mr. BLILEY has served on a number of boards and commissions including: National League of Cities; Children's Hospital; and, Metropolitan Richmond Chamber of Commerce. Mr. BLILEY is a member of the Richmond Rotary Club and he currently serves on the Virginia Biotechnology Research Park Authority. In 1996, Mr. BLILEY was named to the Board of Governors of the Virginia Home for Boys.

Born in Chesterfield County, Virginia, Mr. BLILEY is a lifelong resident of the Richmond area. He earned his B.A. in History from Georgetown University and immediately following served three years in the United States Navy rising to the rank of Lieutenant. He has recently received honorary doctorate degrees from Georgetown University, Virginia Commonwealth University, Christopher Newport College, Belmont Abbey College and University of Richmond. Mr. BLILEY received the Beta Gamma Sigma Leadership Award from the University of Richmond's Robins School of Business.

Mr. BLILEY is married to the former Mary Virginia Kelley and is the father of two, Thomas J. Bliley III and Mary Vaughan (Bliley) Davies. The Blileys have two granddaughters, Jenny and Kathy Davies and two grandsons, Thomas J. Bliley IV and Shawn Bliley.

Mr. PICKETT. Mr. Speaker, we come together today to honor my distinguished colleague and friend, Chairman TOM BLILEY. I have had the pleasure of working with TOM during my entire career in the U.S. House of Representatives. As dean of the Virginia delegation, I have come to know him as a gentleman and a tireless servant to the people of the seventh district of Virginia and the nation as a whole.

As Chairman of the House Committee on Commerce, TOM oversaw the passage of the landmark Telecommunications Act, which opened up the industry to free and open competition. During his tenure, he has striven to support common sense safety standards, to reduce the regulatory burden on our nation's small businesses, and to overhaul the nation's securities laws.

I have traveled with TOM many times over the years to attend NATO Parliamentary Assembly sessions. TOM has served a number of roles in the Assembly since 1994; currently, he is serving as the Acting President. His dedication to maintaining a strong trans-Atlantic relationship and strong support for the NATO alliance will leave its mark for years to come.

With his retirement, the Commonwealth of Virginia and the nation will lose one of its most dedicated and conscientious servants. As a fellow "rag boater," I want to wish TOM and his wife, Mary Virginia, the best for the years to come.

Mr. SISISKY. Mr. Speaker, what can I say about TOM BLILEY that has not already been said?

He has been an effective Member of Congress, looking out for our national interests as chairman of the House Commerce Committee.

He has effectively represented his constituents in Virginia's seventh district—as well as the rest of the commonwealth.

But he's been around longer than that—serving as mayor, vice-mayor, and as a member of the city council of Richmond.

Prior to that, TOM's business background and experience gave him special insight about the problems and challenges faced by small business.

Obviously, that background and experience is similar to mine.

But that is not the only thing that endears TOM BLILEY to me.

I can truly say, "I knew him when."

He has been a friend for so many years that I'm not sure I even like to think about how long it's been.

As I look back on all the things he's done, I realized I first knew him when he was mayor of Richmond.

That was 30 years ago. Then he was elected to Congress in 1980.

I was elected just a couple of years later.

And I can assure you: One of the most rewarding parts of this job has been serving and working with TOM.

We've worked on issues ranging from those that impacted Virginia to those that impacted NATO.

For a couple of young men from Richmond, I'd say we've come a long way.

But TOM's greatest strength, and I hope one I share, is he never forgot where he came from.

Serving the people at home was his strong point, equaled only by being such a great Virginia gentleman.

I am honored that he is my friend.

INVESTIGATION AND TREATMENT OF WEN HO LEE

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 60 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I take this time to express my deep concerns about the overall unfortunate circumstances that have revolved around Wen Ho Lee.

On March 6 of 1999, the New York Times reported that government investigators believed that China had accelerated its nuclear weapons program with the aid of stolen American secrets. This report, along with other reports that came subsequently, led to a frenzy of activity. In fact, 2 days after the March 6, 1999 New York Times report, Wen Ho Lee, who was identified, was then fired from the laboratory; and soon after that, he was charged with the various offenses.

In September of this year, September 26, 2000, the New York Times took the very exceptional opportunity to explain the backup of their reporting, going back to March 6, 1999. Although they really made no overt apologies for the conclusions that they drew in their March 6, 1999 article, it is interesting to note that they made various observations.

First, they said looking back, and I quote from this article of New York Times Tuesday September 26: "But looking back, we also found some things that we wish we had done differently in the course of the coverage to give Dr. Lee the full benefit of the doubt. In those months, we could have pushed harder to uncover weaknesses in the FBI case against Dr. Lee. Our coverage would have been strengthened had we moved faster to assess the scientific, technical and investigative assumptions that led the FBI and the Department of Energy to connect Dr. Lee to what is still widely acknowledged to have been a major security breach."

The Times neither imagined the security breach, as they go on to say, nor did they initiate the case against Dr. Wen Ho Lee. But, however, it was the March 6 article that set the tone for the coverage against this individual in the ensuing months.

The New York Times editorial of September 26, 2000 goes on to say, "The article, however, had flaws that are more apparent now that the weaknesses of the FBI case against Dr. Lee have surfaced. It did not pay enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player," and perhaps maybe even uninvolved.

"The Times should have moved more quickly", it said in this article, "to open a second line of reporting, particularly among scientists inside and outside the government."

This article is a very unique and interesting attempt on the part of the New York Times to respond to severe criticism that other journalists had leveled against the New York Times for its March 6, 1999 article.

But in any event, the ensuing events that evolved around Dr. Wen Ho Lee is what prompts me to come to the floor tonight to speak about this incident. It is very strange that, if there was such an egregious breach of national security presumably organized and conducted by Dr. Wen Ho Lee, that it took 9 months to obtain an indictment against him, during which time he was completely free.

At that time, 9 months later, they charged him with 59 separate felony offenses. Thirty-nine counts alleged that Dr. Lee violated the Atomic Energy Act because he mishandled material containing restricted data with the intent to injure the United States and with the intent to secure an advantage to a foreign Nation. Ten counts alleged that Dr. Lee unlawfully obtained defense information in violation of the law, ten counts of willfully retaining national defense information in violation of the law.

What safeguards did the government take to make sure that Dr. Wen Ho Lee did not flee or transfer the tapes to some individual during those 9 months? Nothing that I am aware of. He was certainly a security risk from the time that he was fired from the Los Alamos laboratory until he was finally charged on December 10, 1999.

Now suddenly we read in the newspapers in September of the year 2000 that 58 charges leveled against Dr. Wen Ho Lee were dropped under a plea bargain involving the plea of guilty on one count only and a pledge to cooperate with the government to disclose why he did it and how he disposed of the tapes that he has pled guilty to having taken. It is very strange.

The reason I take this floor to raise this issue is not to discuss the innocence or guilt of this man. He has already pleaded guilty. But the one thing that has concerned the Asian American community tremendously is the way that he was treated after he was finally charged with these various 59 crimes and incarcerated.

Suddenly, after he was picked up, he became a huge national security risk. Yet, for 9 months, he was allowed to come and go as a free citizen. Only upon his indictment in December of 1999 did he become a security risk.

In his plea for bail, release on bail and other things that came up at that hearing, it was pointed out by the prosecutors that he constituted a real risk and that he might transfer the tapes to unauthorized individuals. The whole matter lay in a situation in which, as one reporter said, that, short of the charges of espionage and naming him a spy, that he was incarcerated under arraignment under very, very serious conditions.

It is that level of concern that the Asian community has raised many, many questions. They have met with the Attorney General to discuss it and other officials that will listen to him.

My reason for rising here tonight is that we believe that there was a serious mistake made by the government in the way that they dealt with Dr. Wen Ho Lee. There is absolutely no justification that he was allowed to be a free person for 9 months if, in fact, the government had suspicion for at least 3 or 4 years that something was awry, that the tapes had been missing and he was under surveillance.

In fact, they had gone to the Justice Department asking for permission to look at his computer and to make determinations as to whether something was done that violated the security restrictions of the laboratory, and the Justice Department denied the request of the investigators.

Yet, here on December 10, he was denied bail. Out of that denial came this extraordinary disclosure through the family and through his lawyers and through others who became acquainted with the nature of his confinement, that he was kept in a cell, completely enclosed, maybe 4 feet by 16 feet in dimension. The entrance to his cell was not the regular bars, but it was a door with a little window. He was kept in

there virtually, except for meals, the complete time that he was incarcerated, from December 10 until he was released on September 20.

The other egregious thing, besides being kept in such solitary confinement for this length of time, because he constituted a serious security risk to this Nation, he was kept in chains whenever he was allowed to go out to exercise, which was only 1 hour a day. He was required to be in chains. His ankles were chained. His wrists were chained. His wrists were chained, They were connected to his waist chains. He was expected to go out into the open air and exercise under those circumstances.

It is an absolutely inexplicable situation that they had leveled upon him. Many of the people who have looked at this situation, and, indeed, those who testified over on the Senate side indicated that this was probably done to him in an effort to try to force him to disclose information that led him to make the tapes and to disclose where these tapes were in fact placed. So it was all a matter of trying to intimidate this individual prior to going to trial, prior to any particular finding of specific guilt.

Probably most of the Asians were reluctant to speak up, including myself, during this whole tragic event, because we did not quite know exactly the extent to which this individual was actually guilty of the 59 charges.

Then out of the clear blue, we find that a judge has, not only condemned the Justice Department and the Attorney General for the mishandling of his incarceration, but by a plea bargain with the Justice Department, he is totally exonerated of 58 of the charges, pleads guilty to one, and he is a free person, no longer a security threat to the United States, and they still do not know where the tapes are as far as I know.

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This is an incredible situation that we find ourselves in, with one person being put under such severe personal jeopardy before trial, before an absolute finding of guilt, and to know that in the end he was allowed to be a free person.

So the questions have to be raised, I think. And many of the people from the Asian community are asking these questions: Was his apprehension in the first place triggered because he was an Asian? Many people are suggesting that others at the Los Alamos laboratory committed even more serious violations with respect to secret, classified documents, and with respect to the procedures that had been in place as to how individuals were supposed to deal with security items; yet these people were not investigated, were not put through the same extent of inquiry as Dr. Lee was. So we are troubled with his selective prosecution.

Many people are alleging that this was a racial profiling situation, and they are raising all sorts of questions with respect to why Dr. Lee and not all the other individuals. We know about some very, very difficult cases that are involving high-ranking officials, with extremely important information, and who took classified information, put that on tapes, and are still, for all that I know, not under any particular arrest warrants or incarcerated or charged for their conduct.

So the people are very, very concerned. They want to know why his bail was denied. Was there really an intent here to pressure this particular person to come forward with information? Was there a deliberate intent to make his detention so severe that he would be forced to cooperate?

The reason why this case really came to its final conclusion, with Wen Ho Lee being released, was that the judge had been told at the final bail hearing that came up in August that the information that the FBI had presented to the judge back in December was not all true. As a matter of fact, it came out in the testimony to the judge in August that Wen Ho Lee had been told by the FBI agents that he had flunked the polygraph test when in fact he had passed it. This was another incident of the government's deliberate attempt to try to force a confession from someone who was constantly saying that he had not breached the national security of the United States. What he had done was probably wrong and contrary to the rules, but certainly not anything that constituted a breach of national security.

Nowhere in the investigation was the FBI able to show in any context whatsoever that he had passed any information on to fellow scientists or to foreign scientists, or that in his travels to China he had breached the security requirements of his occupation. They charged him for failure to report contacts that he had made in his trips, which were all authorized trips that he made to China. He was accused of not having filed reports; yet in the August hearing, before the judge, it came out that he had indeed filed the reports and that all of those arguments that had been made in December were simply not true.

The judge had gone along in December with this harsh treatment of solitary confinement because he believed that there was here a defendant who was deliberately trying to obfuscate his actions, had failed to file the necessary reports that he was required to file as an employee of Los Alamos laboratory. And when all of this exploded in the face of the truth at the August hearing, even the judge made the statement in his final recommendation for release of Dr. Lee that he was astounded that this sort of situation could be tolerated, and he was absolutely shocked at what had happened to this individual. So he ordered the release.

The release was appealed by the government. The other courts simply dismissed the appeal and shortly thereafter Dr. Lee was released a free man. The only requirement is that he not leave the country for a year, I believe, and that he cooperate in a debriefing type of contact with the Justice Department in an effort to try to find out where the tapes are located and what has happened to them.

So we have to look back on this situation and say, okay, the FBI agents erred in their anxiety to find this person guilty of egregious violations against the government and to show that this individual was a deliberate liar and trying to withhold information from the government. But what happens to the FBI agents who perpetrated this misstatement to the courts? I hate to say that these were specific deliberate lies. They claimed that they were simply mistakes. But what happens to these agents that misled the court and caused this grievous harm against this individual insofar as how he was treated? He was shackled as an animal. Even when he was allowed to go to see his lawyers, he was still shackled. It is an incredible, unbelievable story of inhumane treatment of an individual under these circumstances.

Mr. Speaker, I have letters that have been sent to the U.S. Attorney in New Mexico, Norman C. Bay, making an inquiry about the conditions of his confinement and the responses that were received. Many, many individuals wrote to the Justice Department: the American Association for the Advancement of Science sent a letter; the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee; the Human Rights Committee of Scientists; the Episcopal Church of the United States wrote in protest of his harsh treatment; the National Academy of Sciences; the National Academy of Engineering and the Institute of Medicine sent a joint letter on June 26 to the Attorney General protesting the severity of his confinement; and the Amnesty International on August 16 also sent a letter. On August 31, the National Academies protested that in all the letters they had written, they had failed to get any responses from the Justice Department.

Mr. Speaker, I will be submitting the letters that I have just mentioned for inclusion in the RECORD. I also will put in the RECORD letters that are dated way back in January of this year from the National Asian Pacific American Legal Consortium, writing to the Attorney General and expressing their concerns about his detention; as well as the Organization of Chinese Americans and their letters; the National

Asian Pacific American Bar Association, also writing to the Attorney General about his treatment; and the comments of Robert S. Vrooman, the former chief of counterintelligence at Los Alamos regarding specifically his being targeted for confinement.

Mr. Speaker, I note that my colleague from California is here with me, and I yield to him at this time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and thank her very much for taking this time and this special order to raise the concerns that she has. I have been watching the special order, and I want to tell her how much I appreciate it, because I think that the treatment and the prosecution of Wen Ho Lee and the manner in which it was handled raises serious concerns for every American.

Once again we see that when the incredible power of the government comes down on a single individual, all too often that individual's rights are crushed under the full force. And in this case we saw almost a hysteria that ran through the government, through committees of Congress, within the Department of Energy and Justice and Defense, in a frenzy to try to prove something that they may, in fact, not have had the evidence to prove. And in doing so, they focused on this individual, Wen Ho Lee, and then proceeded over the next 9 months to treat him in a manner that no American would want to be treated or have a member of their family treated.

The gentlewoman has recited the litany of harsh treatments to this elderly man during his time in solitary confinement, when in fact at the same time the evidence was starting to suggest that maybe he was not guilty of all that he was charged. This is not to suggest that perhaps that Wen Ho Lee did not violate rules of protocol and perhaps even security rules. But the jump from that to that he was one of the most dangerous men in the United States; that he had transferred the crown jewels, we now find that what this was was a lot of prosecutorial hyperbole. They were trying to make their case. They were trying to push the public to focus in on this individual because they felt it would solve a problem.

We know that one of the major mistakes that law enforcement can make is to focus on a single individual too early in an investigation. So now we find out 9 months later that not only have they dropped all of the charges with respect to Wen Ho Lee, except for one out of 79 counts, but we are no further along in knowing what happened to this information and how it got into the hands of the person who walked into our embassy and dropped it on to a table. So in fact not only were his rights compromised, but in fact maybe the very investigation has been compromised because so much energy and effort was put on to the focus of Wen Ho Lee.

I just want to again thank the gentlewoman for taking this time. People should not look at this case as a case against a Chinese American or an Asian or a person who is a threat to the United States. They ought to think of this in terms of every American. We understand that this Congress has taken action against prosecutors who have exceeded their authority way beyond what can be justified, or the Internal Revenue Service. And what we really ought to have, and what I have asked for and written the President and spoken out on this floor for, is somehow we need a truly independent investigation.

I am afraid that investigation will have to come from outside of the government, because the government is so compromised in the manner in which the investigation was handled by the various agencies and by the committees of this Congress in their rush to judgment, in their frenzy and their hysteria over this issue. But I would hope that this administration would in fact appoint an outside panel of experts who can have that security clearance, who can determine what in fact happened here, because the damage runs to our civil liberties. The damage runs to Wen Ho Lee and his family, his reputation; and it also runs to the integrity of this body, to our agencies that participated in that. The American public needs to know what happened there.

Unfortunately, I think the damage also runs to the labs and to our ability to recruit. The gentlewoman is aware, as I am aware, of what has happened in the Asian community with scientists and others who wonder now if they go to work for these labs whether they will be profiled; whether they will be treated differently; are they suspect because of their travels, because of their family, because of their heritage, because of their culture?

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And when you see the treatment of this individual, you would be asking the same question of yourself if you wanted to determine. And yet, because of this action, we may be denying this country some of the very best scientists, mathematicians, engineers and others that are available in the world today who would love to come to work for the United States and in fact are not any of those suspected things.

So I think it has been a real cost to us, to the labs and to our resources available to work on the kinds of scientific endeavors that so many at the lab do on a day-to-day basis. So people ought to understand, this is not just about Wen Ho Lee. This is the ripples of this case, and how it has been handled go far beyond far beyond this individual and his treatment.

But we ought to make sure that we do not forget nor can an agency simply not answer for their actions. That is what has to be done. But I do not think that they can investigate themselves because in fact they were part of the frenzy that took place around the arrest and prosecution and detainment of Wen Ho Lee.

So we owe the gentlewoman a debt of gratitude for taking this time for putting these documents in the RECORD so that the broader public will have access to them. I want to thank the gentlewoman very much for doing so.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for giving a larger perspective on this. I came to the floor because so many Asians have expressed a dismay that a situation like this could happen in America and many of them expressed the belief that it could only happen to an Asian. That to me is a very damaging aspect to have this country, so great and so wonderful in terms of its definition of democracy, to have a segment of our community believe that this occurred to this one gentleman because he was Asian and that the outcry did not come until after he was more or less exonerated.

The outcry should have been there, as many of the organizations did, but it was sort of scuffled. Nobody really paid much attention to it. I agree absolutely that we have to call for an investigation, and it cannot be the one that the Attorney General has told the community that she would do. It is simply not adequate. It has to be taken to a different level and a situation where this whole matter can be reviewed.

But it is a terrible thing. The Asian community feels burdened with this suspicion, and the wreckage of this whole incident has sort of fallen on all Asians, not just the Chinese-Americans, but all Asians. And so, I truly believe that the Congress has to take some responsibility in this matter and look at it.

The Senate has investigated it, has called several hearings. And I applaud them for it. I hope that when we return here next year that we will take the time to make sure that this kind of treatment of a human being can never again occur to anyone under our judicial system. I plead with the Members of this House to look at this situation carefully and dispassionately. And if they do, I believe they will come to the same conclusion that the gentleman from California (Mr. GEORGE MILLER) and I have come to.

Mr. Speaker, on March 6, 1999 New York Times reported that Government investigators believes China had accelerated its nuclear weapons program with the aid of stolen American secrets.

Two days later, Wen Ho Lee was identified and fired.

[From the New York Times, Sept. 26, 2000]

THE TIMES AND WEN HO LEE

On March 6, 1999, The New York Times reported that Government investigators believed China had accelerated its nuclear weapons program with the aid of stolen American secrets. The article said the Federal Bureau of Investigation had focused its suspicions on a Chinese-American scientist at the Los Alamos National Laboratory. Two days later, the government announced that it had fired a Los Alamos scientist for ''serious security violations.'' Officials identified the man as Wen Ho Lee.

Dr. Lee was indicted nine months later on charges that he had transferred huge amounts of restricted information to an easily accessible computer. Justice Department prosecutors persuaded a judge to hold him in solitary confinement without bail, saying his release would pose a grave threat to the nuclear balance.

This month the Justice Department settled for a guilty plea to a single count of mishandling secret information. The judge accused prosecutors of having misled him on the national security threat and having provided inaccurate testimony. Dr. Lee was released on the condition that he cooperate with the authorities to explain why he downloaded the weapons data and what he did with it.

The Times's coverage of this case, especially the articles published in the first few months, attracted criticism from competing journalists and media critics and from defenders of Dr. Lee, who contended that our reporting had stimulated a political frenzy amounting to a witch hunt. After Dr. Lee's release, the White House, too, blamed the pressure of coverage in the media, and specifically The Times, for having propelled an overzealous prosecution by the administration's own Justice Department.

As a rule, we prefer to let out reporting speak for itself. In this extraordinary case, the outcome of the prosecution and the accusations leveled at this newspaper may have left many readers with questions about our coverage. That confusion—and the stakes involved, a man's liberty and reputation—convince us that a public accounting is warranted.

In the days since the prosecution ended, the paper has looked back at the coverage. On the whole, we remain proud of work that brought into the open a major national security problem of which officials had been aware for months, even years. Our review found careful reporting that included extensive cross-checking and vetting of multiple sources, despite enormous obstacles of official secrecy and government efforts to identify The Times's sources. We found articles that accurately portrayed a debate behind the scenes on the extent and importance of Chinese espionage—a debate that now, a year and a half later, is still going on. We found clear, precise explanations of complex science.

But looking back, we also found some things we wish we had done differently in the course of the coverage to give Dr. Lee the full benefit of the doubt. In those months, we could have pushed harder to uncover weaknesses in the F.B.I. case against Dr. Lee. Our coverage would have been strengthened had we moved faster to assess the scientific, technical and investigative assumptions that led the F.B.I. and the Department of Energy to connect Dr. Lee to what is still widely acknowledged to have been a major security breach.

The Times neither imagined the security breach nor initiated the case against Wen Ho Lee. By the time our March 6 article appeared, F.B.I. agents had been looking closely into Dr. Lee's activities for more than three years. A bipartisan congressional committee had already conducted closed hearings and written a secret report unanimously concluding that Chinese nuclear espionage had harmed American national security, and questioning the administration's vigilance. The White House had been briefed repeatedly on these issues, and the secretary of energy had begun prodding the F.B.I. Dr. Lee had already taken a lie detector test; F.B.I. investigators believed that it showed deception when he was asked whether he had leaked secrets.

The Times's stories—echoed and often oversimplified by politicians and other news organizations—touched off a fierce public debate. At a time when the Clinton administration was defending a policy of increased engagement with China, any suggestion that the White House had not moved swiftly against a major Chinese espionage operation was politically explosive.

But the investigative and political forces were converging on Dr. Lee long before The Times began looking into this story.

The assertion in our March 6 article that the Chinese made a surprising leap in the miniaturization of nuclear weapons remains unchallenged. That concern had previously been reported in The Wall Street Journal, but without the details provided by The Times in a painstaking narrative that showed how various agencies and the White House itself had responded to the reported security breach.

The prevailing view within the government is still that China made its gains with access to valuable information about American nuclear weaponry, although the extent to which this espionage helped China is disputed. And while the circle of suspicion has widened greatly, Los Alamos has not been ruled out as the source of the leak.

The article, however, had flaws that are more apparent now that the weaknesses of the F.B.I. case against Dr. Lee have surfaced. It did not pay enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player, or completely uninvolved.

The Times should have moved more quickly to open a second line of reporting, particularly among scientists inside and outside the government. The paper did this in the early summer, and published a comprehensive article on Sept. 7, 1999. The article laid out even more extensively the evidence that Chinese espionage had secured the key design elements of an American warhead called the W–88 while showing at the same time that this secret material was available not only at Los Alamos but ''to hundreds and perhaps thousands of individuals scattered throughout the nation's arms complex.''

That article, which helped put the charges against Dr. Lee in a new perspective, appeared a full three months before the scientist was indicted.

Early on, our reporting turned up cautions that might have led us to that perspective sooner. For example, the March 6 article noted, deep in the text, that the Justice Department prosecutors did not think they had enough evidence against the Los Alamos scientist to justify a wiretap on his telephone. At the time, the Justice Department refused to discuss its decision, but the fact that the evidence available to the F.B.I. could not overcome the relatively permissive standards for a wiretap in a case of such potential gravity should have been more prominent in the article and in our thinking.

Passages of some articles also posed a problem of tone. In place of a tone of journalistic detachment from our sources, we occasionally used language that adopted the sense of alarm that was contained in official reports that was being voiced to us by investigators, members of Congress and administration officials with knowledge of the case.

This happened even in an otherwise far-seeing article on June 14, 1999, that laid out—a half year before the indictment—the reasons the Justice Department might never be able to prove that Dr. Lee had spied for China. The article said Dr. Lee ''may be responsible for the most damaging espionage of the post-cold war era.'' Though it accurately attributed this characterization to ''officials and lawmakers, primarily Republicans,'' such remarks should have been, at a minimum, balanced with the more skeptical views of those who had doubts about the charges against Dr. Lee.

Nevertheless, far from stimulating a witch hunt, The Times had clearly shown before Dr. Lee was even charged that the case against him was circumstantial and therefore weak, and that there were numerous other potential sources for the design of the warhead.

There are articles we should have assigned but did not. We never prepared a full-scale profile of Dr. Lee, which might have humanized him and provided some balance.

Some other stories we wish we had assigned in those early months include a more thorough look at the political context of the Chinese weapons debate, in which Republicans were eager to score points against the White House on China; an examination of how Dr. Lee's handling of classified information compared with the usual practices in the laboratories; a closer look at Notra Trulock, the intelligence official at the Department of Energy who sounded some of the loudest alarms about Chinese espionage; and an exploration of the various suspects and leads that federal investigators passed up in favor of Dr. Lee.

In those instances where we fell short of our standards in our coverage of this story, the blame lies principally with those who directed the coverage, for not raising questions that occurred to us only later. Nothing in this experience undermines our faith in any of our reporters, who remained persistent and fair-minded in their newsgathering in the face of some fierce attacks.

An enormous amount remains unknown or disputed about the case of Dr. Lee and the larger issue of Chinese espionage, including why the scientist transferred classified computer code to an easily accessible computer and then tried to hide the fact (a development first reported in The Times), and how the government case evolved. Even the best investigative reporting is performed under deadline pressure, with the best assessment of information available at the time. We have dispatched a team of reporters, including the reporters who broke our first stories, to go back to the beginning of these controversies and do more reporting, drawing on sources and documents that were not previously available. Our coverage of this case is not over.

It took 9 months later to obtain an indictment against Wen Ho Lee. It charged him with 59 separate felony offenses; 39 counts allege that Dr. Lee violated the Atomic Energy Act because he purportedly mishandled material containing restricted data, with the intent to injure the United States, and with the intent to

secure an advantage to a foreign nation; ten counts allege that Dr. Lee unlawfully obtained defense information in violation of 18 U.S.C. & 793(c); and ten counts of willfully retaining national defense information in violation of 18 U.S.C. & 793(e).

What safeguards did the Government take to make sure Wen Ho Lee didn't flee or transfer the tapes?

Why wasn't he a security risk prior to December 10, 1999?

Why now in September 2000, 58 charges are dropped for a plea bargain involving only one plea of guilty and a pledge to cooperate.

Suddenly Wen Ho Lee is no longer a risk. Today Wen Ho Lee is a free man. The tapes are still missing.

I rise tonight to express my great concern that hysteria and cover-up were the real reasons for Wen Ho Lee's indictment.

The managers of our national nuclear labs had mismanaged the security of these institutions. Access to these secrets was not monitored and vast numbers of people could easily obtain access without signing in or out.

Wen Ho Lee was queried about this contacts in the People's Republic of China.

In 1993–94—Wen Ho Lee was under investigation—for knowingly assembling 19 collections of files, called tape archive (TAR) files, containing secret and confidential restricted data relating to atomic weapons research, design, construction, and testing.

The FBI had Wen Ho Lee under investigation for 3 years.

In 1997, the FBI asked for authority to search Wen Ho Lee's computer. The Attorney General Janet Reno denied this request as not justified based on the facts.

The issue is not the prosecution.

The issue is why was Wen Ho Lee singled out for this witch hunt.

After he was indicted, why was he treated as though he was already convicted?

Why was his request for bail denied?

Why was his detention so severe?

Was it designed to coerce his cooperation?

Why did the FBI lie to Wen Ho Lee "telling him" he had failed the polygraph test when in fact he had passed? A polygraph test was administered on December 23, 1998, by the Department of Energy in New Mexico. DOE said he unequivocally passed, FBI said failed. The FBI then did its own testing of Dr. Lee, and again claimed he failed, but didn't tell him that he failed. CBS News Correspondent Sharyl Attkisson for CBSNews.com.

WEN HO LEE'S PROBLEMATIC POLYGRAPH

Three Experts Gave The Nuclear Scientist Passing Scores

But The FBI Later Reversed The Findings

CBS Investigation Fuels Argument That He Was A Scapegoat

(CBS) Wen Ho Lee either passed—or failed—his first spy-related polygraph, depending upon who was interpreting the results.

As CBS News Correspondent Sharyl Attkisson reports for CBSNews.com, the test was given December 23, 1998 by a Department of Energy (DOE) polygrapher in Albuqerque, N.M., where Wen Ho Lee worked as a top secret nuclear scientist. Because Lee, a Taiwanese-American, had recently been to Taiwan, had visited China in the past, and purportedly had access to America's top nuclear secrets, the FBI focused on him as the prime suspect in the emerging case of alleged Chinese espionage.

The FBI still wasn't close to making an arrest or even beginning an interrogation, but the DOE's head of counterintelligence, Ed Curran, was reluctant to leave Lee in his highly sensitive job in the lab's X-Division, so he ordered the polygraph test. FBI agents were standing by during the DOE test, ready to interrogate Lee if his polygraph answers proved to be deceptive.

Lee was asked four espionage-related questions:

"Have you ever committed espionage against the United States?"

Lee's response: "No."

"Have you ever provided any classified weapons data to any unauthorized person?

Lee's response: "No."

"Here you had any contact with anyone to commit espionage against the United States?"

Lee's response: "No."

"Have you ever had personal contact with anyone you know who has committed espionage against the United States?"

Lee's response: "No."

The polygrapher concluded that Lee was not deceptive. Two other polygraphers in the DOE's Albuquerque test center, including the manager, reviewed the charts and concurred: Lee wasn't lying.

The polygraph results were so convincing and unequivocal, that sources say the deputy director of the Los Alamos lab issued an apology to Lee, and work began to get him reinstated in the X-Division. Furthermore, sources confirm to CBS News that the local Albuquerque FBI office sent a memo to headquarters in Washington saying it appeared that Lee was not their spy.

But key decision-makers in Washington remained unconvinced.

Several weeks after the polygraph, the DOE decided to assign it the unusual designation of "incomplete." Officials in Washington also ordered a halt to Lee's reinstatement of the X-Division.

When FBI headquarters in Washington finally obtained the DOE polygraph results yet another interpretation was offered: that Lee had failed the polygraph.

The FBI then did its own testing of Lee, and again claimed that he failed. Yet sources say the FBI didn't interrogate Lee at this time, or even tell him he had failed the polygraph—an odd deviation from procedure for agents who are taught to immediately question anyone who is deceptive in a polygraph.

In early March 1999, the FBI did interrogate Lee. It was the day CBS News broke the story of a soon-to-be-released congressional report on alleged Chinese espionage at the labs, and the day before The New York Times printed an article that described Lee as a suspect, without using his name. One investigative source tells CBS News that after this particular day of questioning, the lead FBI agent verbalized that she thought Lee was not the right man.

But others still remained unconvinced.

So on March 7, 1999, the day after the New York Times article, the FBI ordered another interrogation of Lee, this time a "confrontational" style interview.

One special agent doing the questioning told Lee no fewer than 30 times that he had failed his polygraphs, and repeatedly demanded to know why. Here are some selected excerpts:

FBI special agent: "You're never going to pass a polygraph. And you're never going to have a clearance. And you're not going to have a job. And if you get arrested you're not going to have a retirement . . . If I don't have something that I can tell Washington as to why you're failing those polygraphs, I can't do a thing."

Lee: "Well I don't understand."

FBI special agent: "I can't get you your job. I can't do anything for you, Wen Ho. I can't stop the newspapers from knocking on your door. I can't stop the newspapers from calling your son. I can't stop the people from polygraphing your wife. I can't stop somebody from coming and knocking on your door and putting handcuffs on you."

Lee: "I don't know how to handle this case, I'm an honest person and I'm telling you all the truth and you don't believe it. I, that's it."

FBI special agent: "Do you want to go down in history whether you're professing your innocence like the Rosenbergs to the day that they take you to the electric chair?"

Lee: "I believe eventually, and I think God, God will make it his judgement."

During this time period, Washington officials began leaking to the media that Lee had failed his polygraphs, and that he was "the one" who had given to China information on America's most advanced thermo-nuclear warhead, the W–88. A stunning charge that, in the end, investigators were unable to back up.

One question at hand is how could the exact same polygraph charts be legitimately interpreted as "passing" and also "failing?" CBS News spoke to Richard Keifer, the current chairman of the American Polygraph Association, who's a former FBI agent and used to run the FBI's polygraph program.

Keifer says, "There are never enough variables to cause one person to say (a polygraph subject is) deceptive, and one to say he's non-deceptive . . . there should never be that kind of discrepancy of the evaluation of the same chart."

As to how it happened in the Wen Ho Lee case, Keifer thinks, "then somebody is making an error."

We asked Keifer to look at Lee's polygraph scores. He said the scores are "crystal clear." In fact, Keifer says, in all his years as a polygrapher, he had never been able to score anyone so high on the non-deceptive scale. He was at a loss to find any explanation for how the FBI could deem the polygraph scores as "failing."

The FBI has not explained how or why it interpreted Lee's polygraph as deceptive. When asked for an interview, the FBI simply said it would be "bad" to talk about Lee's polygraph, and that the case will be handled in the courts. The prosecution has not turned over the charts and many other polygraph documents to Lee's defense team. And so far, the prosecution has withheld other key documents, including the actual charts from the DOE polygraph.

Since Lee was never charged with espionage (only computer security violations), the content of the polygraph may be unimportant to his case. But the fact that his scores apparently morphed from passing to failing fuels the argument of those who claim the government was looking for a scapegoat—someone to blame for the alleged theft of masses of American top secret nuclear weapons information by China—and that Lee conveniently filled that role.

Why did FBI Agent Robert A. Messemer lie? What penalty has he been given? Was his lie perjured testimony? Is he still working for the FBI? Was this a conspiracy within the FBI?

Why didn't the court give Wen Ho Lee the benefit of the doubt?

Why was he locked in a secure enclosed cell? Why was he required to wear ankle and wrist shackles when allowed out for his daily one hour exercise?

Whose idea of ''exercise'' includes the words ''while shackled''? I am told that at the court house while meeting with his lawyers, even when escorted to the toilet, he was shackled.

We are told that the Justice Department approved this severe treatment—that the Department of Energy requested it—

Attorney General Reno testified on September 28 in the Senate that she was unaware that Wen Ho Lee was shackled and was not in receipt of any complaints. A petition dated January 4, 2000 was signed by 3,000 people and forwarded to the Attorney General on March 8, and again on June 8, 2000.

LOS ALAMOS, NM, *March 8, 2000*.

Re: Petition for Independent Polygraph Test for Dr. Wen Ho Lee and for Improved Conditions of Imprisonment for Dr. Lee

NORMAN C. BAY,
Interim United States Attorney for the District of New Mexico, Albuquerque, NM.

DEAR MR. BAY: Copies are enclosed of petition signatures of over 2000 people seeking your agreement to an independent, qualified polygraph test for Dr. Wen Ho Lee to confirm that the tapes at issue in the bail proceeding were destroyed and not copied.

It is unconscionable that your office has refused to agree to an independent polygraph, which was offered by Dr. Lee and his counsel. The federal Judge who presided at the bail hearing indicated the Court welcomes such a polygraph to address the alleged concern of your office that the tapes which Dr. Lee swore he destroyed were indeed destroyed and not copied. The Tenth Circuit Court of Appeals recently upheld the Judge's reasoning. Confirmation that the tapes do not exist would verify that concern over transfer of the tapes is not a roadblock to the pre-trial release of Dr. Lee. An independent polygraph on the status of the tapes presents a straightforward means to allay the government's alleged fear about Dr. Lee's release on reasonable bail pending trial. The right to reasonable bail is guaranteed by Amendment VIII of the United States Constitution to all American citizens, including Dr. Lee.

It is not acceptable for the United States Attorney's office to deny any American the opportunity of reasonable bail due to the possibility that the outcome of the independent polygraph would weaken the government's case. Every prosecutor's first duty is to achieve justice and fairness, not to convict at all cost.

The Petitioners also seek improved conditions for Dr. Lee, who continues to be shackled in prison awaiting trial to clear his name. The conditions under which Dr. Lee is imprisoned are shameful. No person should be subject to such arbitrary and harsh conditions, especially one who, like Dr. Lee, is presumed to be innocent.

Your immediate response to the request of the Petitioners is anticipated. All original petition signatures are available for inspection by you or your representative at my office, by appointment.

Sincerely,

PHYLLIS I. HEDGES.

FIGHT UNJUST TREATMENT OF DR. WEN HO LEE!

Dr. Wen Ho Lee continues to be shackled as a prisoner in a Sante Fe jail although his trial is months away. Excessive, punitive restraints have been imposed on Dr. Lee while he waits for the opportunity to clear his name which was smeared by government leaks accusing him of being a spy. When the FBI, DOE, and United States Attorney found no evidence of spying by Dr. Lee they rationalized their botched investigation, laced with racism, by bringing criminal charges against Lee for placing classified information on non-classified computer tapes.

The U.S. Attorney swayed the Albuquerque judge to deny bail by conjuring fear that Lee might somehow spirit the destroyed tapes and himself abroad. The judge indicated Lee should be released pending trial and suggested the U.S. Attorney agree to a polygraph examination offered by Lee's attorneys to verify the tapes were destroyed. The U.S. Attorney insists that Lee must agree to a polygraph administered by the FBI as well as FBI interrogations before and after the polygraph.

You can do something to fight this injustice. Below is a petition to the U.S. Attorney for New Mexico to agree to an independent polygraph as well as more humane conditions for Dr. Wen Ho Lee during his incarceration.

Please clip, sign, and return the petition to me at P.O. Box 1288, Los Alamos, NM. I will send the petition to the U.S. Attorney for New Mexico, listing your name with many others who have signed. Or, call me at 662–7400, to obtain a copy of the petition. For further information see www.wenholee.org.

PETITION

Petitioners request that the United States Attorney for the District of New Mexico agree to an independent polygraph examination of Dr. Wen Ho Lee, to be administered by a reputable organization not associated with the defense or the prosecution in the proceeding by the United States against Dr. Lee, to confirm the status of the seven ''missing'' tapes at issue in that proceeding.

Pending resolution of Dr. Lee's pre-trial release, Petitioners request that the United States Attorney for New Mexico institute improved conditions for Dr. Lee during his confinement, including increased recreation and visiting opportunities.

_____
(your name)

Another letter from Cecilia Chang signed by thousands of others were sent to the Attorney General in April 2000.

WENHOLEE.ORG,
Fremont, CA, April 10, 2000.

Re: Review of Special Restrictions Imposed on Dr. Wen Ho Lee

Hon. JANET RENO,
U.S. Attorney General,
U.S. Department of Justice, Washington DC.

DEAR MS. RENO: The enclosed petition was signed on behalf of Dr. Wen Ho Lee by 1,288 of Dr. Lee's fellow American citizens, urging that you exercise your authority to release Dr. Lee from the harsh detention conditions imposed at your direction under 28 CFR Sec. 501.2. This petition, sponsored by WenHoLee.Org, also has been endorsed by organizations with combined membership of over 100,000, 106-faculty members from 64 colleges and universities, and many community leaders, scientists and elected officials.

Dr. Lee has spent the past 120 days shackled in jail in Santa Fe, New Mexico, awaiting trial to clear his name. The conditions under which Dr. Lee is imprisoned are shameful. Such arbitrary and harsh detention conditions are unjustified and should not be extended. there is no factual basis to infer any threat of disclosure by Dr. Lee, and his treatment is not regular, particularly in contrast with the treatment of others for classified information lapses.

In national security cases the guide for implementing special detention restrictions under Sec. 501.2 is the prevention of disclosure of classified information. The restrictions must serve that goal.

Dr. Lee is charged with transferring classified information to non-classified tapes at his workplace, with the illegal intent to harm the United States or to secure an advantage to a foreign country. He is not charged with any espionage or spy activity and there exists no allegation that Dr. Lee transferred or ever attempted to transfer any sensitive information to any unauthorized recipient. The only ''evidence'' of the alleged criminal intent to harm the U.S. or assist another country is his transferring classified information to a non-classified system at his workplace.

Although there are several possible innocent explanations for such a transfer, your prosecutors chose to assume mal intent from Dr. Lee's transfer of work files that included some classified material. Their assumption is not well founded. Los Alamos National Laboratory has thrived as an exemplary scientific institution because of its university atmosphere, including its long history of tacitly disregarding security restrictions that impede efforts to achieve scientific and work-related goals.

It is imperative to seek accuracy in the national security justifications for causing Dr. Lee to suffer the demeaning and cruel conditions imposed on him. The original harsh detention conditions were imposed on the basis of conjecture rather than any reality of threats to national security. At the bail hearing for Dr. Lee, government witnesses and prosecutors engaged in preposterous rhetoric that distorted the nature of the classified information involved and its value to foreign entities. You have previously received letters sent by premiere scientific organizations, such as the American Physical Society, American Association for the Advancement of Science, Federation of American Scientists, New York Academy of Sciences, The Committee of Concerned Scientists, American Chemical Society, Overseas Chinese Physical Society, and others, protesting Dr. Lee's treatment and the voodoo science used to alarm the public. We ask that you consider these letters in arriving at your decision about Dr. Lee's detention.

Of particular note is the contrast of Dr. Lee's treatment with that of former CIA Director John Deutch. Handling of the Deutch and Lee cases reveals the irregular treatment of Dr. Lee. Mr. Deutch's security violations, which went uninvestigated for years, exposed the United States to far greater harm than the security lapses by Dr. Lee. Mr. Deutch made accessible at his home, current and top secret information significantly more important to national security than the information transferred by Dr. Lee, which was not top secret and in fact can be found in the open or developed by other countries such as China on their own. The actions of Mr. Deutch posed a clear and present threat to national security whereas Dr. Lee's actions did not.

Nevertheless the only consequence to Mr. Deutch was loss of a no longer required security clearance. Last year Dr. Lee lost his security clearance and with it the ability to continue his work at LANL to which he had dedicated the past 20 years. Then in March 1999 Dr. Lee lost his job and his retirement,

consequences unheard of for any security violation at the national laboratories. Whereas mishandling of classified information should have been an internal matter for DOE and LANL, on December 10, 1999, the United States Attorney brought federal criminal charges that threaten him with life in prison, made a media display of having him arrested at home, and worked relentlessly to deny bail and any conditions of release. Since December 10, 1999, under your authority, Dr. Lee has been subjected to inhumane conditions during his pre-trial imprisonment.

The conclusion is inescapable that this overblown federal case emerged from the false accusations that Dr. Lee was engaged in espionage. The FBI has publicly stated the ensuing investigation of Dr. Lee was based on racial profiling. The FBI used intimidation, threats of execution, and lying, to try to force a confession during their interrogation of Dr. Lee. It can only be inferred that Dr. Lee's cruel treatment reflects bias against Dr. Lee, which should not have any place in the prosecutorial duty to achieve justice and fairness.

Yours is a critical responsibility to stem the improper treatment of Dr. Lee, who is presumed to be innocent of criminal wrongdoing. Continuing the cruel conditions of his detention would afflict all American citizens by diminishing the rights and freedoms we cherish.

Sincerely,

WENHOLEE, ORG

(By: Cecilia Chang, Executive Director, Chair, Steering Committee Wen Ho Lee Defense Fund.)

FREE WEN HO LEE!

Petition Recipients: Janet Reno, U.S. Attorney General; Bill Richardson, U.S. Energy Secretary; Vice President Al Gore.

Petition Sponsored by: Wenholee.org, 3785 Armour Court, Freemont, CA 94536.

TO THE HONORABLE JANET RENO: We, the signers of this petition, urge you to take advantage of the opportunity afforded you under Title 28 of the Code of Federal Regulations to free Dr. Wen Ho Lee from his harsh and unjust confinement in the New Mexico jail.

Section 501.2 of Title 28 requires you to periodically reauthorize Dr. Lee's confinement. Under this law, you have the power to have Dr. Lee be confined to his home, with all necessary security precautions imposed at your discretion. Although Dr. Lee's movement will remain restricted under this arrangement, he will at lest be at home in humane conditions.

If you do not free Dr. Lee from jail, then you must at least order that his conditions of confinement, which have been more fit for a mass murderer, be significantly improved. The use of shackles on Dr. Lee under any circumstances is ridiculous.

As we make these requests of you, we would like to remind you that the government authorities already have conceded that the targeting of Dr. Lee has been entirely racially motivated and that there is no evidence of espionage by Dr. Lee. Yet, the government authorities continue to persecute Dr. Lee, singling him out on the basis of his race. The authorities' behavior and action have angered not just Chinese Americans across the country—but all Americans who believe that no one should be treated on the basis of his or her race or ethnicity, and that discrimination, especially by the government, is simply not acceptable!

Furthermore, the discriminatory persecution of Dr. Lee not only shames the United States of America and its citizens, it also impedes our nation's efforts to improve human rights conditions to the victims of government oppression everywhere else around the world.

Therefore, we, the people of America, ask you to do the right thing and free Dr. Lee!

The views expressed here are those of the petition sponsor, not of One Democracy.com

On February 29, 2000 the American Association for the Advancement of Science sent the Attorney General a letter protesting Wen Ho Lee's inhumane treatment in prison at the Sante Fe County Detention Center.

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE, DIRECTORATE FOR SCIENCE AND POLICY PROGRAMS,

Washington, DC, February 29, 2000.

Hon. JANET RENO,

Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAME ATTORNEY GENERAL: I write on behalf of the Committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science concerning the matter of the continued denial of bail and the conditions of pre-trial incarceration of Dr. Wen Ho Lee. The AAAS is the world's largest multi-disciplinary scientific organization. The Committee on Scientific Freedom and Responsibility is charged by the Association to, among other things, address issues related to the human rights of scientists.

Our purpose is to inquire into the reasons for the extraordinarily restrictive conditions to which Dr. Lee has been subjected. Our disquiet with the government's treatment of Dr. Lee does not extend to the issue of his guilt or innocence, which will be decided by our courts on the basis of the evidence. Our concern stems from the possibility that Dr. Lee is being maltreated and may have been the target of special scrutiny because of his ethnic background.

This case has had an adverse impact on many of our colleagues and could damage our national labs as a result of the hemorrhaging of skilled scientists through resignation or attrition, falling recruitment and a decline in the international collaboration that are so vital to the success of DoE programs. There is some evidence that such losses are already occurring.

Our concerns relate to the following:

We have been informed that the original conditions of detention were—and remain—harsh in the extreme. He is confined to his cell 23 hours each day and was, until recently, kept completely indoors. When moved about within the confines of the prison, his arms and legs are shackled. His weekly meetings with family members are curtailed and monitored and, early on, he was required to speak English. He has no access to TV and, at first, was denied newspapers. While we understand that these conditions are now slightly modified, we are concerned that continuing restrictions not only serve as intimidation, but may inhibit his ability to prepare his defense and place an enormous emotional and physical burden on him, his family and his attorneys. From our perspective, Dr. Lee's pretrial treatment appears to be exceedingly cruel. Court records and prosecution documents give the distinct impression that many measures were imposed simply because he has Chinese associates and speaks Chinese. AAAS believes very strongly that place of birth or ethnic background should never be used to impugn the loyalty of scientists.

The justification for continued incarceration is that Dr. Lee, if released, is likely to pose a grave threat to our national security. In judging the merits of such a serious contention, we hope that you will consult with a few of the many informed independent weapons specialists and national security experts who no longer serve in government, and who therefore may provide an objective assessment of the risk. Should the Justice Department wish to seek such expert counsel, an appropriate source would be the National Academy of Sciences.

In sum, we believe it important that the scientific community be given some assurances on these issues. Otherwise, we worry that serious damage could be done to the U.S. scientific enterprise and to this nation's future prosperity and security if the government is perceived by scientists as treating Dr. Lee unfairly and relying on unfounded claims regarding threats to national security.

Sincerely,

IRVING A. LERCH,

Chair, AAAS Committee on Scientific Freedom and Responsibility.

On March 14, 2000 the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee.

MARCH 14, 2000.

DEAR ATTORNEY GENERAL RENO: I am writing on behalf of the Committee on Human Rights of Scientists of the New York Academy of Sciences. In this we are joining other prominent scientific organizations such as the American Physical Society, the American Association for the Advancement of Science, and the Committee of Concerned Scientists regarding the condition of detention and the denial of bail for Dr. Wen Ho Lee accused of mishandling classified information at the Los Alamos National Laboratories. At the outset we emphasize that we do not take a position on Dr. Lee's guilt or innocence which must be determined at trial.

For more than 20 years, this Committee has been deeply concerned about governmental treatment and repression of scientists throughout the world. Among the cases in which we have intervened were those of Professors Andrel Sakharov, Fang Li Zhe, Benjamin Levich, and recently Alexandr Nikitin, to name just a few. Often the scientists named in these cases were accused by their governments of violation of secrecy, treason, and other high crimes. Our Committee has always paid close attention to the conditions under which these and other individuals were held during their detention, as well as related matters such as denial of bail, access to counsel, and openness and fairness of trial.

It has been reported to us that the conditions of Dr. Lee's detention have been harsh. He has been shackled in prison, restricted to his cell in isolation, had his meetings with immediate family curtailed, and been restricted about outside information such as TV and newspapers. These conditions remind us of the abuses that occurred under Communist rule in the former Soviet Union and occur to this day in other totalitarian states such as in China, Iran, and others.

The impression given to the world by the Government's treatment of Dr. Lee is that he has already been found guilty of charges against him. Witness, for example, the statement repeated by CIA Director George Tenet that Lee's actions were taken ''with intent to harm the United States.'' We earnestly call to your attention that Dr. Lee's treatment during his detention has had a seriously chilling effect on the scientific community, especially because of the suspicion

that his ethnic background has played some role in this treatment and in the unproven public allegations made about his possible motives for the acts of which he is accused.

In addition, reliable reports reach us that the recruiting and retention of top scientific staff at our major national laboratories, including weapon laboratories, have been damaged by this affair. We urge that you look into the treatment of Dr. Lee and see to it that the physical and psychological conditions of Dr. Lee's detention conform to the highest international standards for the humane treatment of people in detention awaiting trial. Continuation of the harsh treatment of Dr. Lee will expose us to ridicule when we criticize such treatment in other countries around the world.

The New York Academy of Sciences is an independent, non-profit, global membership organization committed to advancing science, technology, and society worldwide. Established in 1817, the Academy is the oldest scientific organization in New York and the third oldest in the nation. It is an international organization with nearly 40,000 members in more than 150 countries.

We respectfully await your response in this matter of importance to this Committee and to the international scientific community.

Sincerely,

JOSEPH L. BIRMAN,
Chairman of the Committee on Human Rights of Scientists.

April 27, 2000 a Resolution passed by the Episcopal Church USA was sent to the Attorney General protesting the harsh treatment of Wen Ho Lee.

To: Executive Council, Episcopal Church, USA.

From: international and National Concerns Committee.

Date: April 27, 2000.

Subject: Incarceration of Dr. Wen Ho Lee (Resolution proposed by Ms. Carole Jan Lee, Member of Executive Council from San Francisco, California).

Resolved, That the Executive Council meeting in the Diocese of Washington, DC, April 27–30, 2000, calls for the humane treatment of Dr. Wen Ho Lee, a U.S. citizen, who has been under arrest without bail in solitary confinement with limited family visits, and that these conditions have created grave concern, particularly among the Asian American community, of being unduly harsh treatment along racial lines, a perception for which the Council has concern given the number of disturbing complex factors in this case, and be it Further

Resolved, That this case moves forward in a manner that assures that Dr. Lee receives due process, and be it Further

Resolved, That this resolution is not intended to speak of the veracity of the very serious charges that have been filed against Dr. Lee.

(Resolution passed, thirty-five members present; six abstentions.)

Note: Copies of this resolution will be sent to Attorney General Janet Reno, and to our Washington Office.

(Our Public Policy Network has a mailing list of over nine thousand names.)

On June 26, 2000 the National Academy of Sciences, National Academy of Engineering and Institute of Medicine wrote to the Attorney General protesting the severity of Wen Ho Lee's confinement.

JUNE 26, 2000.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We write with regard to our original March 10 inquiry to you about the case of Dr. Wen Ho Lee (#99–1417) and to express our appreciation for the May 24 response that we received from Mr. John J. Dion.

The information that Mr. Dion provided about Dr. Lee's case was, of course, of interest to us. However, because Mr. Dion did not address many of the questions that we posed in our initial letter of inquiry, we are taking the liberty of requesting, once again, information on the conditions and circumstances under which Dr. Lee is being held. Surely, the answers we seek cannot in any way impinge upon the just prosecution of a pending case.

It is our understanding that Dr. Lee has been held in solitary confinement since his arrest on December 10, 1999, that he has been denied bail, and that he will not be brought to trial until November 6. We would like your personal assurances that his conditions of confinement have been in full accordance with all U.S. and international standards. We have inquired as to what and how much contact Dr. Lee is permitted to have with his family, defense counsel, and lawyers. Although Mr. Dion said in his letter that arrangements have been made to allow Dr. Lee's family to meet with him ''for more than one hour per week,'' he did not say what the new arrangements for Dr. Lee allow nor did he report with whom he is now allowed to meet.

We would also like to know whether, as has been alleged by Dr. Lee's family, instruments of restraint are being applied to him. If so, what instruments are used, when and for how long are they applied, why, and under what circumstances?

With regard to the need for a fair and timely trial, we seek your personal assurances that Dr. Lee's rights not to be coerced into giving a confession and not to be held in a coercive environment are being fully respected. We would also like to know what access Dr. Lee's lawyers are being given to information needed to adequately prepare his defense.

You should know that the above questions are identical to those that our Academies regularly pose to foreign governments when we desire assurances that the rights of our imprisoned colleagues in other countries are being fully respected. Surely, we cannot expect less from our own government.

We are grateful for your attention and look forward to your reply.

Very truly yours,

BRUCE ALBERTS,
President, National Academy of Sciences.
WILLIAM WULF,
President, National Academy of Engineering.
KENNETH SHINE,
President, Institute of Medicine.

Finally by mid-July 2000 his conditions of confinement were eased. By the last week in July he finally was allowed to exercise without ankle shackles. This, his friends conclude, came about because there was another bill hearing scheduled on August 16, 2000. Remember Judge Parker had asked that the confinement restrictions be eased. August 16, 2000 Amnesty International protested to the Justice Department that Wen Ho Lee's confinement was in violation of international law.

AMNESTY INTERNATIONAL PROTESTS SOLITARY CONFINEMENT, SHACKLING OF DR. WEN HO LEE

WASHINGTON, DC, AUG. 16, 2000.—Amnesty International, the world's largest human rights organization, has written to Attorney General Janet Reno to protest the conditions under which Dr. Wen Ho Lee has been held in pre-trial federal detention since December 1999.

In the Aug. 4 letter, released as Judge James A. Parker hears a renewed application for Dr. Lee's release on bail, Amnesty International expressed concern at reports that Dr. Lee has been held in particularly harsh conditions of solitary confinement, and has been confined to his cell for 23 hours each day. According to reports, Dr. Lee has also been shackled at the wrists, waist, and ankles while taking exercise once or twice a week in a federal enclosure. Amnesty International is insisting that the use of shackles be immediately discontinued.

These conditions are unnecessarily punitive and contravene international human rights standards, said Curt Goering, Senior Deputy Executive Director of Amnesty International USA. The use of shackles is extremely disturbing and is grossly inappropriate in the circumstances.

Rule 33 of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners provides that restraints should be used only when strictly as a precaution against escape during transfer, on medical grounds on the direction of the medical officer or to prevent damage or injury. The rules also state that restraints should never be applied as punishment and that chains or irons shall not be used as restraints. The rules also provide that every prisoner (including pretrial detainees) should have at least one hour of suitable exercise in the open air daily.

Amnesty International believes that the overall conditions under which Dr. Lee is detained contravene international standards, which require that all persons deprived of their liberty be treated humanely and with respect for their inherent dignity. Amnesty International is urging the Justice Department to urgently review Dr. Lee's conditions of confinement and ensure that he is being treated in accordance with international standards. Such steps should include provision for adequate exercise and out-of-cell time and reasonable contact with the outside world.

August 31, 2000 the National Academies that had previously written (3 letters) to the Attorney General again regarding her failure to respond to their earlier letters.

AUGUST 31, 2000.

An Open Letter to the U.S. Attorney General

Hon. JANET RENO, Attorney General,
U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We, the presidents of the National Academies, along with our Committee on Human Rights and many of our members, are distressed by several matters which have arisen regarding the case of Dr. Wen Ho Lee and his incarceration during the past eight months. Although we make no claim as to his innocence or guilt, he appears to be a victim of unjust treatment.

We are writing to you, as the chief law officer and legal counsel of our nation, to urge you to rectify any wrongs to which Dr. Lee has been subjected, and to ensure that he receives fair and just treatment from now on. We also urge that those responsible for any injustice that he has suffered be held accountable. Even more importantly, perhaps, we urge that safeguards be put in place to ensure that, in future, others do not suffer the same plight.

We write publicly because our private letters of March 10, April 14, and June 26 of this

year with regard to Dr. Lee's plight have been responded to only by a form letter signed by your Acting Chief of the Internal Security Section. (His letter was not a satisfactory response to the questions that we had posed, as we indicated in our follow-up letter of June 26.)

We should perhaps explain that, for more than a century, the National Academy of Sciences has provided independent, objective scientific advice to our nation. By extension of its original congressional charter, it established the National Academy of Engineering, the Institute of Medicine, and the National Research Council. Some 4,800 of our nation's most distinguished leaders in science, engineering, medicine, and related fields have been selected by their peers to be members of the Academies and the Institute.

We are concerned that inaccurate and detrimental testimony by government officials resulted in Dr. Lee needlessly spending eight months in prison under harsh and questionable conditions of confinement. Our assessment appears to have been confirmed by the recent ruling of Judge James Parker in granting bail to Dr. Lee.

The three institutions of which we are presidents have an active Committee on Human Rights. During the last 25 years this committee has intervened in the name of our institutions on behalf of hundreds of scientific colleagues, around the world, who are unjustly detained or imprisoned for nonviolently expressing their opinions. The committee writes inquiries and appeals to offending governments and holds them accountable for their actions. Although Dr. Lee has not been detained for expressing his opinions, the handling of his case reflects poorly on the U.S. justice system. The concerns that we have expressed and the questions that we have posed in our letters are identical to those that our Committee on Human Rights regularly poses to foreign governments, some of which have had the courtesy to respond. Surely, we cannot expect less from our own government.

Very truly yours,

BRUCE ALBERTS,
President, National Academy of Sciences.
WM. A. WULF,
President, National Academy of Engineering.
KENNETH I. SHINE,
President, Institute of Medicine.

TEXT OF THE FIRST LETTER FROM THE PRESIDENTS OF THE 3 NATIONAL ACADEMIES TO JANET RENO

MARCH 10, 2000.

Hon. JANET RENO,
Attorney General,
U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: We write to inquire about the status of the case (#99–1417) of a physicist, former Los Alamos National Laboratory employee Wen Ho Lee. It is our understanding that Mr. Lee is charged with 59 felony counts under statutes 42 USC 2275, 2276 and 18 USC 793 (c&e). He is currently being held without bail in Albuquerque, New Mexico, pending trial.

The purpose of this letter is to inquire about several matters related to Mr. Lees case, as well as to request your assurances that his rights are being full respected.

In view of recent allegations in the press with regard to Mr. Lees treatment, we would appreciate being informed as to the conditions and circumstances under which Mr. Lee is being held. Are his conditions of confinement in accordance with all U.S. and international standards? We would also like to know whether, as has been alleged by Mr. Lee's family, instruments of restraint have been applied to him. If so, what instruments were used, when and for how long were they applied, why, and under what circumstances?

With regard to the need for a fair trial, we would value your assurances that Mr. Lee's rights not to be coerced into giving a confession and not to be held in a coercive environment are being fully respected. What and how much contact is Mr. Lee permitted to have with his family, defense counsel, and lawyers? We would also like to know what access Mr. Lee's lawyers are being given to information needed to adequately prepare his defense.

We very much appreciate your attention to our inquiry and look forward to receiving information that will help to assure us that all reasonable measures are being taken to protect Mr. Lee's rights, in full accordance with U.S. and international law.

Very truly yours,

BRUCE ALBERTS,
President, National Academy of Sciences.
WILLIAM WULF,
President, National Academy of Engineering.
KENNETH SHINE,
President, Institute of Medicine.

January 30, 2000, the National Asian Pacific American Legal Consortium wrote to the Attorney General expressing concerns about overzealous prosecution and detention.

On April 13, 2000, the Organization of Chinese Americans wrote to Norman Bay, the U.S. Attorney based in Albuquerque, raising questions about his detention.

On August 18, 1999, the National Asian Pacific American Bar Association wrote to the Attorney General noting the fact that the FBI had not investigated the other prime suspects. It noted the comments of Robert S. Vrooman, former Chief of Counter-Intelligence at Los Alamos who said Wen Ho Lee was targeted because he was Chinese.

JANUARY 30, 2000.

Re: Dr. Wen Ho Lee

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL RENO: Per our meeting January 12, 2000, I am enclosing a memorandum discussing the Asian Pacific American community's concerns that we raised with you and Deputy Attorney General Eric Holder concerning the prosecution of Dr. Wen Ho Lee. We don't seek to argue about Dr. Lee's guilt or innocence, but instead to focus on his treatment. It appears to the Asian American community, indeed to many concerned about issues of civil liberties and due process, that some of the prosecution's decisions have been overzealous—perhaps out of embarrassment because of the many media reports about how the investigation was handled.

We are concerned that the intense media scrutiny and high political stakes involved in his case may be compromising Dr. Lee's due process rights and civil liberties as an American citizen and bringing the loyalties of the nation's Asian Pacific Americans under a cloud of suspicion. Our analysis takes into careful consideration of U.S. District Judge James Parker's Memorandum Opinion and Order and the voluminous bail hearing transcripts.

I thank you for taking the time to meet with us, and for the sensitive manner in which you handled and continue to give attention to our concerns. I look forward to your reply.

Sincerely,

KAREN K. NARASAKI,
Executive Director.

The Honorable ERIC HOLDER,
Deputy Attorney General.
YVONNE LEE,
U.S. Commission on Civil Rights.
DAPHNE KWOK,
Organization of Chinese Americans.
NANCY CHOY,
National Asian Pacific American Bar Association.
Dr. JOHN YOUNG,
Committee of 100.

MEMORANDUM

To: Attorney General Janet Reno.
From: Karen Narasaki, Executive Director, NAPALC; Aryani Ong, Staff Attorney.
Date: January 30, 2000.
Re: Dr. Wen Ho Lee's Pretrial Detention.

Currently, Dr. Lee is being held in prison pending trial, having been denied pretrial release. He has been charged with 59 separate counts involving 19 computer files—29 counts of removing and tampering with restricted data, 10 counts of receiving restricted data, 10 counts of gathering national defense information and 10 counts of retaining national defense information. We understand that he is being held in custody under solitary confinement. He cannot see his family except for four hours per month nor receive any mail. We've also heard reports that he is not being allowed to speak Chinese to his visitors.

I. DR. LEE HAS FACED HARSH TREATMENT THAT IS DISPROPORTIONATE TO THE EVIDENCE OF WRONGDOING

Many in the Asian American community believe that the prosecution has been overzealous in their treatment of Dr. Lee, given the evidence presented at the detention hearing and what has been reported in the news. They are convinced that federal investigators used racial profiling in the initial targeting of Dr. Lee. They also believe that the Department of Energy and others involved are acting so harshly due to embarrassment from the congressional attacks, the reported bungling of the initial investigation and the failure to find evidence of espionage after the investigation was leaked.

Many community leaders believe that prosecutors have been overstating the security risk to create a hostile public environment so that he will be tried based on the perception of espionage, despite the fact that there is insufficient evidence to even bring such a charge. He is being treated as though there is overwhelming evidence of espionage even though the detention hearing revealed no such evidence. Without such evidence, the community believes that pretrial detention in solitary confinement is not warranted. Solitary confinement seems to have no basis except to impose psychological stress on the defendant so that he will not be able to pursue the vigorous defense to which he is entitled.

A. DENIAL OF PRE-TRIAL RELEASE

Where the statutory scheme 18 U.S.C. §3142 generally favors the defendant, Dr. Lee nonetheless was denied bail. While we respect the judge's decision, we are concerned that he was provided with characterizations of Dr. Lee as a Chinese spy that are not substantiated by the evidence and that influenced his decision not to consider alternative conditions for release. For many in the Asian community, it bears a potential resemblance to the Supreme Court's decision to uphold the internment of Japanese Americans because the threat to national security was overstated by government attorneys who destroyed evidence that undercut the argument. While we are certainly not charging the Department of Justice with such misconduct here, we do believe that *Korematsu* v. *U.S.*, 323 U.S. 214 (1944), *Hirabayashi* v. *U.S.*, 320 U.S. 81 (1943), and *Yasui* v. *U.S.*, 320 U.S. 115 (1943) are cases instructive of how much more careful we must be when national security threats are being claimed as a basis for unfair and harsh treatment.

Under §3142(b), the judge ''shall order the pretrial release'' of a defendant to ''subject to the least restrictive further condition.'' According to Judge Parker, no alternative conditions would save against the ''danger'' posed by Dr. Lee's ''ability to communicate with unauthorized persons while under house arrest.''

We are concerned with the suggestive nature of this assertion because there is no evidence that shows that Dr. Lee transferred any classified information to an unauthorized third party nor ever attempted to commit such act. Moreover, the Government has not provided any direct evidence of Dr. Lee's intent to use classified information to injure the United States nor procure unfair advantage to a foreign nature. Yet, the charges brought against Dr. Lee make this assertion, and while espionage is not expressly among them, the specter of espionage is raised throughout the detention hearing and prominently figures into the judge's rationale for denying a pretrial release.

What the evidence does show is that Dr. Lee has been the target of an investigation since 1995 for the possible theft of W–88 data theft, which he has been cleared for over a year. In March 1999, he was placed under 24-hour secret surveillance for nine months, yet during that time, the FBI acquired no evidence showing that Dr. Lee attempted to transfer or transferred classified information to any unauthorized third party. Instead, they found six tapes in his office, and received an offer from Dr. Lee to take a polygraph test to determine the truthfulness of his statement to the FBI regarding the seven missing tapes. The Government rejected the offer, but used his inability to produce the missing tapes as the rationale for holding him without bail. This places Dr. Lee in the untenable position of producing tapes that he says has been destroyed or proving they no longer exist. How can he be expected to prove they no longer exist?

Furthermore, even though Dr. Lee is not charged with espionage, the Govenrment strongly inferred the allegation during the detention hearings. We are concerned that Dr. Lee's contacts with Chinese scientists and government officials are depicted as bad acts in and of themselves when the evidence shows otherwise. Dr. Lee's trips to China were authorized by the Los Alamos National Laboratories and his scientific collaborations with the Chinese were encouraged by the Secretary of the Department of Energy.

The Government successfully argued that Dr. Lee is a national security risk based on the fact that the seven portable tapes are missing and that Dr. Lee has the cognitive ability to potentially assist a third party in using the codes. Based on a single witness, they persuaded the Court to view Dr. Lee's actions in the most damaging light possible, using words such as ''devious,'' ''nefarious,'' and ''secretive and deceptive.''

Without doubt, we too find Dr. Lee's actions very grave. We do not condone any employee who breaches security rules, especially when sensitive defense information such as nuclear weapons designs is involved. However, we also are guided by the evidence presented and the presumption of innocence until proven guilty in our justice system.

Dr. Lee faces very serious criminal charges, but he has not had his day in court. Meanwhile, he is being held in custody as if he posed a threat of heinous violence to the community. We particularly are concerned that despite many alternatives that have been in practice by other courts, i.e., house arrest, electronic monitoring, supervision by a third-party custodian, visitation by court-approved persons and consent to unannounced searches, the Government chose the harshest alternative for a nonviolent offense.

The Court uses a four-part test to determine whether there are conditions of release that will reasonably assure a defendant's appearance and the safety of the community. We find that the evidence shows the following: (1) Dr. Lee was not charged with committing a violent act or dealing with drugs; (2) no direct evidence exists to prove that Dr. Lee had the intent to injure the United States or procure an unfair advantage to a foreign nation; (3) Dr. Lee has strong community ties and no past criminal record; and, (4) he has not acted in a manner to suggest that he poses a danger to society; there is no evidence that he attempted to transfer or transferred classified information to an unauthorized third party nor that he assisted any person with the use of the classified information. Yet, despite the evidence, Dr. Lee been denied one of the most sacred guarantees by our Constitution—his freedom.

Judge James Parker indicated that he would be willing to revisit the issue of pretrial release if Dr. Lee could satisfactorily account for the missing seven tapes. We encourage the Government to work with Dr. Lee's attorneys on Dr. Lee's offer to take a polygraph test as to the disposition of the tapes so that they can move forward on discussing alternative conditions of release.

B. IMPOSITION OF THE HARSHEST RESTRICTIONS DURING DETAINMENT

Dr. Lee has been placed under solitary confinement and restricted from family visits except for four hours per month. While the prison warden may have the discretionary authority regarding at least visitation, we believe that the Government can weigh on the conditions imposed on Dr. Lee's confinement.

We are concerned about reports from the media and the detention hearing transcripts that the FBI have been employing psychological tactics to pressure Dr. Lee to ''confess'' to wrongdoings or to break down his will to go through a trial. The Asian American community does not understand the national interest in placing harsh restrictions on a defendant who has been been proven guilty. In fact, Dr. Lee's treatment in jail only has strengthened the majority view of the Asian Pacific American community that the Government has selectively and unfairly investigated and prosecuted Dr. Lee.

Judge Parker urged the Government to consider loosening what he himself described as severe restrictions imposed on Dr. Lee. We also urge the Government to carefully consider the offer by Dr. Lee's attorneys to have Dr. Lee undergo a polygraph test so that Court may reevaluate any changed circumstances that warrant his pretrial release.

II. THE DEPARTMENT OF JUSTICE SHOULD BE PARTICULARLY CIRCUMSPECT GIVEN THE POLITICAL NATURE OF THE CIRCUMSTANCES SURROUNDING DR. LEE'S PROSECUTION

The Asian American community has been carefully monitoring the developments of Dr. Lee's situation because they are concerned that political forces may be playing an inappropriately significant role in the investigation and prosecution of Dr. Lee. The media, initially led by The New York Times recklessly portrayed Dr. Lee as a Chinese spy. The Cox House Committee Report, later criticized for serious inaccuracies by the Rudman Report and esteemed Stanford University researchers, took advantage of the opportunity to embarrass the Administration by fanning fears about Communist China.

Given Dr. Lee's ethnic background, the community was concerned that he was investigated on the basis of his ethnic background. Former FBI counterintelligence officers reporting to the media that they believed racial profiling occurred in Dr. Lee's case validated their concerns. Further reports that in fact the Chinese government could have gained the information from other sources and that Dr. Lee's laboratory probably could not have been the source for the design information have added to the community's alarm.

While the community does not condone Dr. Lee's egregious mishandling of classified information, they fear that Dr. Lee is vulnerable to being used as a scapegoat to take attention from the embarrassing wealth of security lapses that the Energy Department has allowed to occur. In its efforts to overcome the series of embarrassing disclosures and to look tough on security, the Department of Energy may not be acting fairly or providing prosecutors with full disclosure.

The Asian American community is concerned that Dr. Lee's due process rights may fall victim to political scapegoating and that negative repercussions for other Asian Americans working in science and technology may follow if a pattern of disregard for civil liberties is established in this case.

NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION,
Washington, DC, August 18, 1999.

Hon. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MS. RENO: We are writing to express our deep concern about recent accounts that race may have played a significant factor in pursuing the investigation of Dr. Wen Ho Lee for alleged espionage. While we do not condone acts of espionage or any other illegal activity by any individual, we ask that you ensure that race is not now a factor as you make decisions regarding this and other investigations and prosecutions involving security violations at Los Alamos and other national laboratories.

According to Senators Fred Thompson and Joseph Lieberman in a statement issued on August 5, 1999, the Department of Energy and the Federal Bureau of Investigation had multiple suspects for leaks of nuclear warhead information and yet only two—Dr. Lee and his wife—were investigated. Because the DOE and FBI investigators failed to look into the other suspects ''—that is, to assess

whether these others were not for some reason equally suspicious—meant that it was impossible to be sure that the Lees really did stand out as the prime suspects.'' (Thompson/Lieberman Report p. 18.) This account is further buttressed by recent statements made by Robert S. Vrooman, former chief of Counter-Intelligence at the Los Alamos National Laboratory. Mr. Vrooman stated that Dr. Lee was targeted for investigation mainly because of his ethnicity, and that there is no evidence that Dr. Lee leaked secrets to China. Mr. Vrooman noted that at least 13 Caucasian scientists from Los Alamos ''who went to the same [physics] institute and visited the same people'' as Dr. Lee were left out of the investigation.

Furthermore, both the Thompson/Lieberman Statement and Mr. Vrooman noted that key technical information concerning certain weapons, whose acquisition by the Chinese government initiated the investigation of Mr. Lee, was available to numerous government and military entities that could have been the source of the leaked information.

While we recognize that Mr. Vrooman's statements will be subject to debate, we believe that it is important that you verify that no ''racial profiling'' occurred in this investigation. Additionally, we would like to request a meeting with you to discuss these issues. In the meantime, we ask that as you continue your investigation of security leaks at our national laboratories, you do so with a heightened consideration for fairness.

Sincerely,

NANCY CHOY,
Executive Director, National Asian Pacific American Bar Association.

DAPHNE KWOK,
Executive Director, Organization of Chinese Americans.

JIN SOOK LEE,
Executive Director, Asian Pacific American Labor Alliance, AFL–CIO.

JON MELEGRITO,
Executive Director, National Federation of Filipino American Associations.

DEBASISH MISHRA,
Executive Director, India Abroad Center for Political Awareness.

KAREN NARASAKI,
Executive Director, National Asian Pacific American Legal Consortium.

ORGANIZATION OF CHINESE AMERICANS, INC.,
Washington, DC, April 13, 2000.

Mr. NORMAN BAY,
U.S. Attorney, Albuquerque, NM.

DEAR MR. BAY: Thank you very much for meeting with us last week. The Asian Pacific American community nationwide has been monitoring the Wen Ho Lee case for over a year. The community has been concerned with the public discourse and media stereotypes arising from the case that insinuate all Asian Pacific Americans as disloyal foreigners. With regard to Dr. Lee, the community is wondering whether he has been accorded his due process rights as an American citizen during the investigation and decision making to prosecute him.

Since Dr. Lee's incarceration in December of 1999, the community has been very concerned about the fact that he has not been granted bail until his trial. One of the questions we have is what are the conditions, if any, must Dr. Lee meet in order for him to be released on bail?

As a follow up to our conversation, we wanted to ask specific questions about Dr. Lee's incarceration.

We understand that Dr. Lee has been charged with mishandling classified data. A concern of the community is that since Dr. Lee has not been charged with espionage then why is he being treated as if he has been charged with espionage? As someone charged with a nonviolent act, the community believes Dr. Lee should be treated like those charged with other nonviolent ''white collar'' offenses.

We have heard the following:

Dr. Lee is in ''solitary confinement.''

Dr. Lee is ''shackled'' all day.

Dr. Lee's ankles and wrists are shackled when he is moved within the jail facility, even during his one hour of exercise, and unremoved during weekly meetings with his family.

No collect calls to any outside party are allowed except to his counsel.

Kept separate from other prisoners during one hour long exercise.

Dr. Lee is only allowed one hour outside of his jail cell for exercise per day, but not always outside under the sunlight.

Dr. Lee is not allowed to read newspapers, magazines, books.

Dr. Lee is not allowed to watch TV.

We would greatly appreciate your response to these points as soon as possible so that we may accurately respond to the inquiries from our community about Dr. Lee's confinement. Thank you very much.

Sincerely,

DAPHNE KWOK,
Executive Director, Organization of Chinese Americans.

NANCY CHOY,
Executive Director, National Asian Pacific, American Bar Association.

ARYANI ONG,
Staff Attorney, National Asian Pacific American, Legal Consortium.

JIN SOOK LEE,
Executive Director, Asian Pacific American, Labor Alliance, AFL–CIO.

KRISTINE MINAMI,
Washington, D.C. Representative, Japanese American Citizens League.

DECLARATION OF ROBERT VROOMAN

I, Robert Vrooman, do hereby declare and state:

1. I have reviewed the government's response to Wen Ho Lee's Motion for Discovery of Materials Related to Selective Prosecution, including the attached Declaration of Special Agent Robert Messemer. As set out below, Agent Messsemer's declaration contains numerous false statements. Based on my experiences with Agent Messemer and the information I have received from other FBI agents, I believe that the regularly distorts information.

2. I did not tell Agent Messemer that Lee probably assisted the Chinese by helping fix Chinese hydrocodes during his travel in 1986 and 1988. His allegation that I did so is false. Our April 28, 1999 meeting focused on [approx, one line deleted] and Agent Messemer's theory that there was something inappropriate going on [words deleted]. I attended that interview solely as a favor to John Browne, the director of Los Alamos National Laboratory. When it was over, I told Browne that I considered the interview strange, because it had nothing to do with the Lee case. I later learned from officials at the CIA that Agent Messemer was falsely informing CIA officials that I had been critical [word(s) deleted]. At the time, Agent Messemer was attempting to shift blame to the CIA for possible fallout [words deleted]. I sought to obtain a copy of Agency Messemer's memoranda of my interview and to have it corrected. See *Attachment one*. The FBI refused to provide me a copy of this memorandum, which I expect contains false information.

3. Agent Messemer's statement that the individuals selected for investigation was chosen because they fit ''matrix'' based on access to W–88 information and travel to the PRC is false. Dozens of individuals who share those characteristics were not chosen for investigation. As I explained in my prior declaration, it is my firm belief that the actual reason Dr. Lee was selected for investigation was because he made a call to another person who was under investigation in spite of the fact that he assisted the FBI in this case. It is my opinion that the failure to look at the rest of the population is because Lee is ethnic Chinese.

4. Mr. Moore's contention that the Chinese target ethnically Chinese individuals to the exclusion of others, therefore making it rational to focus investigations on such individuals was not borne out by our experience at Los Alamos, which was the critical context for this investigation. It was our experience that Chinese intelligence officials contacted everyone from the laboratories with a nuclear weapons background who visited China for information, regardless of their ethnicity. I am unaware of any empirical data that would support any inference that an American citizen born in Taiwan would be more likely than any other American citizen [deletion].

5. Of the twelve people ultimately chosen for the short list on which the investigation focused, some had no access at all to W–88 information, and one did not have a security clearance, but this individuals is ethnically Chinese. I do not believe this was a coincidence. Further, this ethnically Chinese individual did not fall within the ''matrix'' which Agent Messemer claims was used by the DOE and FBI. In addition, although there were other names on the HI list, Mr. Trulock made clear that Dr. Lee was his primary suspect.

6. Agent Messemer deliberately mischaracterizes the nature of my comments to him regarding my concerns about Dr. Lee's travel to the PRC. I did consider it unusual that Dr. Lee had not reported any contact by Chinese agents when I debriefed him following his return from the PRC. I did not believe then and I do not believe now that Dr. Lee engaged in espionage, and I made no such intimation to Agent Messemer. Dr. Lee and his wife Sylvia were both cooperating with FBI investigations, and I considered them loyal Americans. Nonetheless, I considered Dr. Lee naive, and therefore a potential security risk. It was to keep Dr. Lee out of harm's way, not because I had any fear that he might knowingly engage in improper conduct, that I recommended against further

unescorted trips out of the country for Dr. Lee.

7. My concerns about the real motivation behind the investigation were exacerbated when I received a classified intelligence briefing from Dr. Thomas Cook, an intelligence analysis at LANL, in September 1999. This briefing put to rest any concerns that I may have had that Dr. Lee helped the Chinese in any substantial manner.

8. In my capacity as a counterintelligence investigator at LANL, I was brief on the existence of an investigation code-named ''Buffalo Slaughter'' some time in the late 1980s involving a non-Chinese individual working at DOE laboratory who transferred classified information to a foreign country. That individual was granted full immunity in return for agreeing to a full debriefing on the information that he passed. [Approx. six lines deleted].

9. The statements contained in my Declaration dated June 22, 2000 are true and correct and I so attest.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed August 10, 2000, at Gallatin Gateway, Montana.

[signed]

ROBERT VROOMAN.

[Attachment one]

SEPTEMBER 17, 1999.

ROBERT S. VROOMAN,
P.O. Box 348, Gallatin Gateway, MT.
DAVID V. KITCHEN,
Special Agent in Charge, FBI 415 Silver SW, Albuquerque, NM.

DEAR MR. KITCHEN: I would like to have a copy of the 302 prepared by S.A. Robert Messemer as a result of his interview with me on April 28, 1999. Several members of the CIA's IG office have read me portions [of] Messemer's report, and it is clear to me that SA Messemer attributed his opinions to me. During the interview, I told SA Messemer that I did not know [deletion] well enough to have an opinion [deletion]. He then provided me with the details and asked me to speculate on the implications. I find this interview technique objectionable.

On the other hand, SA Messemer did provide me with a lot of details regarding Dr. Lee that I did not know. This helped to solidify my opinions on the case and to have the confidence to go public. I learned during the meeting with SA Messemer that Dr. Lee [Approx. one line deleted]. SA Messemer was particularly helpful to us when he provided us a copy of Mr. Bruno's April 15, 1997 memorandum to Notra Trulock thus allowing us to defend our decision to keep Dr. Lee in his job. For this I am grateful to SA Messemer, but I still object to his using me to promote his opinions.

I am planning to write a book on my experiences and would like to have the 302 as soon as possible.

Sincerely yours,

ROBERT S. VROOMAN.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, March 29, 2000.

Mr. PHYLLIS HEDGES,
P.O. Box 1288, Los Alamos, NM.

DEAR MR. HEDGES: This is in response to your letter to the Department of Justice concerning the prosecution of Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This prosecution is based solely on the facts and the law, Dr. Lee's Chinese heritage and ancestry played no role whatsoever in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. To render a decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department's ethical canons, as well as my own personal beliefs.

As you may know, Dr. Lee was ordered to be detained pending trial by United States Magistrate Judge Svet and, thereafter, by United States District Judge Parker, who heard extensive testimony and legal argument. On February 29, 2000, a three-judge panel of the United States Court of Appeals for the Tenth Circuit unanimously affirmed Judge Parker's decision.

With regard to the conditions of Dr. Lee's incarceration, I am advised that the limitations on visits by his family are the same as those for other similarly-situated prisoners at the facility where Dr. Lee is being held. We have, however, been able to accommodate the Lee family recently by arranging for a Mandarin language interpreter to be present for several meetings so that Dr. Lee's family can speak with him in his native language. We will continue to make the interpreter available as often as possible. Furthermore, we have arranged with the prison facility to allow Dr. Lee's family to meet with Dr. Lee for more than one hour per week.

Thank you for taking the time to write to express your views.

Sincerely,

JOHN J. DION,
Acting Chief, Internal Security Section.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, April 21, 2000.

Mr. PHYLLIS HEDGES,
P.O. Box 1288, Los Alamos, NM.

DEAR MR. HEDGES: This is in response to your letter to the Department of Justice concerning the prosecution of Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This prosecution is based solely on the facts and the law. Dr. Lee's Chinese heritage and ancestry played no role whatsoever in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. To render a decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department's ethical canons, as well as my own personal beliefs.

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Thank you for taking the time to write to express your views.

Sincerely,

JOHN J. DION,
Acting Chief, Internal Security Section.

At the request of the members of its Social Concerns Committee, the Congregation of the Unitarian Church of Los Alamos met in a Congressional Meeting on Friday, August 4, 2000 and, after a more than two-hour debate, passed the following resolution concerning the pretrial treatment of Dr. Wen Ho Lee. The resolution was passed by an affirmative vote of 97% of those voting.

RICHARD K. COOPER,
President, Unitarian Church of Los Alamos.

RESOLUTION IN SUPPORT OF CIVIL RIGHTS FOR DR. WEN HO LEE

August 4, 2000

WHEREAS, Dr. Wen Ho Lee, an American citizen, was arrested in December 1999 and charged in a 59-count indictment with transferring nuclear weapons data to an unsecured computer and portable storage systems in violation of federal laws;

WHEREAS, Dr. Lee is not charged with espionage;

WHEREAS, as documented in the transcript of the FBI interrogation, FBI agents lied to Dr. Lee about the results of a polygraph test which he passed, and threatened his life and his family in an effort to force Dr. Lee to confess to espionage;

WHEREAS, while awaiting trial set for November, 2000, and presumed innocent, Dr. Lee has been denied bail, jailed in solitary confinement, and subjected to harsh and cruel conditions which include the following:

Dr. Lee is in chains, shackled hands and feet whenever he is taken from his solitary cell; he is chained during his one hour per week visit with immediate family so that he must shuffle and awkwardly lean to activate the intercom with manacled hands in order to speak through glass (however, during a mid-July visit his handcuffs were removed) while two FBI agents monitor and censor each word; Dr. Lee remains in ankle chains when working with his lawyers behind triple locked doors in a windowless room in a secured facility;

Dr. Lee is not allowed any exercise, fresh air, or showers on weekends; the one hour of exercise weekdays he spends alone, and until recently in shackles, and he must forego any exercise or fresh air on days he meets his attorneys to prepare for trial; Dr. Lee's telephone calls are extremely limited, censored and transcribed; he is allowed no television and limited reading material; his mail is delayed by months;

AND WHEREAS, in protest of the treatment of Dr. Wen Ho Lee, is far more severe than needed to assure security, numerous organizations and individuals have adopted resolutions or written in protest to Attorney General Janet Reno and other government officials;

NOW, THEREFORE, it is resolved that the Unitarian Church of Los Alamos, New Mexico, while taking no position on the guilt or innocence of Dr. Lee with respect to the charges against him, concurs in the protest of the conditions of detention of Dr. Wen Ho Lee as cruel and overly harsh and is alarmed

by the denial of Dr. Lee's civil libraries and rights to due process;

FURTHER, the Unitarian Church of Los Alamos, New Mexico, calls upon the government of the United States of America immediately to institute humane treatment of Dr. Lee and to seek from the Court pre-trial release of Dr. Lee under conditions that respect his human dignity;

And it is FURTHER RESOLVED that this Resolution shall be printed in publications of the Unitarian Church of Los Alamos, distributed to other appropriate Unitarian Universalist Association offices and congregations, and shall be delivered to U.S. Attorney General Janet Reno and to the congressional delegation from the State of New Mexico.

By September 7, 1999, the New York Times wrote a long article on Chinese espionage and noted that secret information regarding nuclear design was available not only at Los Alamos but "to hundreds and perhaps thousands of individuals scattered throughout the nation."

Citing a CIA official, the New York Times stated that this Wen Ho Lee case was going to be as "bad as the Rosenbergs."

All of this hysteria, I believe was deliberately programmed as a cover-up of the lack of security at the labs.

Wen Ho Lee being Taiwanese was an easy target.

Creating a climate of suspicion upon all Chinese is the terrible wreckage heaped by the storm on these loyal Americans.

If all that the New York Times alleged were true, why wasn't Wen Ho Lee charged with espionage?

The answer is obvious. There was never any evidence of espionage.

This case began in 1995 when a U.S. agent in Asia was approached by a Chinese defector with a 74-page document which purported to be a blueprint for a nuclear weapons program. It was 7 years old.

U.S. experts concluded it came from Los Alamos. Energy Department intelligence chief Notra Turlock took over the investigation. By May 1996 he had identified 12 suspects. Newsweek, September 25, 2000.

By late 1998 the FBI became convinced Lee was probably not their target. Newsweek.—By 1999 the political climate however changed and people were hot after finding a spy.

Newsweek states in its article of September 25, 2000, that Energy Secretary Bill Richardson called FBI Director Freeh and urged they accelerate Wen Ho Lee's investigation.

Wen Ho Lee had engaged in a pattern of deceit.

Dr. Robert A. Messemer, an FBI agent, admitted on August 17, 2000, at a December 1999 bail hearing for Wen Ho Lee, that he had misstated the testimony of a co-worker, Kuok-Mee Ling, suggesting that Wen Ho Lee had misled him in getting permission to use his computer. In fact, there was no deception.

Dr. Messemer also testified in August 2000 that he failed to tell the Judge in December 1999, that Dr. Lee had disclosed contracts with Chinese scientists in his 1986 trip to China.

Dr. Messemer had failed to tell the court in December 1999, that Wen Ho Lee had told the FBI in March 5, 1999, that he received various correspondence from Chinese scientists.

Nor did Dr. Messemer tell the court that the letters the FBI found in Dr. Lee's home did not prove he had sent them seeking a job. The letters were written to Australia, France, Singapore, and Switzerland.

Initially the felony charge against Wen Ho Lee was based on intent to harm the U.S. and to aid a foreign power.

Later, the prosecutor's case was based on showing Lee's motive was to impress prospective employers rather than to help China's nuclear program. Washington Post, September 24, 2000.

Mr. Richard Krajcik, Deputy Director of the Los Alamos top-secret X Division, testified on August 17, 2000, and conceded the information that Wen Ho Lee downloaded was not classified secret at the time he took it. AP New Mexico, August 18, 2000. He said it had not been reviewed for classification.

Judge James A. Parker in the final court hearing in which Wen Ho Lee was released of all 59 charges except one, said the government action against Wen Ho Lee had embarrassed the entire nation. Judge Parker said that the government had led him astray. Judge Parker apologized to Dr. Lee for the unfair manner in which he was held.

The question that lies unanswered with Wen Ho Lee's release is whether he in fact downloaded the "crown jewels" of our nation's nuclear weapons program so sensitive that it could change the global strategic balance if obtained by a foreign adversary.

INTO THE SUNSHINE

(By Michael Isikoff)

Every Saturday morning Sylvia Lee and her children would pass through the metal detector and take their seats by the glass partition in the bleak room where maximum-security prisoners meet visitors. A door would open and Wen Ho Lee, diminutive and soft-spoken at 60, would shuffle in flanked by two FBI agents. Lee's legs were shackled, his hands manacled and the handcuffs chained to his waist. "It was just so horrible," his daughter, Alberta, says now. "They were treating him like an animal." The Lee family time began—an hour of stilted togetherness with the FBI taking notes on every word. Seeing her father in chains, and knowing he was being held in complete isolation, frequently reduced Alberta to tears. Reading was one of his only escapes, and every week she brought him something new. His favorite was the novel by Gabriel García Márquez: "One Hundred Years of Solitude."

Wen Ho Lee's term of solitude ended last week in the collapse of the most highly publicized espionage case since the arrest of Aldrich Ames—a negotiated guilty plea on one count of mishandling classified information. The plea bargain stripped any remaining credibility from the hopelessly botched federal investigation of alleged Chinese spying at the Los Alamos National Laboratory, and it humiliated the FBI. It also infuriated U.S. district Judge James A. Parker, who said he had been "misled" into treating Wen Ho Lee as a dangerous spy. Calling Lee's imprisonment "draconian" and "unfair" Parker excoriated "top decision makers" at the Department of Justice and the Energy Department who, according to Parker, had "embarrassed our nation." Lee and his lawyers claimed he had been targeted for investigation because he is Chinese, and critics charged that the FBI and the Energy Department had engaged in a new form of racial profiling. The Clinton administration, it seemed, had a bad case of cold-war paranoia.

The recriminations have only just begun. Stung by the judge's criticism and by a rebuke from Bill Clinton, Attorney General Janet Reno is likely to order an internal inquiry into what went wrong—a probe that could prove distinctly uncomfortable to Reno herself, FBI Director Louis Freeh and other senior officials. But even as they acknowledged a badly flawed case, senior law-enforcement officials insisted they were right to go after Lee in the first place. They say his actions raise troubling questions that are still unanswered.

As late as last Monday, Newsweek has learned, Reno and other top Justice officials nearly torpedoed the deal after Lee admitted for the first time that he made copies of the computer tapes containing nuclear secrets he downloaded from Los Alamos's classified computers. Lee insisted he had destroyed all the copies along with seven original tapes the FBI never recovered and that he never compromised U.S. security. But his new admission triggered a series of tense discussions among top national-security officials. "People were really angry and upset," said one source. For a time Reno and other top officials were strongly leaning toward taking the troubled case to trial anyway.

In the end, Justice officials modified the deal with Lee. They gave themselves greater latitude to bring new charges against the scientist if they catch him lying during the intense debriefings he must now undergo. "When the full story comes out," said one unrepentant law-enforcement official, "people are going to see that he's not the poor little innocent he's being made out to be."

Maybe so, but suspicions are not what federal prosecutions are supposed to be about. What drove the Lee case was legitimate national-security concerns—warped by politics. The case began in 1995 when a U.S. agent in Asia was approached by a Chinese "walk-in" defector with a sensational intelligence coup—a 74-page document that purported to be the blueprint for modernizing China's nuclear-weapons program. Although it was seven years old, the document included numerous pieces of information, and some key phrases, that suggested a massive security leak at Los Alamos. It also included a design virtually identical to the W88, a state-of-the-art thermonuclear warhead built for U.S. missile subs. While skeptics suggested the document may have been a plant by Chinese intelligence, some U.S. experts were convinced that much of the information had indeed been stolen from Los Alamos. One of them was Energy Department counter-intelligence chief Notra Trulock, who took over the W88 probe, code-named Kindred Spirit. By May 1996 his team of spy-hunters, working with the FBI, had identified 12 suspects—with Wen Ho Lee at the top of the list.

Born in Taiwan and educated at Texas A&M, where he got his doctorate in mechanical engineering, Lee joined the staff at Los Alamos in 1978. He worked in the X Division, which designs U.S. bombs and warheads, as a midlevel scientist specializing in the computer simulation of shock waves generated by nuclear blasts. Crucially, he was on the team that designed the trigger for the W88 warhead. Still, there was no hard evidence that Lee had engaged in any form of espionage. By late 1998 the FBI's Albuquerque, N.M., field office became convinced that Lee was probably not their target and noted that hundreds of other people, including outside contractors, needed to be examined.

By then the political climate had changed. Trulock had testified in secret before a congressional committee investigating technology transfers to China headed by GOP

Rep. Chris Cox. Republicans had already pummeled the Clinton White House over Asian campaign contributions, and top administration officials feared a new China scandal. In December 1998, Newsweek has learned, Energy Secretary Bill Richardson called FBI Director Freeh and urged him to accelerate the Lee investigation.

In March 1999 The New York Times ran a front-page story pointing to an unnamed ''computer scientist'' at Los Alamos as a key figure in a probe of Chinese espionage. The next day the FBI interrogated Lee and tried to extract a confession. Waving the newspaper story, agents warned Lee he faced the loss of his job and pension and that he was ''failing'' lie-detector tests—a statement that was at least somewhat misleading. ''I tell the truth,'' Lee insisted. ''Do you know who the Rosenbergs are?'' an agent asked. ''You know what happened to them? They electrocuted them, Wen Ho.'' No lawyer was present.

Ironically, neither the FBI nor the Energy Department was aware at that point that Wen Ho Lee had been secretly downloading massive amounts of X Division weapons data for years. To do it, Lee asked to use the computer of a colleague outside the X Division. Then he typed CL=U (classified equals unclassified) on the restricted files, allowing access from the other computer. Starting in 1993 Lee downloaded 806 megabytes of classified information—about 400,000 pages.

But damning as the evidence looked to national-security officials in Washington, the case against Lee turned out to be filled with holes, and prosecutors began to take hits left and right. At a bail hearing in August, FBI agent Robert Messemer admitted that he had earlier given false testimony, portraying Lee as more devious than the scientist actually was when he asked to use his colleague's computer. Messemer called his testimony ''an honest mistake.'' Other government scientists stated that many of the nuclear secrets Lee downloaded were publicly available—and many had a relatively low classification: ''protect as restricted data,'' or PARD.

In late August a meeting was convened at the Justice Department command center to review where matters stood. ''The case was falling apart,'' said one official. Chief prosecutor George Stamboulidis was convinced he could still win at trial. But national-security officials feared that Judge Parker would allow defense lawyers to introduce some of the secret documents that Lee had downloaded. ''We would have had to parade these documents in front of the jury and the world,'' said Stamboulidis. Even FBI Director Freeh—who had aggressively pushed the case to begin with—was now arguing that the government should take a plea.

Senior law-enforcement officials say the biggest mistake may have been the harsh conditions under which Lee was held—the solitary cell, the leg irons, the 24-hour watch. Top Justice officials now say they had some concerns about this from the beginning but didn't convey them strongly enough to the original prosecution team. ''If there was a failure, the higher-ups at Justice weren't really forceful enough in speaking up,'' said one official. ''That's a legitimate criticism.'' When Stamboulidis came in to take over the case in June, he eased the treatment of Lee and ordered the leg irons taken off. But by then it was too late. The image of Lee, a gentle scientist being mistreated by the government, had made its way into the public mind. As a symbol of overzealous prosecution, it could well stay there for some time to come.

FBI AGENT RECANTS TESTIMONY AGAINST LOS ALAMOS SCIENTIST LEE

(August 18, 2000; Albuquerque, New Mexico)

An FBI agent has recanted testimony that was key to a judge's decision to deny bail last December to a fired nuclear weapons scientist accused of downloading restricted files.

The testimony last year from Agent Robert Messemer had portrayed Wen Ho Lee as guileful when the jailed Los Alamos lab physicist supposedly told a colleague he wanted to use that scientist's computer to print a resume.

At a bail review hearing Thursday, Messemer acknowledge that Lee had told the other scientist he wished to download files.

''My testimony was incorrect,'' Messemer told U.S. District Judge James Parker.

The judge had cited Lee's ''deeply troubling'' deceptions in denying him bail in December.

The FBI agent said Thursday he did not intentionally attempt to mislead the judge and said he did not believe it was a serious error.

The hearing, the defense's third effort to get Lee released on bail, was scheduled to continue Friday with more questioning of Messemer.

Lee, 60, is charged with 59 counts involving downloading files from Los Alamos National Laboratory to unsecured computers and tape. The Taiwan-born American citizen could face life in prison if convicted at trial, scheduled to begin Nov. 6.

During Messemer's testimony Thursday, the FBI agent also acknowledged Lee disclosed contacts with scientists from the People's Republic of China in a report to the lab about a 1986 conference he attended.

Messemer insisted, however, that under questioning by authorities Lee did not disclose the full scope of those contacts.

Messemer testified last year Lee initially told authorities only about a Christmas card he had gotten from one Chinese scientist. He acknowledged that Parker could have inferred from that testimony Lee was lying.

He also said he wanted to correct a ''minor point'' in which he said Lee sent letters seeking an overseas job. Messemer said Thursday the FBI had no evidence one way or the other whether the letters were sent.

Los Alamos scientist Richard Krajcik, deputy director of a top-secret nuclear weapons division at the lab, testified that he stood by earlier statements about the seriousness of the downloaded documents.

''It represents the crown jewels of nuclear design assessment capability of the United States,'' Krajcik said.

Krajcik conceded the information was not classified as secret when Lee allegedly took it, but said only scientists with security clearances could access it.

At the time, the information had not been reviewed for classification. The information has since been classified as confidential restricted data and secret restricted data, but not top secret.

Defense attorney John Cline read descriptions of classification levels, which define top-secret information as vital to national security and whose dissemination would cause ''exceptionally great damage.'' Secret information does not reveal critical features.

Ms. PELOSI. Mr. Speaker, I want to thank Congresswoman MINK for organizing this important Special Order and commend Congressman UNDERWOOD, Chair of the Congressional Asian Pacific American Caucus, and the other Members of the Caucus for their leadership and hard work to focus attention on these important civil rights issues.

The treatment of Dr. Wen Ho Lee remains a cause for concern. Asian-Americans, members of racial and ethnic minority groups, civil libertarians, and other Americans have correctly questioned his treatment and continue to question the underlying racial stereotyping and racial profiling that plagued this case. Why did this happen? What were the objective and neutral criteria used to bring these charges? Why was he held in solitary confinement, unable to exercise, prohibited from speaking Chinese to his family, and subjected to extraordinary conditions of confinement?

The implications of this case go well beyond the Chinese and Asian-American community. It concerns other minority communities, racial profiling in law enforcement, and stereotyping all across the country. America's law enforcement agencies and the FBI should not be targeting individuals based solely on their race or ethnicity. Several years ago, after the bombing at the Oklahoma City Federal Building, too many people were quick to blame foreigners and Arab terrorists. That tragedy reminded us of the important lesson of not jumping to conclusions. Evidently, that lesson has been forgotten.

Rep. ROBERT UNDERWOOD, Chair of the Congressional Asian Pacific American Caucus, has written to President Clinton to urge the establishment of an independent, bi-partisan commission to investigate the handling of the case of Dr. Wen Ho Lee. This important step would help reveal the truth and help depoliticize the issue. A formal Commission of national stature to review these issues would be an important step forward. This independent Commission should have subpoena power. I would like to see the release of documents that the defense would have used during discovery in order to determine whether there were appropriate criteria used to target Dr. Wen Ho Lee. The Organization of Chinese Americans [OCA] has also called for an independent inquiry into how this case was investigated and prosecuted by Federal agencies.

It is important to remind government officials, law enforcement agencies, and the media that our nation's underlying guarantee of equal and fair treatment before the law applies to all Americans, including Chinese and Asian Pacific Americans. Many think Dr. Lee's case was influenced by biased media coverage, political partisanship, attempts to scapegoat someone for the Department of Energy's lax security procedures. Bail hearing testimony by government investigators admitting erroneous statements about Dr. Lee's actions are particularly troubling. As a nation, we can and must do better.

I look forward to the establishment of an independent Commission and the results of the Commission's fact finding mission. Regardless of these findings, we must keep in mind the lessons of the Oklahoma bombing and recognize that racial profiling and stereotyping are unfair and may violate our civil rights. We must work to ensure that the principles of innocent until proven guilty and due process are more than mere rhetoric. We must ensure they remain core American values protecting all Americans.

In closing, I want to thank Congresswoman MINK for organizing this Special Order and highlighting these important issues.

Ms. WATERS. Mr. Speaker, I rise today to express my concerns about the unjust treatment and confinement of Dr. Wen Ho Lee, a former Los Alamos scientist.

Dr. Wen Ho Lee was arrested by the FBI on December 10, 1999, when a grand jury issued a 59-count indictment charging him with stealing nuclear secrets from a classified Los Alamos computer. U.S. District Judge James Parker denied bail for Dr. Lee, citing seven missing computer tapes of nuclear secrets and the possibility that his release could harm U.S. national security. Dr. Lee was held in solitary confinement for the following nine months and shackled whenever he was outside of his cell.

Dr. Lee's confinement was clearly unnecessary. He had not been convicted of any crime and was considered innocent under the law throughout his confinement. On August 17, 2000, FBI agent Robert Messemer admitted that he gave false testimony against Dr. Lee at his bail hearing the previous December. Furthermore, on September 10, 2000, the Department of Justice announced that Dr. Lee would go free after pleading guilty to just one of the original 59 felony counts against him. All other counts against him were dropped. When the Executive Branch agreed to release him without any conditions, it became apparent that it had never been necessary to confine him.

We will never know the reasons why the Federal Government confined Dr. Lee and treated him so harshly. The plea agreement reached by Dr. Lee and the Department of Justice shields the Executive Branch from disclosing information that might have provided an explanation.

Dr. Lee's unjust confinement and the cruelty of the conditions under which he was confined are a disgrace to the FBI, the Department of Justice and the entire nation. No American citizen should ever be unnecessarily confined by the U.S. Government. I am deeply sorry about the unjust treatment Dr. Lee received, and I urge my colleagues to work diligently to ensure that no other citizen will ever be forced to endure this type of treatment.

GENERAL LEAVE

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on my special order tonight.

The SPEAKER pro tempore (Mr. MICA). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, to whoever might be looking at this session, this is going to be sort of a briefing on Social Security.

Social Security has come to the forefront of one of the very important issues in this Presidential debate, certainly with every senior, certainly also with every worker in this country as they now pay more into the Social Security tax than they do in the income tax, and certainly for our kids, our grandkids, those kids that are not born yet, is Social Security going to be there for them.

Let me start with my first chart. I would like to thank Senator ROD GRAMS from Minnesota. He has introduced legislation to keep Social Security solvent, as I have. I have been chairing the bipartisan Social Security Task Force of the Committee on the Budget and, so, we have been working on Social Security for the last 5 years trying to get public attention to the fact that Social Security is insolvent and eventually there is going to be less money coming in than is required for benefits and the challenge facing this country if we are going to make a commitment not to reduce benefits, and we should do that, not to increase taxes even further on workers in this country, and we should do that.

When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans.

In fact, it is interesting, looking up and researching in the archives in 1935, the Senate on two occasions voted that private personal investments should be an option to the Government handling the system. When it finally went to the conference committee between the House and the Senate, it turned around strictly to a Government-run program, a pay-as-you-go program where current workers pay in their taxes and immediately it goes out to current retirees.

This is Barry Pump, an intern that is going to be helping me, from Iowa. So our intern program is an excellent opportunity for juniors in high school. So, Barry, thank you very much.

The system really is now stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. That means they go out of the, if you will, paying in mode, paying their Social Security taxes, to the taking out mode. And these baby boomers are at the high end of the income scale, so they pay a much higher tax since our tax now is 12.4 percent on the first $76,000. Social Security expending exceeds tax revenues in 2015, and so the problem is where do we start getting the extra money starting in 2015.

The bottom blip is Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. And the crisis is trying to come up with that money. The danger historically as we look at what has happened through history, politicians in Washington and the President, for example, in 1997 and again in 1983, when money was short to pay out benefits, legislation was passed to reduce benefits and increase taxes. And that is why it is so very important that we deal with this problem now, we do not delay, we do not put it off. The longer we put off this problem, the more drastic the changes are going to have to be. So I think it is very important that we deal with this very important program as soon as we can.

Some have said, well, these are just people's estimates of the future. Not so. Insolvency is an absolute. Insolvency is certain. We know how many people there are and we know when they are going to retire. We count the people. We know what their ages are. We know what their earning is, how much they are paying in. We know that people will live longer in retirement.

When Social Security started in 1935, the average age of death was 62 years. For this pay-as-you-go program, that meant most people paid in all their lives but never took anything out. It worked very well. But now the life span of individuals has been increasing substantially. We know how much these individuals will pay in, how much they will take out. The payroll taxes will not cover benefits starting in 2015. And the shortfalls will add up to $120 trillion between 2015 and 2075.

So, in tomorrow's dollars, in those inflated dollars, it is going to take $120 trillion more than the tax revenue coming in from the Social Security tax to pay benefits.

I suspect most of us do not know how much really a trillion dollars is. I certainly do not. But you can compare it maybe with our annual budget, which now is approximately $1.8 trillion annual budget. It is a huge challenge. And that is why it has been so easy for this Chamber and the Senate and the President not to take action on it. It is too easy to demagogue. And with this Chamber running for election every 2 years, it is easy to put it off. We cannot do that any more. It is not fair to our kids. It is not fair to our grand kids. Our pay-as-you-go retirement system will not meet the challenge of demographic change.

This is an example of workers per Social Security beneficiary. Back in 1940, there were 38 workers in this country paying in their Social Security tax for every one retiree. Now there are three workers paying in their increased Social Security tax for every one retiree. And by 2025 there is going to be two workers paying in their Social Security tax for every one retiree.

This was developed because of demographic changes. One is the falling birth rate after the baby boomers after World War II. So the number of workers has not increased at the rate it was in the past. And secondly, the life span is tremendously increased. So if you reach retirement age, 65, then on average you are going to live another 18 to 20 years. So life span is going up, the

number of workers' birth rate is going down, and that leaves us with a huge problem of insolvency.

The little blue blip on the top left, maybe it should be green, is the period between now and someplace around 2015 when there are more revenues coming in from Social Security taxes than is used to pay benefits. The reason there is a surplus now in the Social Security tax is because we raised the Social Security tax, Congress and the President raised the Social Security tax substantially in 1983. And we will be looking at that chart in a moment.

What happens after 2015 is the shortfall. The red represents how much money we are going to need above and beyond the Social Security taxes that will be coming in from American workers.

Barry will help us with the next five.

Some have suggested we really do not need to do anything now because economic growth is great, we are going along smoothly. The fact is economic growth will not solve the Social Security problem. Let me tell you why. Social Security benefits are indexed to wage growth. In other words, the more wages you earn, the more taxes you pay in earlier. But when you retire, the more benefits you will get out because the benefits are directly related to the wages you earn.

When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

□ 2000

Growth makes the numbers look better now but leaves a larger hole to fill later. That is what has happened. Three years ago, we were going to run out of money by 2012; but with the economy expanding, now the projection is that we are going to have less money than needed 3 years later, in 2015. But when these people retire, then they are going to take out more. So over the long run, it does not offer a solution to Social Security.

The administration has used these short-term advantages as an excuse to do nothing. Politicians have used this as an excuse to do nothing. I think the fact is clear that many people have called this the third rail of politics. They have suggested if you come up with a fix for Social Security, you are going to be criticized so aggressively by one of the most powerful groups in this Nation, the AARP is going to say, ''Don't mess around with our Social Security.''

Working as chairman of the bipartisan Social Security task force, it was interesting to find out that the people from AARP understand the problems with Social Security and so they are no longer criticizing individuals or the Presidential candidates that come up with potential solutions for Social Security because they know it is a huge problem in the future.

There is no Social Security account with your name on it. A couple of footnotes on this issue. The Supreme Court on two occasions now has ruled that there is no entitlement, no connection, between the Social Security taxes that you pay in and your rights to have any benefits. These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public, reducing benefits or somehow reducing other expenditures. This is from the Office of Management and Budget.

Some have compared the trust fund, that it is somehow a magical safeguard, that the money will be there. I like to use the comparison, what would happen with or without a trust fund, if we had no trust fund, coming up with the money to meet our promises, and I think we are going to do that. I think we have got to do that. If there was no trust fund, you would come up with the money in one of three ways: You would either reduce other spending, increase borrowing or increase taxes or reduce benefits.

If there is a trust fund and you start calling on the trust fund but it is a bunch of IOUs in a box, government still has to come up with those same alternatives to pay back the money that has been borrowed from the trust fund and, that is, you increase borrowing, you increase taxes, you reduce benefits or you cut other expenditures. I do not think this body or the President is going to cut other expenditures of the Federal Government to the extent that is needed to cover the Social Security shortfall. I think the greater danger is in a continuing decision to say, ''Well, it's easier just to raise taxes a little bit or cut benefits a little bit.''

Some have suggested that if we just pay down the debt held by the public and use that interest savings, that will help take care of the problem of Social Security and keep it solvent until 2057. In fact, Vice President GORE's plan, in effect, says, Let us add another giant IOU to the Social Security trust fund. But in trying to look at the problem of coming up with the finances necessary, and it is going to take $46.6 trillion to come up with the money to pay off Social Security until 2057. You cannot do that.

This is the total debt held by the public. This is the total debt that everybody is talking about, bragging about, being able to pay down maybe in the next 10 to 12 years. The interest savings from that $3.4 trillion can never solve a $46.6 trillion problem. So adding another IOU to the trust fund will not work.

I have demonstrated this same problem in another graph. If you will, paying off the trust fund over this same period of time, we start with about a $180 billion a year savings in interest charges if we are going to pay off the $3.4 trillion of debt held by the public. That grows around to 2018 to be about $260 billion a year, and so the blue line represents, assuming that this $260 billion a year is now going to be dedicated every year to Social Security, it still only represents that bottom two inches of an 18-inch problem. And so the shortfall still remains $35 trillion. So to simply say we are going to add an IOU and somehow government is going to come up with the money and add this extra interest charge, interest savings to the Social Security trust fund is not going to solve the problem even if all the money was there.

But again the problem is, where do you come up with the dollars? You come up with it by increasing taxes, cutting benefits, increasing borrowing. Just for the next 57 years, if we were to borrow that extra $35 trillion, the economists suggest that that would so disrupt the market and the economy in this country that it is not feasible. Remember, I said for 75 years it is going to take $120 trillion. There has got to be program changes. They can be made. ROD GRAMS and I and several others have introduced legislation that do not reduce a current or near-term retiree's benefits, that end up trying to accommodate by having a greater return on some of that investment that the worker is sending in in taxes. The average worker now is only getting less than a 2 percent return on those Social Security taxes they send in and we can do much better than that.

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $20 trillion. Let me sort of go over these numbers. Over the next 75 years in today's dollars, it would be $20 trillion. If we could come up with the $20 trillion now and start earning interest on it, we could solve the problem. If we wait year by year, then it is $120 trillion over the next 75 years and it is the 46, $47 trillion until 2057 when Vice President GORE says that it is going to keep the trust fund solvent. The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. I say that not to scare people but just to try to send the message that the longer we delay, the more drastic the solution. Something has got to be done now, because I think it would be unconscionable to increase taxes even further.

The Social Security lock box. A little gimmicky maybe. I introduced a bill so that we would not spend any of the Social Security surplus. But this Congress has been spending the Social Security surplus for the last 40 years. So any extra money that comes into the

Social Security trust fund has been spent for other government programs. The bad part of that is that it becomes almost an entitlement. Any program spending that we spend for 2 or 3 years, there is such a lobbying group, an infrastructure built up to insist that we continue spending that money that government has continued to grow. So increasing discretionary domestic social spending is very dangerous in terms of the obligations to our kids and our grandkids on future generations.

The Social Security lockbox is what Republicans made. The decision was a good way to put that Social Security surplus aside, not spend it on other government programs, and it sort of ended up reducing the amount that we spend on government. That means that it has helped give us the kind of huge surplus that we are now experiencing this calendar year and again next year. It is interesting. The Vice President has said the lockbox is a good idea but I would remind everyone, Mr. Speaker, that we passed the lockbox legislation in this Chamber, we sent it to the Senate, and now the Senate Democrats are filibustering the lockbox law that we sent them. If the Vice President would ask the Democrats in the Senate to pass that bill, there is no doubt in my mind that it would be passed and sent to the President for signature.

I am going to get in a little bit to talking about the diminishing returns on your Social Security investment. The real return of Social Security is less than 2 percent. It is about 1.9 percent on average for all workers. But it shows a negative return for some workers compared to the over 7 percent real return that you can get on average over the last 120 years in the stock market.

As you look at this chart, and I hope the cameras can show it closely enough, minorities on average are going to have a negative return on the money they send in for Social Security. A young black male working today on average will die at age 62½. That means that they will pay in Social Security taxes all their life and not be entitled to anything except a $240 death tax for burial. So they are really getting gypped. The average again is 1.9 percent. Compare that to the market of real return of 7 percent. So if you can get a better return on some of that money being sent in for Social Security, that has got to be part of the solution.

Then part of the problem is the transition cost. How do we make this transition from wanting to start some of those retirement accounts that are going to get some of the higher interest rate returns and the challenge, of course, is using some of the surplus coming in to government today, some of the Social Security surplus, some of the general fund surplus to start some real investments that are going to give Americans an average income worker the opportunity to be a rich retiree.

With this chart, I have attempted to demonstrate in another way what a bad investment Social Security is. This does not include the disability insurance. So the disability insurance is an absolute. No plan touches the disability insurance. So that part is insurance. You take your chances. Some people need the disability insurance and some do not. What I am talking about is the retirement, the rest of, I think it is approximately 10.4 percent of the 12.4 percent that is used for retirement purposes. And so that is what we are talking about. To get that portion back, if you retired in 1940, then that was pretty good. Taxes were not very high in those early years and you received everything you and your employer put into Social Security taxes and you received that back in 2 months. In 1960, it took 2 years to get it back. In 1980, it took 4 years to get it back. In 1995, if you retired in 1995, you have got to live 16 years after you retire to get your Social Security benefits back that you paid in, to break even for what you and your employer put into Social Security taxes. And you see 2015, 26 years; 2025, 26 years. The reason this goes down a skosh is because of the fact that in 1983 when they passed that law, they actually increased the retirement age gradually, so now it goes gradually up from 65 to 67 over the next 20 years.

This is a picture of Bonnie's and my grandkids. I have the picture on the wall of my office. When I come to vote in this Chamber on legislation, I look at that picture and think how is it going to affect my grandkids, 10, 20, 30, 40, 50 years from now. Our youngest here is Frances and our oldest in this picture is Nick, but both of them are going to have real challenges if they are ever going to get Social Security back.

□ 2015

It is interesting that young people today do not believe that Social Security is going to be there yet they are saving less than the previous generations of young people. How do we encourage more savings? The challenge is to fix this program now, because if we simply add IOUs to the trust fund, if we simply say that look, we are going to pass a law and put $20 trillion in the trust fund, then the actuaries would score Social Security as solvent for the next 75 years. The problem is still when there is less money coming in in taxes in 2015 than what is needed for benefits, where do you come up with the money?

I am afraid what is going to happen if we continue to put off solving this problem is my grandkids, your kids and grandkids and their kids, are going to end up paying huge taxes. Right now the estimate is that if we do nothing to cover medicaid, Medicare and Social Security, you would have to go to a 47 percent tax on payroll. Our economy in this country was built on encouraging those people that work and that save, that try and invest, and if we were to put that kind of taxes on our workers I think there would be a generational rebellion. If we simply say, look, we are going to live how we want to live today and somehow make our kids and our grandkids pay for it later, we cannot do that.

This is Salina; this is James; this is Henry; this is George, he is a real tiger; Emily; and I have actually two more grandkids I will have in the next couple of months. Maybe it is a situation where if all of us were grandfathers and we were in this chamber and we were concerned about the obligations that we are putting on our kids and grandkids as we make decisions to pass laws to make our lives easier now but put the debt on them, we have a $5.6 trillion debt that needs to be paid down.

This is a chart on taxes. So just briefly in 1940 the Social Security tax was 2 percent on the first $3,000, or a maximum of $60. By 1960 it was 6 percent on the first $4,800, or a maximum of $288. By 1980 it was 10.16 percent of the first $25,900, for a total of $2,630. Today it is 12.4 percent on the first $76,200, for a total of $9,448.

If we continue to add benefits to Social Security, not correct the problems with Social Security, then it is going to be my grandkids and your grandkids that are going to be facing the kind of increased tax that is going to be intolerable.

Seventy-eight percent of families, working families in the United States, now pay more in the payroll tax than they do in the income tax. So we continue to raise this payroll tax. It is a tax that hurts low-income people much more than high income people. It is the kind of tax that we should not be increasing. So let us not do it.

The 6 principles that I agree with that Senator ROD GRAMS has agreed with, that Governor George W. Bush has agreed with, are we protect current and future beneficiaries. We allow freedom of choice. We preserve the safety net. We make Americans better off, not worse off. We create a fully funded system and no tax increases, and no reductions in benefits for those retirees, or near-term retirees.

Personal retirement accounts, they do not come out of Social Security; they help Social Security earn more money to assure that those benefits are going to be there. They become part of your Social Security retirement benefits and a worker will own his or her own retirement account. That means if an individual might die before they are eligible for retirement, the money goes into their estate. Unlike today, if you die before your retirement then there

is nothing there and it simply is added to the pot for other future retirees and beneficiaries and disability individuals; limited to safe investments that will earn more than the 1.9 percent paid by Social Security. So nobody is suggesting that we simply give this money to individuals and they be allowed to invest it however they want. All of the plans that I have seen say that it has to be a structured, limited type investment, something like maybe a 401(k), something like the Federal Thrift Savings Plan, where you choose from several safe investments; you have some options but they are all safe investments. In my bill that I introduced, I limit it to four safe investments with a potential expansion of additional safe investments that is decided by the treasurer of the United States.

So the point is can we get a better return on our investment than 1.9 percent? The answer is, yes.

I borrowed this from Senator GRAMS because I think it is so important that we have to make sure we do this with the prerequisite that we do not increase taxes and that we do not reduce benefits for retirees or near-term retirees. Term retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments of $1,280 from Social Security. If he puts 10 percent of the 12.4 percent into a savings account, he can get $6,000 a month from his personal retirement savings account.

Remember the picture of Nicholas, my oldest grandson, he painted my fence last year and I said, look, you have $180. I would like you to put it in a Roth IRA, and he said, gosh, grandpa, I sure wanted to put that in the bank and maybe buy a car when I was 16. So I went step through step trying to explain the magic of compound interest and what it would do every year if it was drawing the kind of interest that the equity stock markets have averaged over the last 20 years, the ups and downs. So I went through this and I said, look, by the time you are 68, that $180 will have grown to almost $64,000, and if you wait another 6 years and 8 months, it will be almost $140,000.

He seemed impressed but he said, well, grandpa, can I just maybe put a little bit of it in that Roth IRA and then put the rest in the bank for a car? And I think it demonstrates sort of part of the problem today to encourage people to save. It is so important that everyone, Mr. Speaker, everyone, young, medium age, older age, discipline themselves to put more money in a savings account. The savings account in the United States of America is one of the lowest out of the industrialized world. We have to do better in encouraging savings. This Chamber has come a long ways, developing the regular IRA, the Roth IRA. Now in a bill that we have sent to the Senate, we expand how much you are allowed to save in those IRAs; educational savings accounts. It is important that we encourage that extra savings, but it is even more important that we deal with Social Security and not put it off.

In the law of 1935, we left it operational for State and local governments whether they wanted to get in the Social Security program or have their own retirement program. Galveston County, Texas, was a county that decided it wanted to do its own investments so their employees do not have the payroll deduction. They have a deduction that goes into their personal retirement savings accounts.

Let me just compare Galveston with Social Security. Death benefits now in Galveston are $75,000 with a Social Security burial benefit of $253. The disability benefit per month under the Galveston plan is $2,749. With Social Security it would be $1,280. The retirement benefits per month in Galveston, this is disability, the retirement benefits are $4,790 compared to $1,280. It is an example of how real investments can make a much greater difference than what is happening in the pay-as-you-go Social Security program. Social Security is sort of like, I saw a cartoon I think was interesting that represented the pay-as-you-go program. It had this person coming in to Uncle Sam with a hat on in the cartoon saying, well, now just how does Social Security work? And Uncle Sam was saying, well, see this list here. Now, you send money to the name on the top of this list and you add your name to the bottom of this list, and then when you retire you will get all this money.

A chain letter is sort of like the Social Security program. You depend on somebody else later on that might send you that money when you retire, and that is dangerous.

Spouses and survivors benefits under the Galveston County plan, and I quote this young lady that gave this quote, she said, thank God that some wise man privatized Social Security here. If I had regular Social Security, I would be broke.

After her husband died, Winnie Colehill used her death benefit check of $126,000 to pay for his funeral and she also entered college herself. Under Social Security, she would have gotten $255.

San Diego has a similar plan. San Diego enjoys PRAs, personal retirement accounts. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement benefits. Under the current system, he would contribute twice as much to Social Security but receive only $1,077; $1,077 in Social Security compared to $3,000 per month in their retirement plan.

The difference between San Diego's system of PRAs and Social Security is more than the difference in a check. It is also the difference between ownership and dependence. It is you owning that amount of money; not leaving it up to politicians to mess around with that money or your potential future benefits.

I thought this was very interesting. Even those who oppose PRAs agree they offer more retirement security, and I am quoting from a letter from Senator BARBARA BOXER and Senator DIANE FEINSTEIN and Senator TED KENNEDY to President Clinton on April 22, 1999, in support of allowing San Diego to keep continuing with their private retirement system. They said in this letter, millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security, and that is the truth. So why do not we do it?

□ 2030

The U.S. trails other countries in saving its retirement system. As advanced as we are and as smart as we are, other countries are moving ahead of us with their retirement systems that they are starting to get real investment returns from.

In the 18 years since Chile offered the PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent for years. Among others, Australia, Britain, Switzerland, they offer their workers PRA. It becomes an option to own their own savings account where they can get their own returns on that money.

British workers choose PRAs. With the 10 percent returns, we cannot blame them. Two out of three British workers, and this is a socialist country, enrolled in the second-tier social security system chose to enroll in PRAs. British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of these personal retirement accounts in Britain now exceeds nearly $1.4 trillion, larger than the entire economy of Great Britain.

Based on a family income of $58,475, the return on a PRA is even better. Over a 20-year period, if you put in 10 percent of your payroll, you would end up having $274,000. The bottom blue mark is 2 percent of your payroll. At 2 percent of your payroll, it is $55,000. If we left it in for 30 years, and here again is the magic of compound interest, these investments held over that 30 or 40 years is so significant, and can again make an average income worker a rich retiree.

If one leaves it in for 40 years, and we are allowed to put in 10 percent of the payroll, and social security now takes 12.4 percent, we would have $1,389,000. If one was to get a 5 percent return on that money, it would still be about $70,000 a year without even going into the principal.

Again, let me conclude by saying 78 percent of families pay more in payroll taxes than income taxes. Several of us, bipartisan, when I chaired the social security bipartisan task force, it was interesting that the demographics, the current demographics of how long people are expected to live and therefore how much it is going to cost future taxpayers to pay their benefits. With our medical technology, some medical futurists are now estimating that within 25 years a person will be able to live to be 100 years old if they want to. Within 35 to 40 years, an individual can live to be 110 years old .

Are we doing what we need to do as individuals in putting aside savings to accommodate the kind of living standard that the future kind of medical technology is going to allow? Of course, if that happens to social security, then the tremendous extra pressures on social security in future generations that are going to have to pay the increased tax will occur.

Right now we are talking about adding prescription drugs to Medicare. Medicare could go broke with the legislation that has passed as early as 2004 or 2005. If we add prescription drugs to it, then my guess is a couple of things will happen. We end up with a government-run program that if it starts costing too much, it is going to look at rationing. That rationing is going to hold true whether it is Medicare and the government running that program, or whether it is social security.

So my bottom line, Mr. Speaker, is, let us not delay. Let us not neglect this promise any longer. We have lost the last 8 years. Let us make sure that we move ahead with this next administration and come up with a program that will keep social security solvent.

THE PROBLEM OF ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, usually I come on Tuesday nights to address the House on the problem of illegal narcotics in our society, and what the Congress can do working together to try to resolve the problem of drugs.

Tonight I will only have a few minutes to sort of summarize, because our time is limited.

We have watched on television, a front line report about illegal narcotics. It has gotten the attention of many Americans and Members of Congress.

I came to the floor about a week or two ago and held up this chart. I chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources. It is one of the most shocking statistics or report that I have ever received as a Member of Congress or chairing a committee responsible for drug policy.

For the first time in the history of recordkeeping of the United States, drug-induced deaths in 1998 exceeded murder, homicides, in this country. That means we had more people dying from drug overdoses and drug-induced deaths than murders or homicides across our land. That, unfortunately, has been repeated in my community in Central Florida, and it is a very serious problem.

One of the things we have heard is that the war on drugs is a failure. It is very important that the American people and the Congress understand that the war on drugs basically was closed down at the beginning of the Clinton administration.

If we look at long-term trends and lifetime prevalence of drug use, we see that during the Reagan administration and Bush administration there was a 50 percent drop in drug abuse. If one in fact looks at that Frontline report that has been published and viewed across the country lately, we hear of all the things that were instituted: the Andean strategy, the stopping drugs at their source, the Vice President's task force, even going after Noriega for drug trafficking and money laundering of drugs in the Bush administration in 1989. Then we see a dramatic decrease in drug use in the country, a 50 percent reduction.

In the Clinton administration, where we have the ''just say maybe'' policy, where we appoint a chief health officer like Joycelyn Elders as a Surgeon General who says, just say maybe, to our kids, where we abolish the international programs to stop drugs at their source, we have a flood and a huge supply of narcotics. Treatment can never keep up with what we see here and the failure of this administration, and certainly the deaths that we see and the destruction, the devastation.

The other thing is that we do not spend enough money on treatment. That is the line that the Clinton administration used when they took over. Here, we will see the treatment money was being expended and increased under the Bush administration and under the Reagan administration. They also had dramatic programs to deal with the supply, and they cut down the supply.

Here we see treatment spending during the Democrat control, even the Republican control, almost a doubling in treatment over these years. Yet, we see an incredible plague upon our cities.

So we cannot just treat ourselves out of this problem, we have to have a combination of eradication, interdiction, enforcement, education, and also prevention programs that work. Finding the prevention and treatment programs that work is so important. We are spending a lot of money on treatment. We have doubled the amount of money on treatment.

The Clinton administration closed down any semblance of a war on drugs. In hearings that we have held, even today, we found that the $300 million that this Congress appropriated for Colombia some 2 years ago, getting the resources to Colombia, were in fact bungled. We find even in a $1 billion education program we are paying 179 percent over industry standards for placement of ads, and instead of paying a 3½ percent industry average commission, we are paying 14 percent plus, so ads are not going on the public education and information media. An anti-narcotics campaign is not what the Congress intended.

Getting the resources from Colombia, which is the source of 70 percent of the heroin and some 80 percent of the cocaine, has not been done. The project as administered by the administration has been bungled. This is the result we see. We are back to a dramatic increase in the number of drug-induced deaths, some 16,926, exceeding for the first time in the recorded history of the United States the homicides or murders in this country.

So when people tell us that the war on drugs is a failure, the Clinton-Gore close-down of the war on drugs indeed led to failure, led to death and destruction. The statistics are very clear.

But a successful program such as the Reagan-Bush administration, even though it was a tough one, even though it was a zero tolerance, had a 50 percent reduction in illegal narcotics use in this country, and dramatically gave us a different picture than what we see here today.

Finally, in conclusion, Mr. Speaker, I was pleased that last Friday was the first time I have heard anyone who assumes to national leadership take the forefront and mention the problem of illegal narcotics. That was Governor Bush from the State of Texas, who I believe was in Iowa and talked about illegal narcotics, brought it up as part of his campaign.

I hope that we have a leader and someone who is willing to provide the direction to provide successful programs, and also to bring this to the attention and provide the national leadership that we so badly need in this area, because for so long it has been swept under the table. For too long it has been ignored by this Congress.

Again, we see the results of this and the tragedy, death, and destruction to our families and our children.

Mr. Speaker, I would mention that we leave with a saddened heart in the loss of our dearly beloved colleague, Mr. Bruce Vento, the distinguished gentleman from Minnesota, and with our deepest sympathy to his family as we now adjourn for the evening.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of family illness.

Ms. ESHOO (at the request of Mr. GEPHARDT) for September 28 through October 12 on account of family illness.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today on account of medical reasons.

Mr. NADLER (at the request of Mr. GEPHARDT) for today before 3:30 p.m. on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 3:45 p.m. on account of personal business.

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of personal medical reasons.

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. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. BLILEY, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

2. 2917. An act to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Resources.

S. Con. Res. 131. Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarność, and for other purposes; to the Committee on International Relations.

S. Con. Res. 148. Concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historical lighthouse preservation program.

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, October 16, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10553. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report entitled, ''Report on the Performance of Department of Defense Commercial Activities,'' pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

10554. A letter from the Secretary of Health and Human Services, transmitting the Native Hawaiian Revolving Loan Fund For Fiscal Years 1998–1999; to the Committee on Education and the Workforce.

10555. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Nuclear Safety Management (RIN: 1901–AA34) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10556. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Code for New Federal Commercial and Multi-Family High Rise Residential Buildings [Docket No. EE-RM–79–112–C] (RIN: 1904–AA69) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10557. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 20–00 which constitutes a Request for Final Approval for the Amendment to the Project Arrangement (PA) on Space Based Surveillance System Concept Studies, Experiments and Trials, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10558. A letter from the Administrator, General Services Administration, transmitting the Strategic Plan in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

10559. A letter from the Acting Chairman, U.S. Merit Systems Protection Board, transmitting the Commercial Activities Inventory Report Year 2000; to the Committee on Government Reform.

10560. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in North-Central South Dakota (RIN: 1018–AG26) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10561. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 99122347–9347–01; I.D. 090700A] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10562. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; 2000 Specifications Adjustment [Docket No. 991228354–0078–02; I.D. 100300A] (RIN: 0648–AM49) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10563. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeasten United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 000119014–0137–02; I.D. 100200C] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10564. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Checklist for Section 1503(d) Closing Agreement Request [Rev. Proc. 2000–42] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 1924. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescene in, and relitigation of, precedents established in the Federal judicial courts; with an amendment (Rept. 106–976). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. The Vaccine Injury Compensation Program: Addressing Needs and Improving Practices (Rept. 106–977). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3011. A bill to amend the Communications Act of 1934 to improve the disclosure of information concerning telephone charges, and for other purposes; with an amendment (Rept. 106–978). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GREENWOOD:

H.R. 5455. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself, Mr. OSE, Mr. SHIMKUS, Mrs. MALONEY of New York, Mr. BARRETT of Wisconsin, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Mr. BENTSEN, Mr. STRICKLAND, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. REYES, Ms. DELAURO, Mr. BORSKI, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. MASCARA, Ms. HOOLEY of Oregon, Mr. WU, Mr. PHELPS, Mr. FOLEY, Mr. POMEROY, Mr. SANDLIN, Mr. ACKERMAN, Mr. LUTHER, Mr. BROWN of Ohio, Mr. CRAMER, Mr. FATTAH, Mr. GEORGE MILLER of California, Ms. LEE, Mr. ROTHMAN, Mr. LARSON, Mr. FROST, Mr. GREEN of Texas, Mr. GEJDENSON, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. SPRATT, Ms. BERKLEY, Mr. ENGEL, Mrs. CLAYTON, Mr. CONYERS, Mr. THOMPSON of California, Mr. GILMAN, Ms. GRANGER, Mr. ORTIZ, Mr. HINOJOSA, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Ms. BALDWIN, Mr. CHABOT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. HOEFFEL, Mr. KILDEE, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. WEXLER, Mr. TIERNEY, Mr. KIND, Mr. BALDACCI, Mr. WYNN, Mr. DOOLEY of California, Mr. EVANS, Ms. VELÁZQUEZ, Mr. BOSWELL, Mr. BERRY, Mrs. NAPOLITANO, Mr. COSTELLO, Ms. DUNN, Mr. SAWYER, Mr. FORD, Ms. MCKINNEY, Mr. WAXMAN, Mr. PITTS, Mr. MENENDEZ, Mr. CASTLE, Mr. CLEMENT, Mrs. THURMAN, Mr. SHERMAN, Mr. WEINER, Mr. PALLONE, Mrs. MORELLA, Mr. MCINNIS, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Ms. PELOSI, Mr. TRAFICANT, Mr. PEASE, Mr. SCOTT, Mrs. FOWLER, Mrs. MEEK of Florida, Mr. GUTKNECHT, Mr. DICKEY, Mr. BLUNT, Mr. UPTON, Mr. MCCRERY, Mr. BONIOR, Mr. BERMAN, Mrs. EMERSON, Mr. WELDON of Florida, Mr. MCINTYRE, and Mr. DOGGETT):

H.R. 5456. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mrs. WILSON, and Mr. HUNTER):

H.R. 5457. A bill to provide for the interconnection of distributed generation facilities with local electric distribution systems, and for other purposes; to the Committee on Commerce.

By Mr. BILBRAY:

H.R. 5458. A bill to authorize the investor-owned electric utilities in California to purchase electric power directly from the Bonneville Power Administration at specified rates, and for other purposes; to the Committee on Commerce.

By Mr. SANFORD (for himself, Mr. LEWIS of Georgia, Mr. TANCREDO, and Ms. MCKINNEY):

H.R. 5459. A bill to direct the Secretary of the Army to recommend a water resources development and conservation project for authorization by Congress only if the project has projected benefits that are at least 1.5 times as great as the project's estimated total cost, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BIGGERT:

H.R. 5460. A bill to amend the Inspector General Act of 1978 to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes; to the Committee on Government Reform.

By Mr. CUNNINGHAM:

H.R. 5461. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H.R. 5462. A bill to amend title 18, United States Code, to punish the placing of sexual explicit photographs on the Internet without the permission of the persons photographed; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. SAM JOHNSON of Texas, and Mr. LEVIN):

H.R. 5463. A bill to amend the Internal Revenue Code of 1986 to affirm the confidentiality of closing and similar agreements and agreements with foreign governments; to the Committee on Ways and Means.

By Mr. INSLEE:

H.R. 5464. A bill to amend the Public Health Service Act to authorize grants to carry out programs to improve recovery rates for organs in eligible hospitals; to the Committee on Commerce.

By Mr. INSLEE:

H.R. 5465. A bill to amend the Public Health Service Act to provide for a National Living Organ Donor Registry; to the Committee on Commerce.

By Mr. MATSUI:

H.R. 5466. A bill to amend the Internal Revenue Code of 1986 to provide for the payment of fellowship benefits to pension plan participants; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York:

H.R. 5467. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries and for women diagnosed with breast cancer; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 5468. A bill to establish the United States Commission on Security in an Open Society; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mr. CHAMBLISS, Mr. GOODE, Mr. BISHOP, Mr. WICKER, Ms. VELÁZQUEZ, Mr. PICKERING, Mr. COBLE, and Mr. GRAHAM):

H.R. 5469. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 5470. A bill to provide for the opposition of the United States to the provision of any resources or assistance by the International Monetary Fund to the Palestinian Authority until the Secretary of State certifies that Israel and the Palestinian Authority have signed an agreement on borders and security arrangements for Israel and a Palestinian state; to the Committee on Banking and Financial Services.

By Mr. SAXTON:

H.R. 5471. A bill to amend the Internal Revenue Code of 1986 to allow individuals an exclusion from gross income for certain amounts of capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mrs. MCCARTHY of New York, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Ms. CARSON, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. LEE, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Ms. PELOSI, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. LIPINSKI, Mr. RANGEL, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. ENGEL, Ms. MCCARTHY of Missouri, Mr. KENNEDY of Rhode Island, and Mr. WEINER):

H.R. 5472. A bill to provide grants for the purchase of firearms to States and units of local government that enforce certain rules designed to protect the public from the misuse of handguns; to the Committee on the Judiciary.

By Mr. LEACH:

H.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. SMITH of New Jersey, and Mr. BERMAN):

H. Con. Res. 425. Concurrent resolution expressing the sense of the Congress that the continued participation of the Russian Federation in the Group of Eight must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. ARMEY, Mr. GEPHARDT, Mr. BRADY of Texas, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. BEREUTER, Ms. BERKLEY, Mr. CANNON, Mr. CHABOT, Mr. BERMAN, Mr. DIAZ-BALART, Mr. COOKSEY, Mr. CARDIN, Mr. CUNNINGHAM, Mr. CROWLEY, Mr. EHLERS,, Ms. DELAURO, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Mr. DEUTSCH, Mr. ENGEL, Mr. GEKAS, Mr. GILLMOR, Mr. GALLEGLY, Mr. FROST, Mrs. KELLY, Mr. HOBSON, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. KINGSTON, Mr. LAZIO, Mr. LANTOS, Mr. LEACH, Mrs. LOWEY, Mrs. MORELLA, Mr. MCCOLLUM, Mrs. MCCARTHY of New York, Mr. MENENDEZ, Mr. MICA, Mr. MALONEY of Connecticut, Mr. NADLER, Mr. OSE, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. ROHRABACHER, Mr. SALMON, Mr. SHERMAN, Ms. ROS-LEHTINEN, Mr. SISISKY, Mrs. ROUKEMA, Mr. WAXMAN, Mr. SHAW, Mr. WEINER, Mr. SMITH of New Jersey, Mr. WEXLER, Mr. SMITH of Michigan, Mr. STEARNS, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEYGAND, Mr. WYNN, and Mr. HOLT):

H. Con. Res. 426. Concurrent resolution concerning the violence in the Middle East; to the Committee on International Relations.

By Mr. SESSIONS:

H. Con. Res. 427. Concurrent resolution directing the Secretary of the Senate to correct the enrollment of the bill S. 3186; considered and agreed to.

By Mr. UPTON:

H. Con. Res. 428. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; considered and agree to.

By Mr. BILBRAY:

H. Con. Res. 429. Concurrent resolution expressing the sense of Congress regarding the electricity crisis in San Diego and Orange Counties in California; to the Committee on Commerce.

By Mr. BILBRAY (for himself, Mr. HUNTER, Mr. PACKARD, and Mr. CUNNINGHAM):

H. Res. 629. A resolution expressing the sense of the House of Representatives that the basic allowance for housing for members of the Armed Forces stationed in San Diego and Orange Counties, California, should be increased to compensate for increased energy costs there; 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. 450: Mr. WALDEN of Oregon.

H.R. 531: Ms. MCCARTHY of Missouri.

H.R. 632: Mr. FRANKS of New Jersey.

H.R. 842: Mr. THOMPSON of California and Mr. MASCARA.

H.R. 1071: Mr. MENENDEZ.

H.R. 1092: Mr. GOODLATTE.

H.R. 1187: Mr. MORAN of Kansas.

H.R. 1285: Ms. WOOLSEY.

H.R. 1303: Mr. MCNULTY and Mr. COX.

H.R. 1388: Mr. GOODE and Mr. GOODLING.

H.R. 1965: Ms. PELOSI.

H.R. 2457: Mr. DOGGETT.

H.R. 2467: Mr. TOOMEY.

H.R. 2702: Mr. UDALL of Colorado.

H.R. 2720: Mrs. EMERSON.

H.R. 2953: Mr. NORWOOD, Mr. WEINER and Mr. WALSH.

H.R. 3003: Mr. SPENCE.

H.R. 3214: Ms. GRANGER, Ms. VELÁZQUEZ, and Mr. NADLER.

H.R. 3565: Mr. FOLEY.

H.R. 3677: Mr. REYNOLDS.

H.R. 3700: Mr. BALDACCI, Mrs. MALONEY of New York, and Mr. ALLEN.

H.R. 3872: Mr. EVANS and Mr. CLEMENT.

H.R. 3915: Mr. SANDLIN and Mr. QUINN.

H.R. 4025: Mr. GILLMOR and Mr. NEY.

H.R. 4213: Mr. WALDEN of Oregon.

H.R. 4277: Mr. MINGE.

H.R. 4360: Mr. DICKS and Mr. KIND.

H.R. 4390: Mr. LAFALCE.

H.R. 4393: Mr. FRANKS of New Jersey.

H.R. 4543: Mr. STRICKLAND, Mrs. JONES of Ohio, and Mr. SAWYER.

H.R. 4728: Mr. REYNOLDS, Mr. INSLEE, and Mr. PICKETT.

H.R. 4848: Mr. UDALL of New Mexico and Mr. FORD.

H.R. 4874: Mr. CLYBURN and Mr. Spratt.

H.R. 4949: Mrs. CAPPS.

H.R. 5055: Mr. HILLIARD.

H.R. 5121: Mr. DIAZ-BALART and Mr. HASTINGS of Florida.

H.R. 5132: Mr. MCDERMOTT, Mr. NADLER, and Mr. HALL of Ohio.

H.R. 5152: Mr. MCCOLLUM, Mrs. JONES of Ohio, and Mr. MCHUGH.

H.R. 5174: Mr. FRELINGHUYSEN, Mr. FROST, and Mr. BRADY of Texas.

H.R. 5185: Mr. WEXLER.

H.R. 5258: Mr. GRAHAM, Mr. REYES, Mr. DEUTSCH, Mr. EHRLICH, Mr. GUTIERREZ, Ms. RIVERS, Ms. LOFGREN, Mr. TURNER, Mr. CONDIT, Ms. SCHAKOWSKY, Mr. FILNER, Mr. UDALL of Colorado, Mr. BENTSEN, Mr. EDWARDS, Mr. GONZALEZ, Mr. GREEN of Wisconsin, Mr. LAMPSON, Mr. ORTIZ, Mr. RODRIGUEZ, and Mr. STENHOLM.

H.R. 5306: Mr. NORWOOD, Mr. TIAHRT, and Mr. CANNON.

H.R. 5308: Mr. COBURN.

H.R. 5339: Mr. SANDERS, Mr. SERRANO, Mr. SWEENEY, Mr. BLUMENAUER, Mr. ABERCROMBIE, and Mr. KUCINICH.

H.R. 5342: Mr. KUCINICH, Mr. STENHOLM, Mr. DOYLE, Mr. PHELPS, and Mr. KENNEDY of Rhode Island.

H.R. 5345: Mr. HINCHEY, Ms. DEGETTE, and Mr. KUCINICH.

H.R. 5350: Mr. GILLMOR.

H.R. 5367: Mr. LEACH, Mr. MANZULLO, and Mr. MINGE.

H.R. 5381: Mr. ROGERS.

H.R. 5382: Mr. ROGERS and Mr. JENKINS.

H.R. 5397: Mr. ALLEN, Mr. WEXLER, Mr. PICKETT, and Mr. FORD.

H.R. 5409: Mr. KINGSTON.

H.R. 5418: Mr. DOYLE.

H.R. 5438: Mr. FILNER.

H.J. Res. 107: Mr. LANTOS.

H. Con. Res. 337: Mr. NORWOOD and Mrs. MALONEY of New York.

H. Con. Res. 340: Ms. MILLENDER-MCDONALD and Ms. WATERS.

H. Con. Res. 341: Mr. CANADY of Florida, Mr. CANNON, and Mr. DUNCAN.

H. Con. Res. 370: Ms. WATERS.

H. Con. Res. 392: Mr. WALSH.

H. Con. Res. 401: Mr. HILLIARD, Mr. EHRLICH, Mr. HOEFFEL, and Mr. KING.

H. Con. Res. 415: Mr. MCINTOSH.

H. Con. Res. 421: Mr. CLEMENT and Mr. HILLEARY.

H. Res. 51: Mr. SPENCE.

H. Res. 430: Mr. MCGOVERN and Mr. SISISKY.

SENATE—*Thursday, October 12, 2000*

(Legislative day of Friay, September 22, 2000)

The Senate met at 9:36 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear God, we praise You for Your faithfulness. We say with Jeremiah, ''The Lord's mercies are new every morning; great is Your faithfulness.''—Lamentations 3:23.

We are profoundly moved by Your merciful kindness to us. You never give up on us. When we forget You, You infuse our lives with reminders of Your consistent love; when we resist Your guidance, You find new ways to get through to us; when hubris becomes a habit, You break the bond of self-sufficiency by showing us what we could accomplish with Your supernatural strength.

Lord we confess our need for humility. It is a combination of gratitude, honesty, and courage. We admit that all that we have and are is Your gift; we honestly face the distance between what we are and what we could be in our relationships and responsibilities; we need courage to blow the cap off of our reservations and live the full potential according to Your expectations.

Here we are at the beginning of a crucial day in the life of this Senate. As we rush into the schedule, we meet You at the pass. We don't need to spin to win with You. You know all about us. And so we simply ask You to take our minds and focus our intelligence on what is best for America, to take our wills and guide us to choose what is righteous and just, and to take our voices and speak Your truth through them. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The able acting majority leader is recognized.

SCHEDULE

Mr. BOND. On behalf of the leader, permit me to explain that today the Senate will begin debate on the HUD–VA appropriations bill. Senators BYRD and BOXER have amendments in order. Those amendments will be offered and debated prior to 12:30 p.m. today. At 12:30, there will be up to four stacked rollcall votes on amendments to the VA–HUD bill, final passage of the bill, and final passage of the conference report to accompany the legislative branch/Treasury-Postal appropriations bill. Following the votes, the Senate is expected to begin consideration of the conference report to accompany the Department of Defense authorization bill. There are approximately 6 hours of debate requested on the conference report. Therefore, Senators should expect votes into the evening regarding the DOD authorization conference report.

I thank my colleagues for their attention.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS

Mr. CRAPO. The clerk will report the pending bill.

The legislative clerk read as follows:

A bill (H.R. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike out all after the enacting clause and insert the part printed in italic.

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

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

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $27,907,000 may be transferred to and merged with the appropriation for ''General operating expenses'': Provided further, That the department shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, $331,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That of the amount made available under this heading, not to exceed $117,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $30,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $48,540,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with

equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for Medical Care appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

SEC. 109. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 110. Not to exceed $1,200,000 may be transferred from the ''Medical care'' appropriation to the ''General operating expenses'' appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 111. Not to exceed $4,500,000 from the ''Construction, minor projects'' appropriation and not to exceed $2,000,000 from the ''Medical care'' appropriation may be transferred and merged with the Parking Revolving Fund for surface parking lot projects.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,171,000,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $13,131,000,000, of which $8,931,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 (''the Act'' herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading may be available for section 8 rental assistance under the Act: (1) pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That any section 8 funds determined by the Secretary to be in excess of amounts needed to maintain the normal operation and level of assistance of a section 8 program, including reasonable reserves, shall be recaptured and used to fund title I of the Housing Needs Act of 2000: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That of the balances remaining from funds appropriated under this heading or the heading ''Annual

Contributions for Assisted Housing'' during fiscal year 2001 and prior years, $275,000,000 is rescinded.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,955,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, and for lease adjustments to section 23 projects: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,192,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $5,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight training and improved management of this program, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $4,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA and $2,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That none of the $2,000,000 for technical assistance and other activities shall be made available to the Secretary until all funds allocated to the National American Indian Housing Council for fiscal years 2000 and 2001 are made available to such organization: Provided further, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $232,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that meet all program requirements before awarding funds for new contracts and activities authorized under this heading: Provided further, That the Secretary may use up to 0.75 percent of the funds under this heading for technical assistance.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $27,000,000, which amount shall be awarded by June 1, 2001 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided further, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), $4,800,000,000, to remain available until September 30, 2002: Provided, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,200,000 shall be available as a grant to the National American Indian Housing Council, and $41,500,000 shall be for grants pursuant to section 107 of the Act including $3,000,000 to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department.

Of the amount made available under this heading, $25,000,000 shall be made available for capacity building, of which $20,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'', for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: Provided further, That

amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amounts made available under this heading, $3,000,000 shall be awarded to Tribal Colleges and Universities to build, expand, renovate, and equip their facilities.

Of the amount made available under this heading, $130,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including $123,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in Senate Report 106–410.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,600,000,000, to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); and the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act, $1,020,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That up to 1 percent appropriated under this heading shall be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE

For the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $105,000,000 to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award funds under this heading on a nationwide competitive basis with any renewals funded on an annual basis: Provided further, That each Shelter Plus Care applicant shall coordinate its application in conjunction with the applicable Continuum of Care.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $783,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount $50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, of which amount $50,000,000 shall be for grants for the new construction or substantial rehabilitation of assisted living facilities, and of which amount $50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use: Provided further, That of the amount under this heading, $213,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for ''Salaries and expenses''; not to exceed $4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, $160,000,000: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is

to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for departmental ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $45,000,000, to remain available until September 30, 2001: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $44,000,000, to remain available until September 30, 2001, of which $22,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $5,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: Provided, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,002,233,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development block grants program'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, and $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 9,100 employees: Provided further, That the average cost per FTE cannot exceed $78,000 by December 31, 2000, including the cost of all contractors: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $86,843,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for ''Drug elimination grants for low-income housing'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2000 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section

845(c)(1)(A) in fiscal year 2000, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 204. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 205. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 206. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

"SEC. 443. ENVIRONMENTAL REVIEW.

''For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 207. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after ''December 31, 2002'' the following: '', except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date''.

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

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

(2) in subparagraph (F), by striking ''or their designees.'' and inserting ''and'';

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

''(G) the Director of the Enforcement Center; or their designees.''.

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 208. DEFINES CERTAIN LAW ENFORCEMENT OFFICERS AS ELIGIBLE FAMILIES FOR HOUSING ASSISTANCE UNDER THE INDIAN HOUSING BLOCK GRANT PROGRAM. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

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

''(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 209. None of the funds appropriated in Public Law 106–74 or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 210. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration until the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submits a schedule of benchmarks and measurable goals to the Committee on Appropriations designed to address issues of mismanagement and safeguard against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 211. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for use, as approved by the Secretary of Housing and Urban Development—

(1) for the revitalization of other severely distressed public housing within its jurisdiction; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

REDUCED DOWNPAYMENT REQUIREMENTS FOR LOANS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES

SEC. 212. (a) IN GENERAL.—Section 203(b) of the National Housing Act is amended by adding at the end the following new paragraph:

''(11) REDUCED DOWNPAYMENT REQUIREMENTS FOR TEACHERS AND UNIFORMED MUNICIPAL EMPLOYEES—

''(A) IN GENERAL.—Notwithstanding the downpayment requirements contained in paragraph (2), in the case of a mortgage described in subparagraph (B)—

''(i) the mortgage shall involve a principal obligation in an amount that does not exceed the sum of 99 percent of the appraised value of the property and the total amount of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) paid in connection with the mortgage;

''(ii) no other provision of this subsection limiting the principal obligation of the mortgage based upon a percentage of the appraised value of the property subject to the mortgage shall apply; and

''(iii) the matter in paragraph (9) that precedes the first proviso shall not apply and the mortgage shall be executed by a mortgagor who shall have paid on account of the property at least 1 percent of the cost of acquisition (as determined by the Secretary) in cash or its equivalent.

''(B) MORTGAGES COVERED.—A mortgage described in this subparagraph is a mortgage—

''(i) under which the mortgagor is an individual who—

''(I) is employed on a full-time basis as: (aa) a teacher or administrator in a public or private school that provides elementary or secondary education, as determined under State law, except that elementary education shall include pre-Kindergarten education, and except that secondary education shall not include any education beyond grade 12; or (bb) a public safety officer (as such term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968, except that such term shall not include any officer serving a public agency of the Federal Government); and

''(II) has not, during the 12-month period ending upon the insurance of the mortgage, had any present ownership interest in a principal residence located in the jurisdiction described in clause (ii); and

''(ii) made for a property that is located within the jurisdiction of—

''(I) in the case of a mortgage of a mortgagor described in clause (i)(I)(aa), the local educational agency (as such term is defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) for the school in which the mortgagor is employed (or, in the case of a mortgagor employed in a private school, the local educational agency having jurisdiction for the area in which the private school is located); or

''(II) in the case of a mortgage of a mortgagor described in clause (i)(I)(bb), the jurisdiction served by the public law enforcement agency, firefighting agency, or rescue or ambulance agency that employs the mortgagor.''.

(b) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—Section 203(c) of the National Housing Act is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Notwithstanding'' and inserting ''Except as provided in paragraph (3) and notwithstanding''; and

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

''(3) DEFERRAL AND REDUCTION OF UP-FRONT PREMIUM.—In the case of any mortgage described in subsection (b)(10)(B):

''(A) Paragraph (2)(A) of this subsection (relating to collection of up-front premium payments) shall not apply.

''(B) If, at any time during the 5-year period beginning on the date of the insurance of the mortgage, the mortgagor ceases to be employed as described in subsection (b)(10)(B)(i)(I) or pays the principal obligation of the mortgage in full, the Secretary shall at such time collect a single premium payment in an amount equal to the amount of the single premium payment that, but for this paragraph, would have been required under paragraph (2)(A) of this subsection with respect to the mortgage, as reduced by 20 percent of such amount for each successive 12-month period completed during such 5-year period before such cessation or prepayment occurs.''.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 213. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: '', including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources'';

(2) in subsection (e)(1)—

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

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

(C) by adding after subparagraph (J) the following:

''(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative.''; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).''.

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: '', including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources''; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following '', including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)''.

MARK-TO-MARKET REFORM

SEC. 214. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 215. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''2000'' and inserting in lieu thereof ''2001''.

CDBG ELIGIBILITY

SEC. 216. Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended by adding at the end the following subparagraph:

''(F) Notwithstanding any other provision of this paragraph, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.''.

LOW-INCOME MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM

SEC. 217. (a) The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

(b) Housing shall qualify for insurance under this section only if the housing—

(1) has not less than 25 percent of the units assisted under this title occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 20 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes; and

(2) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

(c) Not less than $50,000,000 of the funds made available under the cost of loan guarantee modifications under the heading ''FHA—General and special risk program account'' shall be used to support the cost of mortgages insured under this section.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the State of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $26,196,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,000,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $95,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for grants, loans, and technical assistance to qualifying community development lenders, organizations that have experience and expertise in banking and lending in Indian country, and other appropriate organizations to benefit Native American Communities, of which up to $8,000,000 may be used for administrative expenses, up to $16,500,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000: Provided further, That not more than $30,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $433,500,000, to remain available until September 30, 2002: Provided, That not more than $29,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $75,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $207,500,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $50,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading ''Corporation for National and Community Service, National and Community Service Programs Operating Expenses'' in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the ''P.A.V.E. the Way'' project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $15,949,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $670,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,000,000,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per

project; $1,400,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $11,000,000 of the funds appropriated under this heading shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2001: Provided further, That $38,000,000 of the funds appropriated under this heading shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2001: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, $75,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: Provided further, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,320,000,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $820,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $110,000,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the Senate Report (106–410) accompanying this Act (H.R. 4635); and $955,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001 and thereafter, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That beginning in fiscal year 2001 and thereafter, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

Beginning in fiscal year 2001 and thereafter, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to directly implement Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act is amended by adding at the end the following new paragraph:

''(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and

up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations.

For an additional amount for ''Disaster relief'', $2,609,220,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $110,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2001, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''2000'' and inserting ''2001''.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2001 in excess of $12,000,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,400,000,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,837,000,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,584,000,000, to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations

Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for ''Human space flight'' may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

Notwithstanding any other provision of law, all amounts made available for missions, programs and individual activities and research under ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act shall be funded in accordance with the terms and conditions specified in Senate Report 106–410, with any changes subject to the approval of the Committees on Appropriations pursuant to a reprogramming request by the National Aeronautics and Space Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795), shall not exceed $600,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 2001 shall not exceed $296,303.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,245,562,000, of which not to exceed $285,410,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $109,100,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $765,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $170,890,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $80,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment,

with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 423. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. NASA FULL COST ACCOUNTING. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

''SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in accounts, ''Human space flight'', ''International space station'', ''Science, aeronautics and technology'', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for two fiscal years. Each account shall include the planned full costs of the Administration's related activities.

''(b) The Administrator shall notify the Committees on Appropriations whenever any program or activity exceeds fifteen percent of the annual or total budget of such program or activity.''.

DIVISION B

HOUSING NEEDS ACT OF 2000

SECTION 1. SHORT TITLE.—This Act may be cited as the ''Housing Needs Act of 2000''.

SEC. 2. TABLE OF CONTENTS.—The table of Contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. Findings and Purpose.
Sec. 4. Definitions.

TITLE I—PRODUCTION OF NEW HOUSING FOR LOW AND VERY LOW-INCOME FAMILIES

Sec. 101. Authority.
Sec. 102. Allocation of Resources.
Sec. 103. Affordable Housing Expansion Plan.
Sec. 104. Eligible Use of Funds.
Sec. 105. Matching Requirements.
Sec. 106. Distribution of Assistance.
Sec. 107. Eligible Affordable Housing.
Sec. 108. Tenant Selection.
Sec. 109. Prohibition on Use of Funds for Service Coordinators or Supportive Services.
Sec. 110. Penalties for Misuse of Funds.
Sec. 111. Subsidy Layering Requirements.
Sec. 112. Multifamily Risk-sharing Mortgage Insurance Program.
Sec. 113. Regulations.
Sec. 114. Sunset.

TITLE II—SECTION 8 VOUCHER SUCCESS DEMONSTRATION

Sec. 201. Authority.
Sec. 202. Eligibility.
Sec. 203. Limitation on Funding.

TITLE III—PRESERVATION OF LOW-INCOME HOUSING AND MISCELLANEOUS PROVISIONS

Sec. 301. Section 8 Project-based Flexibility.
Sec. 302. Disposition of HUD-held and HUD-owned Multifamily Projects.
Sec. 303. Family Unification Program.
Sec. 304. Permanent Extension of FHA Multifamily Mortgage Credit Demonstrations.

SEC. 3. FINDINGS AND PURPOSE.—

(a) FINDINGS.—The Congress finds that—

(1) the Nation has not made adequate progress in maintaining and expanding the inventory of affordable housing for low and very low-income families, including persons with disabilities and seniors;

(2) despite continued economic expansion, worst case housing needs have reached an all-time high of 5.4 million families, increasing by 4 percent between 1995 and 1997;

(3) the number of rental units which are affordable to extremely low-income families has decreased by 5 percent since 1991, a loss of over 37,000 units;

(4) the Administration and the Department of Housing and Urban Development has proposed increased funding for incremental rental vouchers as the primary solution to making additional housing available for low-income and very low-income families;

(5) while section 8 vouchers represent housing choice as a matter of philosophy, in many cases families using vouchers have difficult time finding housing, especially in low vacancy market areas;

(6) in many cases, where section 8 vouchers are used, the result is de facto redlining where low-income families are relegated to the poorest and most distressed neighborhoods with limited opportunities for transportation, employment and quality schools;

(7) section 8 vouchers do not produce additional new units of affordable low-income housing since banks will not finance new construction with one year termed portable assistance;

(8) the Department of Housing and Urban Development has not provided the necessary leadership to assist in the development of needed affordable housing;

(9) a large number of States and local government have been successful in developing new tools and opportunities for the development of additional affordable housing for low-income families, including the development of affordable mixed income housing as part of State and local redevelopment strategies for distressed communities; and

(10) State housing finance agencies have the local experience and knowledge to maximize the development of additional units of affordable low-income housing and to preserve the existing stock of low-income affordable housing.

(b) The purpose of this Act is to redirect the primary responsibility for the preservation of existing affordable low-income housing and the expansion of the inventory of affordable rental housing for very low-income and low-income families from the Federal Government to State and local governments through State housing finance agencies.

SEC. 4. DEFINITIONS.—For purposes of this Act, the following definitions shall apply:

(1) The term ''low-income families'' shall have the same meaning as provided under section 3(b)(2) of the United States Housing Act of 1937.

(2) The term ''project-based assistance'' shall have the meaning given such term in section 16(c)(6) of the United States Housing Act of 1937, except that such term includes assistance under any successor programs to the programs referred to in such section.

(3) The term ''public housing agency'' shall have the meaning given such term in section 3(b) of the United States Housing Act of 1937.

(4) The term ''Secretary'' shall mean the Secretary of Housing and Urban Development.

(5) The term ''section 8 assistance'' or ''voucher'' shall have the meaning given such term in section 8(f) of the United States Housing Act of 1937.

(6) The term ''State'' shall mean the United States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, America Samoa, and any other territory of possession of the United States.

(7) The term ''State housing finance agency'' shall mean any State or local housing finance agency that has been designated by a State to administer this program.

(8) The term ''very low-income families'' shall have the same meaning as provided under section 3(b) of the United States Housing Act of 1937.

TITLE I—PRODUCTION OF NEW HOUSING FOR LOW AND VERY LOW-INCOME FAMILIES

SEC. 101. The Secretary of Housing and Urban Development shall make funds available to State housing finance agencies as provided under section 102 for the rehabilitation of existing low-income housing, for the development of new affordable low-income housing units, and for the preservation of existing low-income housing units that are at risk of becoming unavailable for low-income families.

SEC. 102. ALLOCATION OF RESOURCES.—

(a) IN GENERAL.—The Secretary shall allocate funds approved in appropriations Acts to State housing finance agencies to carry out this Title. Subject to the requirements of subsection (b) and as otherwise provided in this subsection, each State housing finance agency shall be eligible to receive an amount of funds equal to the proportion of the per capita population of the State in relation to the population of the United States which shall be determined on the basis of the most recent decennial census for which data are available. For each fiscal year, the Secretary shall reserve for grants to Indian tribes 1 percent of the amount appropriated under the applicable appropriations Act. The Secretary shall provide for distribution of amounts under this subsection to Indian tribes on the basis of a competition conducted pursuant to specific criteria developed after notice and public comment.

(b) MINIMUM STATE ALLOCATION.—If the allocation under subsection (a), when applied to the funds approved under this section in appropriations Acts for a fiscal year, would result in funding of less than $10,000,000 to any State housing finance agency, the allocation for such State housing finance agency shall be $10,000,000 and the increase shall be deducted pro rata from the allocation of all other State housing finance agencies.

(c) CRITERIA FOR REALLOCATION.—The Secretary shall reallocate any funds previously allocated to a State housing finance agency for any fiscal year in which the State housing finance agency fails to provide its match requirements or fails to submit an affordable housing expansion plan that is approved by the Secretary. All such funds shall be reallocated pursuant to the formula provided under subsection (a).

SEC. 103. AFFORDABLE HOUSING EXPANSION PLAN.—

(a) SUBMISSION OF AFFORDABLE HOUSING EXPANSION PLAN.—The Secretary shall allocate funds under section 102 to a State housing finance agency only if the State housing finance agency has submitted an affordable housing expansion plan, with annual updates, approved by the Secretary and designed to meet the overall very low- and low-income housing needs of both the rural and urban areas of the State in which the State housing finance agency is located. This plan shall be developed in conjunction with the housing strategies developed for the applicable States and localities under section 105 of Cranston-Gonzalez National Affordable Housing Act.

(b) CITIZEN PARTICIPATION.—Before submitting an affordable housing expansion plan to the Secretary, a State housing finance agency shall—

(1) make available to citizens of the State, public agencies and other interested parties information regarding the amount of assistance expected to be made available under this Title and the range of investment or other uses of such assistance that the State housing finance agency may undertake;

(2) publish the proposed plan in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to review its contents and to submit comments on the proposed plan;

(3) hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the State; and

(4) provide citizens, public agencies, and other interested parties with reasonable access to records regarding the uses of any assistance that the State housing finance agency may have received under this Title during the preceding 5 years.

SEC. 104. ELIGIBLE USE OF FUNDS.—Funds made available under this title shall be used for—

(1) the acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing for mixed income rental housing where the assistance provided under section 102 shall be used to assist units targeted to low and very low-income families, including the elderly and persons with disabilities;

(2) the moderate and substantial rehabilitation of rental housing units that are currently assisted under State or Federal low-income housing programs;

(3) the preservation of Federal and State low-income housing units that are at risk of being no longer affordable to low-income families;

(4) the purchase and creation of land trusts to allow low- and moderate-income families an opportunity to rent homes in areas of low-vacancy;

(5) conversion of public housing to assisted living facilities for the elderly;

(6) conversion of section 202 elderly housing to assisted living facilities for the elderly;

(7) conversion of HUD-owned or HUD-held multifamily properties upon disposition to housing for the elderly, housing for persons with disabilities and to assisted living facilities for the elderly;

(8) creation of sinking funds to maintain reserves held by State housing finance agencies to preserve the low-income character of the housing; and

(9) the creation of public/private partnerships in which corporations and nonprofits are encouraged to develop partnerships for the creation of affordable low-income housing.

SEC. 105. MATCHING REQUIREMENTS.—

(a) IN GENERAL.—Each State housing finance agency shall make contributions for activities under this title that total, throughout a fiscal year, not less than 75 percent of the funds made available under this title.

(b) ALLOWABLE AMOUNTS.—

(1) APPLICATION TO HOUSING.—A contribution shall be recognized for purposes of a match under subsection (a) only if—

(A) is made with respect to housing that qualifies as affordable housing under section 107; or

(B) is made with respect to any portion of a project for which not less than 50 percent of the units qualify as affordable housing under section 107.

(2) FORM.—A contribution may be in the form of—

(A) cash contributions from non-Federal sources, which may not include funds from a grant under section 106(b) or section 106(d) of

the Housing and Community Development Act of 1974 or from the value of low income tax credits allocated pursuant to the Internal Revenue Code;

(B) the value of taxes, fees or other charges that are normally and customarily imposed but are waived, forgone, or deferred in a manner that achieves affordability of housing assisted under this title;

(C) the value of land or other real property as appraised according to procedures acceptable to the Secretary;

(D) the value of investment in on-site and off-site infrastructure directly required for affordable housing assisted under this title;

(E) the reasonable value of any site-preparation and construction materials and any donated or voluntary labor in connection with the site-preparation for, construction or rehabilitation of affordable housing; and

(F) such other contributions to affordable housing as the Secretary considers appropriate.

(3) ADMINISTRATIVE EXPENSES.—Contributions for administrative expenses may not be recognized for purposes of this section.

SEC. 106. DISTRIBUTION OF ASSISTANCE.—Each State housing finance agency shall ensure that the development of new housing under this section is designed to meet both urban and rural needs, and prioritize funding, to the extent practicable, in conjunction with the economic redevelopment of an area.

SEC. 107. ELIGIBLE AFFORDABLE HOUSING.—

(a) PRODUCTION OF AFFORDABLE HOUSING.—In the case of new construction, housing shall qualify for assistance under this title only if the housing—

(1) has not less than 30 percent of the units assisted under this title occupied by very low-income families who pay as a contribution towards rent (not including any Federal or State rental subsidy provided on behalf of the family) not more than 20 percent of the adjusted income of a family whose income equals 50 percent of the median income for the area, as determined by the Secretary, with adjustments for the number of bedrooms in the unit, except that the Secretary may establish income ceilings higher or lower than 50 percent of the median income for the area on the basis of the Secretary's findings that variations are necessary because of the prevailing levels of construction costs or fair market rents, or unusually high or low family incomes;

(2) except as provided under paragraph (1), requires all units assisted under this title to be occupied by households that are low-income families and who pay no more than 30 percent of 100 percent of the median income for an area; and

(3) will remain affordable under the requirements provided in paragraphs (1) and (2), according to legally binding commitments satisfactory to the Secretary, for not less than 40 years, without regard to the term of the mortgage or to the transfer of ownership, or for such period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this Act, including foreclosure where the responsibility for maintaining the low-income character of the property will be the responsibility of the State housing finance agency.

SEC. 108. TENANT SELECTION.—An owner of any housing assisted under this Title shall establish tenant selection procedures consistent with the affordable housing expansion plan of the State housing finance agency.

SEC. 109. PROHIBITION ON USE OF FUNDS FOR SERVICE COORDINATORS OR SUPPORTIVE SERVICES.—No funds under this Act may be used for service coordinators or supportive services.

SEC. 110. PENALTIES FOR MISUSE OF FUNDS.—The Secretary shall recapture any assistance awarded under this Title to the extent the assistance has been used for impermissible purposes. To the extent the Secretary identifies a pattern and practice regarding the misuse of funds awarded under this Title, the Secretary shall deny assistance to that State for up to 5 years, subject to notice and an opportunity for judicial review.

SEC. 111. SUBSIDY LAYERING REQUIREMENTS.—The requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 may be satisfied in connection with assistance, including a commitment to insure a mortgage, provided under this Title by a certification of a State housing finance agency to the Secretary that the combination of assistance within the jurisdiction of the Secretary and other government assistance provided in connection with a property assisted under this Title shall not be any greater than is necessary to provide affordable housing.

SEC. 112. MULTIFAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM.—The Secretary shall carry out a mortgage insurance program through the Federal Housing Administration in conjunction with State housing finance agencies to insure multifamily mortgages for housing that qualifies under this Title. This program shall be consistent with the requirements established under section 542 of the Housing and Community Development Act of 1992, except that housing that meet the requirements of this Title shall be eligible for mortgage insurance.

SEC. 113. REGULATIONS.—The Secretary shall issue notice and comment rulemaking with final regulations issued no later than 6 months after the date of enactment of this Act.

SEC. 114. SUNSET.—Title I shall expire on October 1, 2001, except that all funds shall remain available until expended.

TITLE II—SECTION 8 VOUCHER SUCCESS DEMONSTRATION

SEC. 201. AUTHORITY.—The Secretary shall establish a voucher success demonstration to permit public housing agencies to increase the payment standard for section 8 vouchers for an area in excess of the payment standard established under section 8(o)(B) of the United States Housing Act of 1937 to assist in helping low-income and very low-income families obtain housing in tight rental markets. Except as otherwise provided herein, all assistance provided under this Title shall be subject to the requirements of the United States Housing Act of 1937.

SEC. 202. ELIGIBILITY.—

(a) VOUCHER SUCCESS PLAN.—Not less than annually, each public housing agency that seeks to participate in the voucher success demonstration under section 201 shall submit to the Secretary a voucher success plan that—

(1) demonstrates that the market area for which the public housing agency is responsible is an area, based on housing market indicators, such as low vacancy rates or high absorption rates, where there is not adequate available and affordable housing or where families with vouchers will not be able to locate suitable units or use tenant-based assistance successfully;

(2) identifies a payment standard in excess of the payment standard established under section 8(o)(B) that will ensure that not less than 97 percent of families with vouchers will be able to obtain suitable housing in that market area within 120 days;

(3) describes actions that the public housing agency will take that will assist families with vouchers, including seniors and persons with disabilities, to identify and obtain suitable and available affordable housing that is close to transportation, employment opportunities, quality schools and appropriate services; and

(4) shall include such other information and commitments as deemed appropriate by the Secretary.

(b) INCREASED PAYMENT STANDARD.—The Secretary shall approve a payment standard for a market area under this demonstration to no more than 150 percent of the payment standard established under section 8(o)(B) of the United States Housing Act of 1937. This payment standard shall be published annually in the Federal Register and adjusted annually to reflect changes in each market area.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for the submission and review of voucher success plans, including requirements for timing and form of submission, and for the contents and approval of such plans.

(d) REGULATIONS.—The Secretary shall issue interim regulations no later than 3 months after the date of enactment of this Act with final notice and public comment regulations issued no later than 12 months after the date of enactment of this Act.

(e) SAVINGS CLAUSE.—A family using a voucher approved as part of a demonstration under this Title shall be eligible for an approved payment standard in excess of the payment standard established under section 8(o)(d) of the United States Housing Act of 1937 to the extent the assisted family continues to reside in the same housing in which the family was residing on the date in which the housing was determined eligible for the increased payment standard under this Title.

SEC. 203. LIMITATION ON FUNDING.—Except to the extent additional incremental vouchers are provided in appropriations Acts, for purposes of this section, each public housing agency shall be limited to the section 8 funds allocated to that public housing agency as of October 1, 2000, including appropriate amounts for reserves, for purposes of implementing the voucher success plan.

TITLE III—PRESERVATION OF LOW-INCOME HOUSING AND MISCELLANEOUS PROVISIONS

SEC. 301. SECTION 8 PROJECT-BASED FLEXIBILITY.—Section 8(o)(13) of the United States Housing Act of 1937 is amended by—

(1) in paragraph (A)(ii), striking ''15 percent'' and inserting in lieu thereof ''25 percent''; and

(2) adding the following new paragraph (E) to the end:

''(E) The Secretary shall establish expedited procedures to allow public housing agencies to enter into housing assistance payment contracts with respect to existing structures.''.

SEC. 302. DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall maintain any rental assistance payments attached to any dwelling units under section 8 of the United States Housing Act of 1937 for all multifamily properties owned by the Secretary and multifamily properties held by the Secretary for purposes of management and disposition of such properties. To the extent, the Secretary determines that a multifamily property owned by the Secretary or held by the Secretary is not feasible for continued rental assistance payments under section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties.

SEC. 303. FAMILY UNIFICATION PROGRAM.—Section 8(x)(2) of the United States Housing Act of 1937 is amended by—

(a) striking ''any family (A) who is otherwise eligible for such assistance, and (B)'' and inserting in lieu thereof: ''(A) any family (i) who is otherwise eligible for such assistance, and (ii)''; and

(b) inserting before the period at the end: ''(B) for a period not to exceed 18 months, youths

who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older''.

SEC. 304. PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS.—Section 542 of the Housing and Community Development Act of 1992 is amended—

(1) by revising subsection (b)(5) to read as follows:

''(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(2) by revising subsection (c)(4) to read as follows:

''(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(3) in the heading, by striking ''Demonstrations'' and inserting ''Programs'';

(4) in the first sentence of subsection (a), by striking ''demonstrate the effectiveness of providing'' and inserting ''provide'';

(5) in the second sentence of subsection (a), by striking ''demonstration'';

(6) in subsection (b)(1), by striking ''determine the effectiveness of'' and inserting ''provide'';

(7) in subsection (c)(1), by striking ''test the effectiveness of'' and inserting ''provide'';

(8) by striking subsection (d); and

(9) by striking ''pilot'' and ''PILOT'' each place it appears.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001''.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The committee substitute is agreed to. The Bond-Mikulski amendment is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 4306) was agreed to, as follows: (The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as comanager, I am pleased to present to the Senate, H.R. 4635, the VA–HUD appropriations bill for fiscal year 2001, as reported from the Committee on Appropriations.

This is an unusual year. We have offered, and it has been accepted, a managers' amendment that I have offered with my distinguished colleague, Senator MIKULSKI, which will replace the Senate committee-reported text of H.R. 4635.

This compromise amendment was worked out in agreement with Senator MIKULSKI, Congressman WALSH, Congressman MOLLOHAN, and me in consultation with the administration. This is an unusual and far from perfect situation. It is not the way I would normally prefer to proceed with the passage of the VA–HUD appropriations bill. Nevertheless, we have worked hard to develop a comprehensive package that considers the concerns of all colleagues in both the House and Senate. It also met the test for approval by the administration. I strongly believe that the proposed compromise language strikes the right balance in funding the programs under the jurisdiction of the VA/HUD Appropriations Subcommittee.

The managers amendment/compromise agreement totals some $105.8 billion, including some $24.6 billion in mandatory veterans benefits. This represents some $1.1 billion over the Senate committee-reported bill and almost $1 billion less than the budget request. Outlays are funded at some $110.7 billion for fiscal year 2001, $540 million over the Senate committee-reported bill of $110.2 billion. The bill meets our current funding allocation, per the Budget Committee.

We also did our best to satisfy priorities of Senators who made special requests for such items as economic development grants, water infrastructure improvements and the like. Such requests numbered several thousand, illustrating the level of interest and demand for assistance provided in this bill.

We also attempted to address the administration's top concerns, including funding for 79,000 new housing vouchers, as well as record funding for EPA at $7.8 billion.

Before going into the details of the compromise agreement, I would like to commend my ranking members, Senator MIKULSKI, and her staff for their cooperation and support throughout this process. We would not have reached agreement as quickly, nor attained as good a result, without her active help. She is a vitally important part of this operation. I am deeply grateful for her help, guidance, and counsel.

To turn to the elements of the bill: For Veterans Affairs, the proposed compromise language to VA/HUD FY 2001 appropriations bill includes funding for VA that totals $47 billion, including $22.4 billion in discretionary spending. Veterans needs remain the highest priority for this bill, and compared to the President's request, this bill has an additional $54.7 million.

The compromise includes $20.28 billion for VA medical care, $1.4 billion more than the current level, and $351 million for research, an increase of $30 million above the budget request level for this key program which helps ensure the best quality of care to our veterans and keeps the best doctors in the VA system.

The VA/HUD fiscal year 2001 appropriations compromise also includes about $180 million more than the President's request for VA medical care by including a provision that will ensure VA will not be penalized from collecting less in new receipts authorized under the 1999 Millennium Act.

In addition, the compromise includes a new Title V, Filipino Veterans Benefits Improvements, which provides benefits to Filipino veterans who fought alongside American soldiers in World War II and who live in the United States, equal to those benefits provided to U.S. veterans of World War II. This is a long overdue remedy of inequitable treatment of Filipino veterans. We thank our colleagues on the Veterans' Affairs Committee for their agreement and assistance in including this provision.

For HUD, the VA/HUD fiscal year 2001 appropriations compromise appropriates some $30.6 billion, approximately the same as the budget request. This includes a section 8 rescission of some $1.8 billion in excess section 8 funds. This funding includes all the funding needed to renew all expiring section 8 contracts and also provides funds for 79,000 incremental vouchers, an administration priority.

The public housing capital funding is increased by $45 million above the budget request in fiscal year 2001 to $3 billion. Similarly, the public housing operating funding has been increased by $50 million above the budget request in fiscal year 2001 to $3.242 billion.

In addition, CDBG and HOME funds have been increased by $150 million each in fiscal year 2001 with CDBG at $5.057 billion and HOME at $1.8 billion, respectively. These are important block grant programs which rely on decisionmaking guided by local choice and need. I also hope these funds are used as an investment in housing production to meet the increasing affordable housing needs of low-income families. Staff work in this subcommittee has shown one of the serious problems facing us is lack of affordable housing.

In addition, the VA/HUD appropriations bill for fiscal year 2001 funds section 202 elderly housing at $779 million, the budget request, and section 811 housing for disabled persons at $217 million, $7 million over the budget request. A separate account has been created at $100 million for the renewal of expiring shelter plus care contracts.

This bill includes a number of noncontroversial HUD administrative provisions, whereas we have dropped, at the request of the Senate Banking Committee, a new housing production program for extremely low-income families and a provision that would have provided favorable treatment under FHA for municipal workers such as teachers, firemen, and police.

We also have maintained a provision that would increase the amount of section 8 assistance available to PHAs for project-based assistance from 15 percent to 20 percent with a limitation that no more than 25 percent of the units in a building can be project-based, except in the case of seniors, disabled persons and scattered site housing as well as a provision that would require HUD to maintain section 8 projected-based assistance on a HUD-held

or HUD-owned multifamily housing projects where the project is elderly or disabled housing unless that housing is not viable. These are important provisions that focus on local decision-making and local housing needs.

For EPA, the VA/HUD fiscal year 2001 appropriations compromise includes a record $7.8 billion for EPA, plus an additional $138 million for the Agency for Toxic Substances and Disease Registry, and the National Institute of Environmental Health Sciences which traditionally have been funded under EPA's appropriation and are funded separately in this bill. Thus, compared to the budget request, the compromise will provide an additional $686 million more than the President and about $400 million more than fiscal year 2000.

Additional funds of $550 million above the budget request have been provided for clean water state revolving funds as well as additional funds of $12 million for section 106 water quality grants—$57 million above the fiscal year 2000 level to help states meet future total maximum daily load requirements.

Compared to last year, the compromise increases operating programs by $246 million including an additional $20 million for the climate change technology initiative voluntary programs and protection of all core programs.

The compromise does not fund new, unauthorized programs such as clean air partnerships or Great Lakes grants which would detract from EPA core responsibilities.

With respect to legislative issues, the compromise bill includes the fiscal year 1999 bill with report language relative to the Kyoto Protocol. The proposed report would provide up to an additional 6 months for finalizing the arsenic-in-drinking water rule, and the bill modifies the so-called Collins-Linder provision on ozone nonattainment designations which would allow EPA to make designations once the Supreme Court decides this case but not later than June 2001.

These so-called EPA riders are primarily report language which we believe are fair and reasonable compromises on issues where there are broad questions and we need to bring some resolution. While everyone may not agree with these decisions, we have worked hard to balance the decisions associated with this account to the overall benefit of EPA policy and funding needs in consultation with and agreement with the administration.

For FEMA, the Federal Emergency Management Agency, the VA–HUD appropriations bill for 2001 appropriates a total of $936.8 million for FEMA and includes an additional $1.3 billion in disaster relief contingency funds. With the disaster relief funds provided here, coupled with contingency funds already on hand, funding will be sufficient to meet fiscal year 2001 disaster relief operations.

Most notable in FEMA funding is the addition of $30 million above the Senate- or House-appropriated levels for emergency food and shelter, for a total of $140 million. This popular program results in temporary housing and food assistance to thousands of needy individuals with very little overhead costs.

For the National Aeronautics and Space Administration, the VA–HUD appropriations compromise funds NASA at $14.285 billion instead of $14.035 billion, for an increase of $250 million. This account includes $5.46 billion for human space flight, which is $37 million below the administration request for fiscal year 2001. This reduction reflects a NASA request for a reduction in this account in order to provide full funding for the Mars 2003 lander program.

The funding includes $6.19 billion in fiscal year 2001 for science, aeronautics, and technology, instead of $5.93 billion as requested by the administration, an increase of $261 million above the budget request. Included in this is $20 million for Living with a Star and $290 million for the space launch initiative, including $40 million for alternative access to the space station initiative. In addition, mission support is funded for fiscal year 2001 at $2.6 billion, instead of $2.58 billion, an increase of $24.7 million over the budget request.

For the National Science Foundation—and this is a very important area for the ranking member and me—the VA–HUD compromise funds NSF at $4.43 billion, a $529 million increase over the fiscal year 2000 enacted level and $146 million below the President's request. Funding highlights include $215 million for information technology research, $150 million for nanotechnology, and $65 million for plant genome research. Lastly, to assist smaller research institutions, $75 million was included for EPSCoR, a $20 million increase over last year's level, and $10 million for the Office of Innovation Partnerships.

We believe very strongly the scientific exploration in space needs to be spread broadly throughout the land to ensure we achieve inclusion of knowledgeable and dedicated scientists at institutions which may not traditionally have received funding in the past.

I consider NSF a priority account that needs additional funding in order to pace U.S. leadership in science and technology. Senator MIKULSKI and I have heard from leading scientists in this country who say that we are falling behind because we are not providing enough funding for the National Science Foundation. Medical doctors who depend directly upon the research work done at the National Institutes of Health have come to us and said that we must bring NSF funding up to NIH funding because so many of the health breakthroughs on which NIH is working depend upon the support the National Science Foundation provides.

Senator MIKULSKI and I have launched an effort to double the NSF budget. We have circulated a letter and have a significant number of colleagues who have joined with us. We will be back. We will be asking the full Senate to recognize a priority in the National Science Foundation and help get us on that path for the next year.

Finally, for the National Service Corporation, the VA–HUD fiscal year 2001 appropriations compromise appropriates $458 million, a $25 million increase over last year's level and $75 million below the budget request. Further, $30 million will be rescinded from excess funds in the National Service Trust.

The compromise also funds the Community Development Financial Institutions Fund at $118 million, a $23 million increase over last year's level and $7 million below the request.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I begin by thanking my colleague, Senator BOND, as well as our colleagues Senator BYRD and Senator STEVENS, for enabling us to move our bill forward. I particularly express my appreciation to Senator BOND for his collegial and civil way of including me in all discussions related to both the funding and policy that we developed in this bill. His courtesy and collegiality are very much appreciated.

I believe today the bill we present takes care of national needs and national interests. I am also confident that it will be signed by President Bill Clinton because it takes care of the day-to-day needs of the American people and at the same time looks forward to helping with the long-range needs of our country to remain competitive and on the cutting edge of science.

This bill has always been to me about five things: meeting our obligations to our veterans—promises made, promises kept; investing in our neighborhoods and our communities promoting self-help; creating real opportunities for people to move from welfare to work, to make sure that public housing is not a way of life but a way to a better life; and, of course, advancing science and technology, the new ideas that lead to the new jobs and the new products. It is also about protecting consumers from fraud and scams and communities from floods and disasters.

I believe we meet the goals in this bill, and we have done it in a fiscally prudent way. While I support the bill, the process has left much to be desired; again no fault of Chairman BOND but really the Senate has placed us in a very awkward situation.

The bill before the Senate today is a managers' substitute for the Senate bill. This is effectively our conference report. We did not have a conference report, though we met. We had kind of a chatroom where we would meet and try to iron out our differences. We did. It also involved OMB and the White House for consultation. We wanted to be sure both sides of the aisle would support the bill. We also wanted to be sure that the President would sign the bill. I believe we achieved this.

I say to my colleagues, it will be absolutely crucial, in order to move this bill with this unique parliamentary situation, to have no amendments to this legislation. My colleague from California, Senator BOXER, will offer two amendments. I am going to oppose them. I am going to oppose them both on procedural and substantive grounds. On procedure, if the Boxer amendments prevail, we will have enormous difficulty reconvening and working with the House to pass this bill. I just put that out.

Though we had an unofficial conference, I do believe we were able to move forward. Senator BOND has outlined in detail what we were able to do financially. I am so glad we worked together on a bipartisan basis, particularly in the area of veterans health care, joining hands, scrutinizing the budget and then the appropriations to make sure that veterans health care will be funded $1.4 billion over last year's level.

We also want to look ahead to be sure, while we are taking care of the men and women who bear the permanent wounds of war, we do the medical research, to find the cures for those things affecting our veterans population. This legislation provides $350 million for medical and prosthetic research, $30 million over last year. I have seen the work at my own University of Maryland and know that people will live longer, live better, and recover more quickly because of the funding for veterans health care research which also goes into the civilian population.

Also, we have added more money, $100 million, for State veterans homes. This is to provide long-term care and rehabilitation, which is very crucial. It means the Federal Government does not bear the sole burden, the State governments do not bear the sole burden, and, most of all, our veterans do not bear the sole burden. This unique Federal-State partnership will meet the long term and rehab needs of our veterans.

In addition, we have paid attention to the day-to-day needs of our constituents in Housing and Urban Development.

We want to make sure the people of the United States of America, who are out there working every day but who are also part of the working poor, have help with housing. We have been able to create 79,000 new vouchers to help working families find affordable housing. Unfortunately, we do not have enough housing to meet their needs.

Senator BOND led a very vigorous effort, which I supported, as did the authorizers on my side, to start a production program. We were derailed from that, but we did not want to be detoured from the bill, so we put that aside for another year. But we really call out to our authorizers, please, pass a production bill that will generate jobs in construction and meet the needs of our citizens.

Where I think we also worked very closely together is in helping the elderly and disabled. We have provided $780 million for housing for the elderly. It is more than last year. It also helps with assisted living and service coordinators to be able to help people keep as independent as long as they can, and to even develop new models of care.

At the same time, we looked out for those who are disabled and the special AIDS population. But we wanted to also remember not only the ''H,'' which is housing, we wanted the part called urban development. But we also know so many of our constituents live in rural areas. So we looked to see how we could increase the ability for local decisionmaking. That is why we funded community development block grant money and a program called HOME at much more than last year, because it goes right to cities, communities, and neighborhoods. Whether you are in a small rural town in Missouri or a big city such as Baltimore, community development block grant money and HOME will be of great help to you.

But we are about promoting self-help. That is why we continued to stay the course in providing funds for empowerment zones, again recognizing rural needs and also promoting home ownership. That is why we help the homeowners by extending the FHA downpayment simplification program for another 25 months. So we looked at how we could create opportunities at the local level.

Another area where we have strong bipartisan support within the committee and by its chairman and ranking member is to make sure that America continues to lead the way in science and technology. Therefore, I am so pleased that we are funding the National Space Agency at $14.3 billion, $250 million above the President's request. Quite frankly, I think NASA needs a lot more because they have been severely cut over the years, but fiscal prudence won. At the same time, we wanted to make sure that we were fiscally prudent, that our shuttle will be safe, our space station will be ready, and that we will move ahead on a vigorous space science program, such as the Living With A Star Program that will be done at Goddard Space Flight Center in my own community.

The National Science Foundation is also a very important, crucial program. The national science program, as Senator BOND has said, really does promote the basic research that goes into our country. It has been a star. It has been almost flat-lined for several years while we tried to balance the budget. This is why this year they will receive a $520 million increase over last year's enacted level.

One of the areas which we will be also advocating is a field called nanotechnology. You have heard of a nanosecond. It is because it is small. But let me tell you, the nanotechnology is the next generation past this infotechnology. You have seen the biotech revolution and the infotech revolution, but wait until the nanotech research gets underway. We are going to have new products, new materials. We are going to be able to have a supercomputer the size of my ring.

We will be able to take little pills, that will literally have diagnostic equipment, that will be able to go through our bodies, giving immediate responses to our physicians. This is going to be extraordinary. I am so pleased to be part of what we are doing.

At the same time, we want to call forth young people to continue the call for service. That is why I am so pleased we continued to stay the course on national service, with a modest increase.

One of the things we have done in national service is add something called E-Corps. As many of my colleagues know, I have been a strong proponent to make sure we do not have a digital divide in this country, meaning that young people have access to technology and access to know how to use technology. What we are creating in this legislation is having E-Corps volunteers to train and mentor not only the children but community leaders and librarians and others who will be teaching our children.

Last, but not at all least, we joined hands to protect the environment. We have increased funds for the environment, whether it is the clean water revolving fund, small watershed programs to restore rivers and streams, or having full funding of the Chesapeake Bay program. I believe the environment will be stronger and better protected by the resources that we have put in this bill.

Now, yes, there are riders. I don't go for riders. None of us go for riders. But we were in a very difficult situation with the bill. We took the language that was being proposed by the House, working with the office of OMB—the President's own—and the Council on Environmental Quality that advises the President on the environment. They were in the room to help us really identify the appropriate language that could meet the policy objectives of those who advocated it without shackling EPA or hurting communities.

I will say more about that during the debate. But I will tell you, regardless of how you feel about the riders, they were acceptable to the President's Council on Environmental Quality.

To be more specific, Mr. President, I am especially pleased that we were able to provide a significant increase in funding for veterans health care. We met the President's request of $20.2 billion and are $1.4 billion above last year's level. This will help us ensure that promises made to our veterans are promises kept, and that our veterans get the health care to which they are entitled.

We were also able to provide $351 million for medical and prosthetic research. This is $30 million above the budget request and last year's level.

The VA plays a major role in medical research for the special needs of our veterans, such as: geriatrics, Alzheimers, Parkinson's, and orthopedic research. Our veterans are not the only ones who benefit from this research—our entire nation does, especially as America's population continues to age.

We are also providing $100 million in funding for state veterans homes. This is $40 million above the budget request and $10 million above last year's level. The state homes serve as long-term care and rehabilitation facilities for our veterans.

We were also able to provide over $1.6 billion for the Veterans Benefits Administration, which will help them administer benefits to our veterans more quickly.

I am also very pleased that we were able to include a new title in our bill that will provide benefits to Filipino veterans who fought alongside Americans in World War II and who live in the United States.

Finally, our Filipino-American veterans will receive equal benefits for equal valor.

We were able to take care of America's working families in this bill as well, by funding housing programs that millions of Americans depend upon.

Our bill provides almost $13 billion to review all expiring section 8 housing vouchers. And we have included $453 million in funding to issue 79,000 new vouchers, to help working families find affordable housing. This is 19,000 more than we were able to fund last year.

We included provisions to make it easier for public housing authorities to provide more project-based assistance to increase the stock of affordable housing, instead of just vouchers.

As many of my colleagues were aware, a production bill was under serious consideration during the conference. It was a modified version of Senator BOND's housing production bill that was included in the original Senate bill. Unfortunately, we were forced to drop this provision due to objections from the authorizing committee, but I hope we will re-visit the issue next year. We were also able to maintain level funding for other critical core HUD programs.

We provided $779 million for housing for the elderly, which meets the President's request and is $69 million more than last year. This includes funds for assisted living and service coordinators. We also provided $217 million in funding for housing for disabled Americans, which is $7 million above the President's request and $23 million over last year's level.

Homeless assistance grants received a $5 million increase and are funded at $1.025 billion.

We were able to provide both the Community Development Block Grant Program and the HOME Program with $150 million increases. CDBG is funded at more than $5 billion, and HOME is funded at $1.8 billion. The CDBG Program is one of the most important programs for rebuilding our cities and neighborhoods.

We also provided increased funding to help our neighborhoods and communities through the HOPE VI Program, which helps demolish and then revitalize distressed public housing sites. This year, we provided $575 million for HOPE VI, the same as last year's level.

I am pleased that we were able to provide funding for other programs that help America's communities. We increased funding for empowerment zones by providing $90 million in this bill and increased funding for CDFI—Community Development Financial Institutions Fund.

Funding for empowerment zones will help designated areas with economic development and social services. Community involvement in the empowerment zone initiative will prove especially beneficial.

We also help homeowners by extending the FHA downpayment simplification program for 25 months.

As I said, I am extremely pleased that our bill fully funds NASA at $14.3 billion, an increase of $250 million. This funding exceeds the President's request for NASA. All of NASA's core programs are fully funded and all of our centers are fully funded, including the Goddard Space Flight Center in my home State of Maryland.

The VA–HUD bill includes $1.5 billion for Earth science, more than $2.5 billion for space science, including funding for the Mars polar lander, and $20 million to start an exciting new program called ''Living With A Star,'' which will study the relationship between the sun and the Earth and its impact on our environment and our climate. It will help us predict and protect against solar storms that can disrupt our energy and communications systems.

I am especially proud that this program will be headquartered at the Goddard Space Flight Center.

NASA science programs are critical not just for science, but for technology. With NASA technology, we can create new jobs and literally save lives, while developing a greater understanding of how our universe works.

I fought hard to make sure that this funding was included in this manager's amendment.

And, of course, in the area of human space flight, we fully fund the space shuttle upgrades, space station construction, and fully fund the new ''Space Launch Initiative'' to find new, low-cost launch vehicles that will reduce the cost of getting to space.

The VA–HUD manager's amendment also increases funding for the Corporation for National Service.

The House bill cut funding for the Corporation for National Service, but I made it a priority to restore it in the Senate bill and in conference.

The corporation is funded at $458 million, a $25 million increase over last year's level.

The Corporation for National Service has enrolled over 100,000 members and participants across the country, in a wide array of community service programs, including: AmeriCorps, a national service program that helps communities, learn and serve America, which supports service-learning programs across the country by providing funding and training, and the National Senior Service Corps, which helps seniors get involved in their communities.

As many of my colleagues know, I have been very concerned about the digital divide in this country.

I introduced legislation called the Digital Empowerment Act to provide a one-stop shop and increased funds to local communities trying to cross the digital divide.

I am pleased that this bill contains $25 million within the national service budget to create an ''E-Corps'' of volunteers who will bring technology skills to people who have been left out or left behind in the digital economy, by training and mentoring children, teachers, and non-profit and community center staff on how to use computers and information technology.

With regard to the EPA, our bill provides $7.8 billion in funding, plus an additional $138 million for the Agency for Toxic Substances and Disease Registry, ATSDR, and the National Institute of Environmental Health Sciences, NIEHS.

All together, this is an increase of $400 million over last year's level, and $686 million more than the President's request.

We increased funding by $246 million for EPA's core environmental programs, including a $38 million increase for nonpoint source pollution control grants, and a $20 million increase for the climate change technology initiative.

We also provided an additional $550 million for the clean water state revolving fund. Taking care of the infrastructure needs of local communities

has always been a priority for the VA–HUD Subcommittee.

We have fully funded the Chesapeake Bay, Great Lakes, and Long Island Sound Programs, and provided $1.25 million for the Chesapeake by small watershed grants program, a $500,000 increase over last year's level, that will help our small communities around the Bay watershed prevent runoff and pollution.

Legislatively, the bill includes the FY 1999 bill and report language regarding the Kyoto Protocol, provides up to an additional 6 months for finalizing the arsenic-in-drinking-water rule, and includes a weaker version of the Collins-Linder provision on ozone.

There is no language on the diesel sulfur rule. However modified report language has been included regarding dredging and invasive remediation.

I am a strong supporter of FEMA, and am proud that we have provided $937 million in funding for FEMA, plus an additional $1.3 billion in emergency disaster relief funding.

The National Science Foundation is funded at $4.43 billion, a $529 million increase over last year's enacted level, and one of the largest increases in NSF's history.

This funding level will keep America at the forefront of science and technology into the next century in info-tech and bio-tech, and is an important step towards holding onto America's science and technology base.

This is a downpayment toward our goal of doubling the NSF budget over the next five years.

I am especially pleased that we were able to provide $150 million for the new nanotechnology initiative. We were also able to provide $215 million for information technology, and well-deserved increases for several of NSF's education and human resources accounts. These include a $10 million increase over the budget request for informal science education, nearly $20 million for graduate fellowships in K–12 education, and over $55 million for graduate research fellowships.

Mr. President, I once again appreciate the cooperation of my colleagues throughout this process. While I regret that this year's process was highly irregular, I am pleased that we worked together to bring a conference agreement to the Senate floor. I believe this year's VA/HUD bill is good for our country, our veterans, and our communities.

Mr. President, before I conclude my statement, I really want to thank Senator BOND and his staff, Jon Kamarck, Cheh Kim, and Carolyn Apostolou, for all the work they did, and also my own staff, Paul Carliner, Sean Smith, and Alexa Mitrakos, for helping us really move this bill, and, most of all, to move America forward.

Mr. President, I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4307

Ms. MIKULSKI. Mr. President, on behalf of the Democratic leader, I call up amendment No. 4307 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. DASCHLE, proposes an amendment numbered 4307.

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

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

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

Ms. MIKULSKI. Mr. President, I yield back all time on the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I heard the number, but what is the bill? What does it do?

The PRESIDING OFFICER. It is the language of S. 2900 as reported.

Mr. BYRD. Is this the language of the Senate, of the bill that was reported from the committee?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. So it is the Senate-reported bill and carries the Senate title?

The PRESIDING OFFICER. It is the language, but it doesn't carry the title.

Mr. BYRD. It carries the Senate number.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Ms. MIKULSKI. Mr. President, if the Senator will withhold, I just asked unanimous consent that this amendment be called up and yielded back time.

The PRESIDING OFFICER. The Senator is correct. The Senator from Arizona does have the time. He also has time on the bill.

Ms. MIKULSKI. I know the Senator has time.

Mr. MCCAIN. I am glad to yield to the Senator from Maryland until she completes this business.

Ms. MIKULSKI. I thank the Senator from Arizona.

Does Senator BYRD intend to speak?

Mr. BYRD. Mr. President, I do not intend to take the time of the Senate at this point.

I thank the distinguished Senator from Arizona.

Ms. MIKULSKI. I thank the Senator from Arizona.

Mr. President, I urge that the amendment be adopted.

The PRESIDING OFFICER. Does the Senator from Arizona wish to speak before the amendment is adopted?

Mr. MCCAIN. Since the Senator from Maryland had already embarked on this parliamentary movement, I will yield until that is completed and then speak after that.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4307.

The amendment (No. 4307) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment.

Mr. BYRD. Mr. President, I ask for a division.

The PRESIDING OFFICER. The Senator from West Virginia asks for a division. As many as are in favor of the amendment will rise and remain standing until they are counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, the amendment was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank both Senator BOND and Senator MIKULSKI for their hard work on this important legislation which provides federal funding for the Departments of Veterans Affairs (VA) and Housing and Urban Development (HUD), and Independent Agencies. Once again, though, I find myself in the unpleasant position of commenting on the process of bringing these spending bills to the Senate floor and on the spending items that have not been appropriately reviewed.

This task is even more necessary for this bill because of the truly unique process by which it arrived on the Senate floor—a process that increasingly empowers appropriators while disenfranchising many of my colleagues.

Let me comment on the process that has brought us to the point in time where we are about to vote on final passage of this bill. First, let me explain how the appropriations process is supposed to work. In the normal process of passing appropriations bills, an appropriations bill is first passed in the House of Representatives, then the Senate passes its own version. A conference committee is formed to iron

out the differences between the two different bills, resulting in a conference report. Then the conference report is passed by both the House and the Senate, and sent to the President for his signature in order to become law. That sounds fairly straightforward.

In the case of this bill, we have decided to substitute the normal process of considering appropriations bills for a highly questionable approach to passing legislation.

The process we have decided to undertake avoids substantive debate on the merits of this bill and to the larger question of whether we are spending taxpayers' hard-earned money wisely and responsibly. Just because it is late in the game does not give us the right to avoid the normal process of appropriations. The Senate is being asked to pass the bill despite the fact that there was only one copy made available to each side and many Senators did not have adequate time to review its contents. How can we make sound policy and budget decisions with this type of budget steam-rolling?

Let me be clear about what is occurring today. This VA–HUD bill that we are voting on is a so-called ''composite compromise,'' cloaking the reality that we would normally be calling a VA–HUD conference report. The Appropriations leadership intends to take up the House-passed version of this year's VA–HUD Appropriations bill, substitute a Senate managers' amendment written by the House and Senate Appropriations Committees which for all practical purposes is a conference agreement—a conference agreement, not open to public inspection, not done through the normal legislative process, such as appointing conferees or allowing full disclosure of the issues being discussed. This process will allow the Appropriators to simply insert a ''Committee Statement'' into the record outlining certain questionable spending priorities that will ultimately be paid for by the American taxpayer. This ''composite compromise'' will then go to the House so that they can quickly pass the amended bill and then send it to the President for his signature.

Is that the way to pass legislation? As legislators, we have been entrusted by the American taxpayers to represent the fiscal interests of them and their nation. The American taxpayer is counting on us to use their hard-earned money wisely and here we are, manipulating the budget process so that we can say we did something and go back home to campaign.

Unfortunately, Mr. President, the budget process games began long before this bill.

When the conference report on Legislative Branch Appropriations bill first came to the floor for debate and a vote last month, the appropriators decided to insert the Treasury and General Government appropriations bill into it. Rather than having the Treasury and General Government Appropriations bill considered separately as it is usually done, to be debated on its own merits, the appropriators' actions decided to circumvent the normal budget process. This so-called ''minibus'' was soundly defeated and rightly so.

When the conference report on the Transportation Appropriations bill was brought to the Senate floor for a vote, the appropriators did not even provide a copy of the report for others to read and examine before voting on the nearly $60 billion bill. The transportation bill itself was only two pages long with the barest of detail—with actual text of the report to come later.

And yet, the appropriators were expecting Senators to vote yes on legislation that could not even be read, deciphered, and debated intelligently? How is this type of action accountable to all the hard-working Americans who demand that all their tax dollars are wisely spent? I worry that these budget games we play serve to reinforce their cynicism about politics.

Mr. President, the budget process can be summed up simply: no debate, no deliberation, and very few votes. Mr. President, this is no way to run the United States Senate.

To date, only two of the thirteen appropriations bills have become law. Of those remaining, three bills—Labor, HHS, Education, VA–HUD, and Treasury-Postal—were never brought to the Senate floor for debate as part of a deliberate strategy to prevent votes on any controversial amendments that my colleagues may have offered. Extraordinary measures are being employed to drive these spending bills through Congress. The only winners in such an arrangement are the appropriators. The rest of us, including our constituents, are, for all intents and purposes, shut-out of the process.

Mr. President, by adopting this budget strategy, we do a disservice to our constituents by not squarely facing tough issues, whether it's school choice, gun control, campaign finance, minimum wage, gambling, or HMO reform, and engaging in debate—even in the heat of an election season where both sides of the aisle are maneuvering for maximum political advantage. These are important issues. They deserve to be debated and each deserves an up or down vote.

Moreover, we have an obligation to ensure that Congress spends the taxpayer's hard-earned dollars prudently to protect the projected budget surpluses. The American public cannot understand why we engage in a process that continues to spend huge amounts of money without adequately balancing this spending against our nation's most urgent present and future needs. Spending from this budget process has been on automatic pilot. We have already exceeded the budget caps by over $30 billion, consuming, so far, about one-third of the on-budget surplus for FY2001—and we have yet to pass all of the appropriations bills. This byzantine budget process precludes serious discussion about how our projected budget surpluses should be devoted to national priorities such as saving Social Security, providing much needed tax relief, paying down the national debt, or addressing other major priorities.

But more is lost beyond the throttling of debate, the profligate spending of taxpayers' dollars, and the broken budget process.

Since 1960, the percentage of voters participating in the general presidential election has dropped nearly 15 percent, reaching below the 50 percent mark four years ago. Today, voter apathy, especially among the youth of America, is widespread. Even more disheartening is the fact that too many Americans, when asked to rank the people in the different fields from highest regard to lowest, consistently rank our profession near the bottom. Poll after poll continues to show an undercurrent of cynicism toward our governmental institution. As I previously mentioned, budget games like the one we have witnessed in the last few weeks contribute to this cynicism.

We can still seize the reform mantle and learn from this budget morass when the doors of the new Congress open in January. We need new reforms in the way we address the budget process. Perhaps we should even consider the radical step of abolishing the Appropriations Committees. Too many programs are without authorization. We also should study whether the authorizers should also be the appropriators, to build more accountability into the process.

There are many other reforms we should consider next Congress if we are to spare Congress' reputation from further damage and begin to repair the people's respect for this Government.

The Washington Post yesterday had an article by Dan Morgan, ''As Last Bills Leave Station, Lobbyists Grab Tickets.''

> With only a handful of bills remaining to be signed into law before Congress adjourns, well tailored business lobbyists for elite corporations have descended on Capitol Hill to plead for dozens of special provisions in a Washington ritual with billions of dollars at stake.

Mr. President, on October 6, the Senate passed the conference report on the bill H.R. 4475, which funds the Department of Transportation and related agencies. At the time, I included for the RECORD a list of examples of pork barrel spending contained in the Transportation conference report. But because the list of pork barrel was so long and so extensive I was unable to publish the full list in the CONGRESSIONAL RECORD. For those who wish to view the list in its entirety, please

visit my website: http://mccain.senate.gov and click the ''pork barreling'' logo at the bottom.

We are also legislating on these appropriations bills. Huge and vital interests are being legislated in smoke-filled rooms in the darkest corners of this Capitol. These lobbyists are out there and they are doing damage to the national interest by getting their special interests represented in appropriations bills which have never been debated or discussed on the floor of either House.

That is wrong, Mr. President. Nobody knows how much overspending there will be. Some say as much as $45 or $60 billion.

There is an article today, I believe in the USA Today, that shows we are spending the surplus. We are all talking about how we will use the surplus. Yet we are spending it now. We are spending the surplus. We are putting into law entitlement programs that will spend even more.

There are some very interesting CBO studies and others by outside watchdog organizations that indicate this much ballyhooed and very optimistic view of our budget surplus is being eroded as we speak by this appropriations process.

I urge my colleagues to look at these bills, to look at the spending in it, to look at the legislation that is going on. We are abrogating our responsibilities to the taxpayers by voting on bills that we have neither seen nor read.

I hope we can make some sense out of this. The train wreck that is about to occur is the worst that I have seen in all the years I have been in the Congress. I don't think it helps us in the eyes of the American citizens, to say the least.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, with respect to this bill, it is a very frustrating exercise, as Senator MCCAIN said. One of the problems is we have a practice around here of combining bills in such a way that while you want to vote for part of it, you want to oppose the other part. It makes it very difficult to make your decision about whether you will vote yes or no.

I wrote to the Appropriations Committee chairman when I first came to the Senate and asked to ''de-attach'' some of the bills. The bill before the Senate is the VA-HUD bill. Everybody wants to vote for the veterans programs, and because of the way those programs are structured this year, I support those programs. I want to be able to vote for those programs.

As usual, when it is combined with the runaway spending in the HUD part of the bill, it makes it impossible to do so. It is exacerbated this year as a result of the tactics of the minority. We have not been able to bring bills to the floor, and we have not been able to send them to the President. The result is we have had to combine a bunch of bills at the end of the session, and we find we have to combine the energy and water appropriations bill with the VA-HUD appropriations bill.

The problem, as bad as it is in the first instance, is exacerbated. I voted for the energy and water appropriations bill. While there are programs in that bill that I don't support overall, it was an important and good bill. I supported what Senator DOMENICI was trying to do in that legislation, by and large, so I voted for it.

The question is what to do now in a bill, the VA-HUD bill, which is increasing at a huge rate, and which now has the energy and water bill attached to it. I can't pick and choose. I can't take the veterans part out and say I support that, but I don't support the rest of it. I can't take the energy and water part out and say, I support it but I don't support the rest of it. It is not a good way to legislate, as Senator MCCAIN said.

I point out, there are good things in the bill. Veterans health care is increased by 6.5 percent, from $19 billion to $20.3 billion. The account for prosthetic and medical research, a relatively small account but very important, will receive a modest increase. There are some important projects in the NASA account that will receive necessary funding. I support that part of the bill.

How can I support a bill which has exploded funding in the HUD part of it? The VA part of this bill increases spending by 7 percent. Now, that is an important and significant increase. But the social programs under the HUD part of this bill have increased by 18 percent.

I have heard it said when we add up all the spending bills this year, it will be more than any other year in modern history, including the Great Society. We are increasing these social programs in the HUD part of the bill by 18 percent. The earmarking has exploded. We have not seen the final list, but we know it is up to at least $292 million, up from $123 million in the committee-passed bill, and $240 million from last year. That is too much. We have funding in here for everything from renovating theaters to restoring carousels. This is not something the Federal Government needs to be doing.

Finally, there is language in the Senate report that suggests that some of my colleagues are wavering from a commitment that has been made by the Senate and the House to ensure that the allocation of veterans health care funds reflects the reality of where veterans live.

Four years ago, under the leadership of Senator MCCAIN, Congress implemented the Veterans Equitable Resource Allocation System. This was done at the request of the Veterans' Administration. Up until then, the formula that VA used did not take into account shifts in population that are relevant in assessing where resources are needed. In particular, we found in Arizona a lot of so-called snow birds, those great folks who live in the cold States and come down to visit Arizona in the wintertime because it is warmer in Arizona. We didn't have the facilities to take care of all of those people because the dollars associated with their care were allocated to the Northeast primarily, or to the North.

The Senate, therefore, voted overwhelmingly to implement this new system that let the dollars follow the patients, so to speak. That vote was 79–18. Yet some who benefited from the earlier faulty formula complained, and as a result we find language in here that will require a study. The money for this study is going to have to come from the health care that otherwise would be provided to veterans.

I don't believe the way the language in the report is written the investigators are going to have a fair approach to this because of the one-sided list of items they are to explore.

I want to be able to support the veterans part of this bill. I want to support the energy and water component of this legislation, but it will be very difficult considering the explosive growth in the HUD part of the bill.

I commend the chairman of the committee, Senator BOND, and Senator MIKULSKI. They have an impossible task. Everybody comes to them with requests. The bottom line is we have to draw the line at some point. It seems to me this is the point at which the American taxpayers deserve to be represented.

The PRESIDING OFFICER. The Senator from California is recognized to offer an amendment.

Mrs. BOXER. Mr. President, I ask unanimous consent I be allowed 2 minutes of additional time to talk about the situation in the Middle East.

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

Mrs. BOXER. I thank Senators MIKULSKI and BOND for their graciousness. I know they are anxious to move their bill forward. I also thank them and Senator DASCHLE and Senator LOTT for receiving an agreement with me, whereby I could offer these very important amendments to this appropriations bill.

(The remarks of Mrs. BOXER are located in today's RECORD under ''Morning Business.'')

AMENDMENT NO. 4308

Mrs. BOXER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. BOXER), for herself and Mr. BAUCUS, proposes an amendment numbered 4308.

(Purpose: To strike the riders that delay the Environmental Protection Agency's new standard on arsenic in drinking water and that prohibit the designation of nonattainment areas under the Clear Air Act)

On page 103, strike the first three lines.

On page 138, strike section 427.

Mr. BOND. Mr. President, may I ask if we can have a copy of the amendment?

Mrs. BOXER. Certainly. I say to my friend that it is a very simple amendment. It strikes two riders. We will send it over to the Senator at this time. It doesn't have any language. It simply strikes two of the riders.

Mr. President, will you please tell me when I have 5 minutes remaining of my time?

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, my amendment strikes two egregious anti-environment riders that have been attached to this appropriations bill. These riders are opposed by 21 environmental groups.

There is a letter on everyone's desk from the League of Conservation Voters. They consider this to be extremely important.

We also have another letter that came in this morning signed by the most respected environmental groups in the country supporting both of my amendments.

We will try to put these on the desks. I will go through the groups in a moment.

Twenty-one environmental groups oppose these riders. They say they believe these riders would ''jeopardize public health or the environment.''

The first rider deals with arsenic in drinking water. Let me take a moment to explain why I think this rider should be stricken. In the Safe Drinking Water Act Amendment of 1996, which the Senate approved unanimously, we told the EPA to update its drinking water standard for arsenic by January 1, 2001. We included this provision in the law because we learned from public health experts that the current standard for arsenic is severely dangerous and outdated. The standard was set in 1975, but it was based on public health data from 1942.

What do scientists and health experts say about the dangers of arsenic? According to a National Academy of Sciences report, arsenic in water is known to cause cancer of the lungs, skin, and bladder. The National Academy of Sciences study and other studies also found that arsenic in drinking water may cause kidney and liver cancer. Arsenic is also known to cause other severe problems, including toxicity to the central and peripheral nervous system, hypertension, cardiovascular disease, skin lesions, and could cause birth defects and reproductive problems.

Here is the national shocker. The National Academy of Sciences estimates that 1 in every 100 people who drink water containing arsenic at the current standard may well develop cancer caused by arsenic. This is a cancer risk that is 10,000 times higher than the cancer risk EPA allows in food.

The National Resources Defense Council analyzed EPA's base data, and they looked at 25 States serving approximately 100 million Americans. They found that approximately half of those Americans are drinking water with arsenic levels that could cause 1 in 100 of them to develop cancer.

The arsenic levels in those systems meet the EPA's outdated 50 parts per billion standard. As the NAS has said, the outdated standard ''does not achieve EPA's goal for public health protection and requires revision as promptly as possible.''

Let me repeat that. This is science. They base these rules on science. The sciences say set the standard at a lower level as soon as possible.

In this rider we push the date back. It is a delay. I think it is a dangerous delay.

The EPA has been working on this new standard for a long time. They have held numerous public hearings. Actually, they have been working on updating the standard since the early 1980s.

It is time to do this. The EPA was told by Congress to move forward by January 1, and now this rider was slipped into this bill.

I know my friends believed at the time that these riders were not that much of a problem. Whoever told them that—and I was not in the room—I believe was wrong. They are proven wrong by science. They have been proven wrong.

Call me old fashioned, but I think when you play around with the arsenic levels in drinking water, it deserves to have the light of day. It should not be attached to some rider. I am the ranking member on the subcommittee on the Environment. My chairman of the full committee is here, Senator BAUCUS. We are working hard to make sure that drinking water is safe. Yet we push back the date. That is not the right thing to do.

I appreciate my friends giving me 15 minutes of time, and I am going to give Senator BAUCUS about 5 minutes of that time when he is ready. I have saved 5 minutes.

This is no way to legislate on an issue such as arsenic.

In closing, before I yield my time to my friend, I want to talk about the other part of this amendment which deals with another egregious rider that has to do with clean air. The clean air rider is very important. It essentially would prohibit EPA from designating new regions of the country as being in violation of smog standards. In other words, it is a gag order on EPA, telling them they cannot, in fact, tell communities their air is dirty. This is a fact.

I do not understand, again, why we would be doing this. There is a court case pending on the power of the EPA. It specifically says in that court case that EPA has the right to designate these areas and to tell people in these areas they are not meeting the smog standard. Administrator Browner made a very strong comment about this rider in the past.

I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mrs. BOXER. What I would like to do at this time is yield 3 minutes to my friend, Senator BAUCUS, and 2 minutes following to my friend, Senator LAUTENBERG. Then I would have 3 minutes remaining, which I would retain.

The PRESIDING OFFICER. The Senator would have 3 minutes.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my good friend from Maryland, Senator MIKULSKI—I worked with her on this bill—and also Senator BOXER for offering these amendments.

I strongly support Senator BOXER in her efforts to delete these provisions. Not only do they intrude upon the jurisdiction of the Environment and Public Works Committee, they are clearly legislation. Our committee was not consulted. The Appropriations Committee is now writing legislative language in an appropriations bill. It also is very unsound public policy.

One of these riders, the so-called Linder-Collins provision, is really an attack on the public's right to know. The provision prohibits the Environmental Protection Agency from identifying those areas which do not the meet the 8-hour standard ozone pollution provision until next June. In other words, even if the EPA knew an area had unhealthy air, it could not tell citizens or their government.

Since my time is so limited, I will not speak more on that issue. Senator BOXER will, and I believe other Senators will, too.

I also want to speak a bit on the other one, and that is the arsenic provision. The other rider postpones EPA's final rules on arsenic standards for drinking water for 6 months. This is very important. This is yet another unhealthy delay that could expose Americans to unnecessary danger. Why do I say that? First, arsenic is a poison. We now know it is also a carcinogen. So it is an especially serious contaminant in drinking water.

Get this. The current standard for arsenic was written in 1942, before we knew that arsenic causes cancer. Then, in 1996, Congress completed a comprehensive rewrite of the Safe Drinking Water Act. We put some common sense into the act, some risk assessment, some additional funding for the States. We also put in place a plan to resolve the remaining scientific issues.

As a result of the scientific study done by the National Academy of Sciences, we learned that arsenic is even more deadly than previously thought. NAS found:

> There is sufficient evidence from human epidemiological studies . . . that chronic ingestion of inorganic arsenic causes bladder and lung cancer as well as skin cancer.

The study also said the current standard should be revised downward ''as promptly as possible.''

Furthermore, when the Environment and Public Works Committee had a hearing on the matter, in response to a question, Dr. Michael Cossett, a member of the NAS group who studied the arsenic issue, said:

> Our committee specifically in its conclusions felt that the standards should be lowered as promptly as possible.

He went on to say that the current standard certainly was not protective of public health.

Yet we have this anti-environmental rider. It is further delay in protecting the American public from better arsenic standards. I cannot understand it. I think it is very bad public policy, and I strongly urge Congress to delete these provisions which, if not deleted, are going to cause serious harm to the American public.

Mr. President, earlier today we had a discussion about the arsenic rider. I want to assure Mr. BOND and Ms. MIKULSKI that although the minority committee staff was notified about the intention to pursue this rider, they objected to its inclusion. I just want to be sure the RECORD accurately reflects what occurred.

I yield the remainder of my time to my friend from California.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, time is short. I will try to get to the point very quickly.

I support Senator BOXER's amendments to this VA–HUD appropriations bill. I want to point out one thing. Under the leadership of Senators BOND and MIKULSKI, the bill our subcommittee reported last month was far better than the one before us today.

What we see today with these riders that have come over from the House side of the Capitol is delayed corporate responsibility. That is what these amendments ought to be called: Just take care of the corporations and forget about our obligation to our people to protect us from contaminated, polluted environments.

One of these amendments is there because it is strongly supported by General Electric, an extremely powerful corporation. I like General Electric. I know a lot of the people who run that company. But they have, according to the League of Conservation Voters, polluted 200 miles of New York and Connecticut coastline with a million pounds of PCBs. Their slogan is: ''Bring Good Things To Life.'' We have heard it. I would rather have them say: ''Bring Good Life To Things,'' like fish and birds and people. That is where they ought to be.

I commend Senator BOXER for bringing up this amendment. I hope our colleagues are going to support it.

This is a good bill, other than this part. Again, I commend Senators BOND and MIKULSKI for a very tough job well done. But we ought not let the corporations escape getting on with their responsibilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I would like to retain my 3 minutes if I might, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri now has 15 minutes.

Mr. BOND. Mr. President, I yield myself 2 minutes.

Very briefly, this bill includes the provision that provides up to an additional 6 months for EPA to finalize the arsenic in drinking water rule. They can finalize it before June 2001 but will not be held to the statutory deadline. And EPA does not anticipate finalizing the rule until April or May, despite the act's requirements. The practical effect of knocking this out would be to force EPA to spend its resources fighting in court to do what it cannot otherwise do, and that is take the time necessary to do the job right.

The Safe Drinking Water Act called for a full year of comment. The full year would be up June 2001. The most conservative estimates of compliance, including EPA's, for the smallest communities show water rates increasing by hundreds of dollars per family.

The State of Utah Department of Environmental Quality says the rate increase to remove arsenic from the Heartland Mobile Home Park would be $230 per month per customer. Even the EPA said it would be $70 per month per customer.

Do you know what is going to happen? No system. They are going to be off the system. There will be no water. They will get it from sources that are not protected at all.

This is a very important rule that needs to be worked out scientifically. EPA has not identified the specific level in drinking water below which there is not a significant risk to public health.

On the ozone nonattainment designation, it seems to me completely unreasonable that EPA should be making designations when that standard is before the U.S. Supreme Court. Why do the EPA and the State expend resources giving communities a black eye by designating them nonattainment areas when the entire ability to designate may be repealed by the Supreme Court? The EPA would be allowed, under this legislation, to move forward when the Supreme Court acts but no later than June 2001.

Do not blacklist communities before there is a statutory authorization. The National Association of Counties has said this process will brand hundreds of new counties across the country clean air violators resulting in lost jobs and lost economic opportunity.

The PRESIDING OFFICER (Mr. ALLARD). The time of the Senator has expired.

Mr. BOND. I yield 5 minutes to my distinguished colleague from Maryland.

Ms. MIKULSKI. Mr. President, I oppose the Boxer amendment on arsenic in drinking water, and I urge my colleagues to vote against it.

This amendment is not needed, and its adoption will effectively kill this bill.

Let me be clear about what we did.

In our negotiations with the House, bill language was added that allows EPA to take until June 22, 2001 to issue a final rule setting the allowable level of arsenic in drinking water.

EPA remains free to issue the final rule anytime up to June 22, 2001.

This provision was carefully negotiated with the administration.

It does not prevent, prohibit or restrict EPA's ability to issue a final rule for arsenic in drinking water.

Since EPA missed the deadline for proposal of this rule, this extension from the current January 1, 2001 statutory deadline would allow EPA the same length of time—12 months—to consider public comments as contemplated in the Safe Drinking Water Act Amendments of 1996.

This provision is fully consistent with the Safe Drinking Water Act.

Our provision maintains all of the protections for public health and safety.

If it didn't, I would not support it.

This is not a debate about arsenic in drinking water.

We all agree that arsenic in drinking water should be reduced or eliminated consistent with science based public health standards.

This is a disagreement over process, not substance.

Let me be very clear, the language contained in the VA/HUD bill is permissive and does not prevent EPA from issuing the regulation earlier than June 2001 if EPA is prepared to promulgate the final rule.

Also, public interest groups would still be allowed to file suit next June if EPA misses the revised deadline—just as they can now.

No one's rights or privileges have been taken away.

Our provision on arsenic simply moves a date. It poses no threat to public health or the environment.

It is fully consistent with the Safe Drinking Water Act, and it maintains EPA's full authority.

I point out to my colleagues that this bill contains $825 million for the safe drinking water revolving loan program.

This is EPA's main program to upgrade and improve our Nation's public drinking water systems.

Overall, our bill provides $3.6 billion for all clean water programs—a $200 million increase over last year and, over $700 million more than the President's request.

If the Boxer amendment is adopted, it will kill this bill and jeopardize the funding increases for our clean water programs.

If this bill dies, there is no guarantee that we will be able to maintain our current level of funding.

The administration supports our provision, and I urge my colleagues to vote against the Boxer amendment.

Mr. President, I oppose the Boxer amendment on ozone nonattainment and I urge my colleagues to oppose it.

This amendment is not needed and should it pass, it will effectively kill this bill.

The administration supports the provision in our bill, and I urge my colleagues to support it and vote against this amendment.

Let me be clear about what the ozone nonattainment provision in the VA/HUD bill does.

The provision prohibits EPA from issuing new ozone nonattainment designations until June 15, 2001, or until the Supreme Court issues its ruling in this matter, whichever comes first.

The administration was involved in the negotiations over this provision and they support it.

I believe this provision is a matter of common sense. It makes no sense to issue new nonattainment designations, just to have the Supreme Court invalidate them.

That will do nothing more than confuse State and local governments and undercut EPA's authority and credibility.

I want to point out to my colleagues, that during our negotiations with the House, the language was modified to allow final designations to occur as soon as the U.S. Supreme Court rules on the ozone standard case, rather than waiting until June 15, 2001.

Depending on the Supreme Court's decision, this would potentially allow EPA to proceed with final designations several months earlier than under the original language.

This provision does not weaken the Clean Air Act, it does not threaten the Clean Air Act and, it does not undercut EPA's authority.

Our bill language does not preclude EPA from taking preparatory steps leading up to the final designations.

After the final designations are made, States have 3 years before they have to begin implementing their plans for achieving the new standard.

The additional time provided by this bill language, being tied to the Supreme Court process, minimizes any delay in moving forward with any clean air plans and acknowledges the uncertainty created by the ongoing litigation.

Our bill provides $209 million for State air assistance grants to help states meet Clean Air Act requirements.

If the Boxer amendment passes, the VA/HUD bill will be killed and funding levels that it contains will be in jeopardy.

I urge my colleagues to vote against the Boxer amendment and support the administration.

Mr. President, in summary, I oppose the Boxer amendments both on the issue of substance and procedure. No. 1, everybody complains about the process. Nobody complained about it more than BOND and MIKULSKI. We wanted to bring our bill to the floor, have a vote by the Senate, and go into a conference that was open and public. We were denied that.

Because we were worried about the homeless, because we were worried about veterans, because we were worried about the environment, we pressed on in a quasi-conference. BOND and MIKULSKI were united to delete the riders, but we lost. The House would not yield.

We then went to a fallback position because, again, we are worried about the homeless; we are worried about the veterans; we are worried about the environment and the National Service Corps, and all that is in this bill. When we negotiated, I invited into the room OMB—with the concurrence of my Republican colleagues—who brought in the Council on Environmental Quality. The President's chief adviser on the environment was on the phone with the legal counsel at EPA. We did not make this up.

I thought I was proceeding on safe grounds because of the advice I received from the Council on Environmental Quality. I say to my Democratic colleagues: Do you believe in a letter from 21 groups or do you believe in President Clinton's Council on Environmental Quality? The choice is there. Do you believe the advocacy analysis or President Clinton's analysis? I go with President Clinton because I believe there is a track record on protecting the environment.

What about arsenic? It does not shackle anybody. It delays it by 6 months. Under the current law, EPA must give the regs by January 2001. They can issue them at any time up to 2001. EPA retains its authority and its flexibility to issue the regs any time, but it removes the old deadline. Why do we do this? So small rural communities can have time to get EPA information, cost, and other things they are going to need to comply.

Let's go to the ozone. That court case is before the Supreme Court of the United States. It is not going through some small court. It is in the Supreme Court. They are going to decide it in June. The Court term ends in June. This language will no longer apply once the Court issues its ruling. Also, the language becomes moot in 2001.

Why was this language added? To prevent EPA from making new attainment designations and then have the Supreme Court invalidate them. We are saying, let the Court act and move on. At the same time, EPA is allowed to go on with its own planning process. Once the Supreme Court acts, EPA is good to go.

We are not shackling anybody. We are not stymying anybody. I believe in each of these instances there is flexibility to meet the compelling needs of public health. If they did not have that, I would not have supported it. If President Clinton's own team did not tell me it was OK to do this, I would not have done it.

I stand on the advice we were given, and I believe the advice is accurate, responsible, and reliable. I urge my colleagues to defeat the Boxer amendments.

Mr. BOND. Mr. President, I thank my colleague from Maryland. I yield 3 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. CRAPO. Mr. President, I thank Senator BOND and Senator MIKULSKI. As chairman of the Fisheries, Wildlife and Drinking Water Subcommittee, I rise today in strong opposition to the amendment to prevent the EPA from having the time necessary to produce a proper arsenic drinking water rule based on the available science. It is important to note that in 1996 this Congress directed the EPA to adopt a specific schedule to propose an arsenic standard to allow for a full year of public review and comments by scientific experts and then to implement a rule after taking into consideration those comments.

That is what is at stake. It is important to follow up on what Senators BOND and MIKULSKI have said about what this amendment really does. It has been characterized as stopping the EPA from protecting us from arsenic problems.

The reality is that all this amendment does is give the EPA up to an additional 6 months to complete its work. In fact, I am quite surprised to see this amendment today because the administration itself has said they do not have the ability to meet the statutory deadline, and they need this extra time to make sure the rule they adopt is scientifically justified and does not cause the immense damage to local small communities in rural areas that is of concern.

We have held hearings on this issue in our subcommittee, and witness after witness has raised questions about whether the science is there to justify the direction in which the EPA is going. The EPA has acknowledged

these questions. The EPA has said it needs time to further review the science, and the EPA has said it will take that time if we give it to them to do a good rule that will protect the country and yet not do damage to small communities in rural areas.

It is also important to note that this amendment does not stop the EPA from acting at any time the EPA deems it is ready to act. If the EPA says it has the process finalized, it has the science understood and is ready to proceed, they can proceed tomorrow, they can proceed in November or December or January when the statutory deadline exists. Again, the EPA has told us they are not ready to do so and that they need this extra time. We believe they need the extra time because of the impending damage that could be caused to local communities across this country.

As Senator BOND has said, there are communities and individual families who will see their water bills go up by hundreds of dollars. There are communities that probably will have to go off their systems because of this. The potential damage if we do not give the EPA the time to act properly and to review the comments is immense, and that is why I must oppose this amendment. I yield back the remainder of my time.

Mr. BOND. Mr. President, I reserve the time that has been allocated to various Members. I now allocate 3 minutes to the distinguished senior Senator from Idaho.

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

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 4205

Mr. CRAIG. Mr. President, on behalf of the leadership, I ask unanimous consent that the Senate proceed to the DOD authorization conference report following the consideration and vote on H.R. 4516 on Thursday; that the conference report be considered as having been read and debated under the following agreement: 2 hours under the control of the chairman of the Armed Services Committee; 2½ hours under the control of Senator LEVIN; 1 hour under the control of Senator GRAMM; 30 minutes under the control of Senator WELLSTONE; that following the debate just outlined, Senator BOB KERREY be recognized to make a point of order, and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form. I further ask unanimous consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, this is the agreement we have been attempting to work out for the last day. This is something Senator WARNER and Senator LEVIN have worked on very hard. It is a good bill. We, on this side, think the agreement is something that will be to the benefit not only of the Senate but the country.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Idaho.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS—Continued

Mr. CRAIG. Mr. President, I thank the chairman of my subcommittee for yielding.

I say to the Senator from California, her amendment is a perfect example of no good deed goes unpunished. I say that to the Senator from California for this very simple reason. This language has been worked out with all of the parties, and all of the staffs, with the administration, and with the EPA. While they do not like it, they understand their science, and where they are does not justify, at this time, the kind of regulation they are attempting to bring down.

From the State of the Senator from California, let me read from the Indian Wells Valley Water District. This is a water district of 10 to 12 wells, wells that, meeting the current standard proposed by EPA, would cost this water district $1 million per year—a 60- to 70-percent cost increase in their operations.

What happens when Government goes silly or crazy based on science they have not substantiated, in highly mineralized areas, where arsenic is present in water supplies, is that they drive up costs, and ultimately they collapse these little water districts and everybody goes out and drills their own wells to supply their own household water and then an even greater problem exists.

We are talking about cost per speculative cancer case—cost per speculative cancer case.

If the amendment of the Senator from California prevails, that cost per speculative cancer case goes to $5 million per speculative case.

I do not think that is good policy. I know the science isn't there yet to justify it because the word ''speculative'' is the word EPA uses in suggesting these dramatic reductions in arsenic levels.

I do not want to destroy rural water systems. Neither does this subcommittee. My colleague from Idaho spoke very clearly about the real live impact if this amendment were to prevail. Across this country, small independent water districts cannot nor could not comply without a cost of several hundred dollars more per month added to the cost of a water bill.

This is not good policy. I do not even think it is good politics.

Let me repeat: No good deed will go unpunished according to this amendment because we have been working collectively together to solve this problem, recognizing the phenomenal importance of the water quality to all citizens in this country.

Energy and Water, as an authorizing committee, has acted responsibly. While the ranking member might suggest that staff or they were not consulted, that is simply not true. They were thoroughly involved and consulted on this issue. This is a compromise. It does not shut down the process, as has clearly been spoken to by my colleague from Idaho, Senator CRAPO. So I hope the Senate will recognize that.

Let us not rush to judgment, nor let us not get into the speculative business of driving up costs of water and, therefore, allowing people to go out and drill their own wells and even create a more dangerous water structure for small rural communities.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

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

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that at the conclusion of debate on the two amendments under the previous order, I be permitted to speak on the VA-HUD bill for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we reserve the remainder of our time on these amendments. I believe the chairman of the Environment and Public Works Committee is on his way over.

What time do we have remaining?

The PRESIDING OFFICER. The Senator from Missouri has 2 minutes, and the Senator from California has 3 minutes.

Mr. BOND. I thank the Chair. We reserve our time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my colleagues directly on a number of points that they made. These two riders should be deleted. It is bad process. I think that has been spoken to a number of times. And it is really bad policy. I think that has been spoken to as well.

I say to my dearest friend, Senator MIKULSKI, who has worked so hard on

this bill—and it means everything to her—how much I support her bill but for these riders. I want to tell her how I feel.

I do not think that all wisdom resides in Washington. I think I am quoting the Republican candidate for President. I do think these 21 groups are phenomenal. I do trust them. The National Resources Defense Council, the Sierra Club—maybe they do not always agree with every one of us, but they spend their lives on these issues. I do respect them. And I do think that they can. I am really glad it looks as if they are going to count these votes as an important vote on their scorecard.

But I do want to say if CEQ were in the room and some others from the administration—I know it to be fact, and it is true —I just do not happen to agree with them. I will tell you who was not in the room, who was not even given the courtesy of a phone call, Senator Max BAUCUS, who is the ranking member on Environment and Public Works. I will tell you who else was not in the room, Senator MOYNIHAN, who supports my dredging amendment. I think a phone call from the administration, if you will, to those folks would have been in order to find out how we feel about these anti-environmented riders. So we are very disappointed.

I say to my friend, Senator CRAIG, who has left the floor, he calls it ''silly science'' to talk about a lower standard for arsenic. Here is the silly science. I have to tell you, taxpayers pay the National Academy of Sciences to produce this study on arsenic in drinking water. This isn't silly science. This is what they said:

> This outdated standard does not achieve EPA's goal for public health protection and, therefore, requires revision as promptly as possible.

So what did we do? We did the opposite. We delayed the date.

The Senator mentioned a water district in California. That is why we have a waiver in the Safe Drinking Water Act, for those small communities, a waiver so they will not have hardship. That is why we have a State revolving fund which, by the way, is funded in this bill. It needs more attention. It needs more help.

But I have to say, again—and call me as old-fashioned as you want; maybe it is because when I was a kid I saw ''Arsenic and Old Lace''—but I can tell you right now, the science is clear. It is not silly; it is not foolish. This is very dangerous. We have to do something about it.

To say this is a rush to judgment when we have been having hearings on the standard since the 1980s, we all know what it is about. It is about a delay. It is the hope that the new administration may not be as tough.

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

Mrs. BOXER. I ask unanimous consent for 30 more seconds.

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

Mrs. BOXER. So I would sum up this way. We have a gag order in front of us in the rider that deals with EPA not being allowed to tell people they live in a dirty air district. It is for people to know that exposure to smog decreases lung function. It hurts our children with asthma, and it leads to emergency room visits. The courts have said clearly—and I have a direct quotation from the court—the court said: EPA has the right to tell people the truth about the quality of their air. This rider overturns that court decision.

I hope we will have strong support for this amendment.

I thank my friends.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BOND. Mr. President, I inquire of the Senator from New Hampshire if he is ready to speak?

Mr. SMITH of New Hampshire. Yes.

Mr. BOND. Mr. President, just to correct the record, the staff of the ranking member on the Environment and Public Works Committee was consulted, was informed of this. This was not done without advice to them. That was just incorrect.

I now yield the remaining time on this side to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire has 1 minute 39 seconds.

Mr. SMITH of New Hampshire. That is not much time to try to make my points here. But, look, this is one of those situations where you have an amendment, part of which I support and part of which I do not, which means I have to oppose it.

The clean air provisions that the Senator from California has outlined I can support. But it is unfortunate that I have to be here today, as the chairman of the committee, to choose to do something that this body chose to do 4 years ago in the Safe Drinking Water Act amendment.

It is worse that the only groups objecting to this language in VA-HUD are doing so because they stand to gain attorney's fees. I support the underlying managers' amendment by the Senator from Missouri. We are going to see wasteful litigation here, and it is wrong.

To put this in context would take more time than I have, but we all agree the standard on this should be reviewed. This is not a discussion about the standard. The arsenic standard needs to be reviewed. But due to the complexity and science that was needed to develop the standard, the Congress very clearly dictated a timeframe.

Congress directed EPA to propose a rule on January 1, 2000, and to finalize the rule on January 1, 2001. They made it clear we wanted to provide one year from the date of publication of a draft rule to publication of a final rule. EPA cannot meet this requirement right now, and we need to get this science. We need to draw all this in. That is what the managers' amendment allows for.

To go to litigation now means we will waste millions of dollars of taxpayers' money on litigation for no reason, and they are still not going to be able to meet the standard in spite of the litigation. It is absolutely ridiculous.

I encourage my colleagues to support Senator BOND and the managers' amendment on this issue.

To reiterate, I come today to talk about Senator BOXER's amendment to the VA HUD appropriations bill. Unfortunately, Senator BOXER has put two issues into her amendment. I support one and strongly object to the other. Due to that strong objection I will vote against this amendment.

On the arsenic provision, it is very unfortunate that I need to come down here today to defend what this body chose to do four years ago in the Safe Drinking Water Act Amendments. It is even worse that the only groups objecting to this language in the VA HUD appropriation bill are doing so because they stand to gain attorneys fees.

The provision on arsenic in the VA–HUD Appropriations bill does one thing: preserves the original intent of the Safe Drinking Water Act Amendments of 1996. While Senator BOXER's amendment does one thing—promotes wasteful litigation.

To put this into context let me explain the history and reality of the situation. The Safe Drinking Water Act Amendments of 1996 clearly outlined a need to review the standard for arsenic. We all agree the standard needs to be reviewed. This is NOT a discussion about the standard. I repeat, the arsenic standard needs to be reviewed.

However, due to the complexity and science that was needed to develop the standard, we the Congress, very clearly dictated the time frame for developing this rule. Congress directed EPA to propose a rule on January 1, 2000 and to finalize the rule on January 1, 2001.

The Congress also made it very clear that we wanted to provide one year from date of publication of a draft rule to publication of a final rule. The reason was to allow sufficient time for public comment and EPA review to finalize this very complex issue. Thus, the Congress stated that the final rule should be published on January 1, 2001, one year after the publication of the draft rule.

Unfortunately, the EPA missed the January 1, 2000 deadline to publish the draft rule by six months. There may be very good reasons for why EPA missed this deadline, but the fact is EPA

missed the statutory deadline for publication by six months.

EPA provided 90 days to comment on the proposed rule, however it is my understanding that EPA will be having an additional comment period on information that became available after the original draft rule was published. So basically, we are not done with the public comment period EPA, less than three months from the statutory deadline to publish the final rule has not even received all the public comments.

What do these dates and missed deadlines mean? They mean, and EPA will agree with me on this, that there is no way that EPA will meet the January 1, 2001 statutory deadline to publish this final rule. In fact, EPA will probably not publish the final rule until late spring. I support EPA taking the time to consider all the stakeholders comments and the very complex information they have received. I support the original intent of the Safe Drinking Water Act Amendments to provide one year to finalize this rule. Especially, in light of the controversy this rule has brought on by a host of very credible institutions like the EPA Science Advisory Board that questions the EPA proposal. But that is not what we are down here today to talk about.

What happens unfortunately, is a host of groups will sue EPA on January 2, 2001 for not publishing the final rule. Everyone knows that EPA will miss this deadline, YET, these organizations will waste everyone's time and tax payer's money by bringing an unnecessary lawsuit. So what am I down here to discuss today? I am here to discuss: unnecessary attorney's fees, waste of tax payer dollars, and place a burden on the judicial branch.

To avoid those three issues, I support the arsenic provision in the VA–HUD Appropriations Bill. This provision would extend the deadline for finalization of the arsenic rule to no later than June 22, 2001. This provides the EPA one year to finalize the rule—exactly the same time frame as the Safe Drinking Water Act Amendments.

Why is this needed? Because this is a complex rule and the Congress realized that when they required EPA to take one year to finalize the rule. But just as important: we the Congress can make sure tax payers dollars are not wastefully spent on unnecessary judicial proceeding and attorney's fees.

Our constituents should not have to pay the price for the EPA's failure to follow the mandates of the Safe Drinking Water Amendments of 1996. This extension will have no impact on human health because it is completely consistent with EPA's time frame for finalizing the rule.

I am sure that is why the White House and the Council on Environmental Quality is not opposing this language.

Senator BOXER's amendment does absolutely nothing to protect human health. It only protects those environmental groups that want litigation will benefit. This is unfortunate because the litigation will produce the exact same outcome as this provision. However the litigation has consequences, it will produce: unnecessary attorneys fees, an unnecessary burden on the judiciary, an unnecessary burden on the EPA, and taxpayer dollars funding all of this. I cannot stand here and encourage unnecessary litigation. But I can proudly support the original intent of the Safe Drinking Water Act and allow EPA to take appropriate time to consider all the comments and information in proposing a final rule.

Now switching to the Clean Air Act issue. The motion to strike also contains language that touches on another one of those complicated Clean Air Act issues. I believe that this is exactly the type of thing that must be addressed by the committee of jurisdiction rather than through a rider.

Last year the Environment and Public Works Committee first addressed the issue of what limits were needed on the implementation of these air quality standards while the court was reviewing them. At that time, the committee was considering a bill to improve the transportation conformity provisions of the Clean Air Act. Senator INHOFE offered an amendment to deal with this matter and the amendment was adopted.

Even as the INHOFE language was accepted, there was discussion regarding how it might be improved prior to floor consideration. During the past few months, members of the Environment and Public Works Committee, and especially Senator INHOFE and Senator BAUCUS, worked hard to develop language that is now broadly supported—and included in this bill. The bill also contains controversial language on the same issue that came from a House appropriations bill and was not considered by the Environment and Public Works Committee. In fact, no authorizing committee in either body dealt with this language.

Mr. President, it seems to me that we are borrowing trouble by taking the House language because the language Senator INHOFE proposed speaks to precisely the same problem as the language Senator BOXER seeks to strike. We do not need both.

Let me briefly address the substance of the issue. As many Members know, the Supreme Court is currently reviewing the EPA's recently established air quality standards for smog and soot, ozone and particulate matter.

At the same time, implementation of the standards is proceeding. The EPA is required by law to identify areas that violate the standards, even though the court might throw the standards out. More importantly, designating areas as violating the standards triggers automatic requirements under the Clean Air Act. These include restrictions on highway construction and expanding or building new facilities that would emit air pollutants.

The problem we are trying to solve is that these requirements may be triggered and then the standards could be overturned, leading to planning chaos for many states. Senator INHOFE's language would delay the effective date of the automatic requirements under the Clean Air Act to allow time for the Supreme Court to act. The language from the House bill that Senator BOXER seeks to strike would bar the use of funds for making determinations about what areas would violate the standards; thus preventing the triggering of the automatic Clean Air Act requirements.

So we have two ways of skinning the same cat. Senator INHOFE's approach has bipartisan support and is the work product of members of this body's authorizing committee. The House language is controversial and has not received consideration from any authorizing committee.

The House language is controversial because many people believe that the air data collected by the states should be analyzed by the EPA and made public no matter what happens to the standards in the courts. Also, the limit on the use of funds could delay implementation in the event that the Court upholds the standards.

I believe that the Senate should recognize and reward the effort that Senator INHOFE has made to eliminate unnecessary conflict over this issue. I support the language in the bill developed by the Senator from Oklahoma.

If the motion by the Senator from California to strike the House language was not attached to the arsenic issue, I would support the Senator in her motion, and I would encourage the entire Senate to do the same. Because the arsenic matter is the overriding concern for me, I must oppose the motion.

The PRESIDING OFFICER. The Senator from California is recognized to offer a second amendment.

AMENDMENT NO. 4309

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mr. LEVIN, proposes an amendment numbered 4309:

(Purpose: Expressing the sense of the Congress regarding the cleanup of river and ocean waters contaminated with DDT, PCBs, dioxins, metals and other toxic chemicals)

At the appropriate place, add the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) more than one-eighth of all sites listed on the Superfund National Priorities List

are river and ocean water sites where sediment is contaminated with PCBs, dioxins, DDT, metals and other toxic chemicals;

(2) toxic chemicals like PCBs, dioxins, DDT and metals tend to be less soluble, and more environmentally persistent pollutants;

(3) toxic chemicals like PCBs, dioxins, DDT and metals polluting river and ocean sites around the nation may pose threats to public health, safety and the environment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect the public health, safety and the environment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wanted the amendment read because I think it is a pretty clear statement of what we ought to be doing; that is, expediting the cleanup of the Superfund sites.

To respond to Senator BOND, the staff of Senator BAUCUS has informed me that they received one call and they objected to the riders. They don't believe Senator BAUCUS was ever called personally. We are going to check on that because I do want the record clear on it.

I ask unanimous consent that Senators MOYNIHAN, SCHUMER, and KERRY be added on as cosponsors of this amendment.

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

Mrs. BOXER. Mr. President, I strongly oppose report language included in this conference agreement that will delay the cleanup of waters contaminated with toxic pollutants such as DDT and PCBs. We tried to work with my colleagues to change this language. We were unable to be successful.

The language will remain in because you can't strike report language, but we have a sense of the Senate that is very clear. Basically the operative language, which was just read by the clerk, is:

It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect public health, safety and the environment.

The report language included in this bill—remember, this is an appropriations bill—prohibits the EPA from cleaning up river and ocean sites that are contaminated with these horrible pollutants until the National Academy of Sciences completes a study or until June of 2000, whichever comes first. That isn't the worst of it. The worst of it is, we believe this language opens up a whole new loophole, which is really going to mean we are going to have many more court suits. I will get to that in a minute.

We think this language could delay the cleanup of at least six Superfund sites nationwide. One of them happens to be in California. The report language that is extremely troubling, which we were unable to remove, requires EPA to ''properly consider the results of the NAS study'' before moving forward on the cleanup of these sites. Anyone who knows anything about litigation knows a lawyer will have a field day with the phrase ''properly considered.''

What does that mean? You must properly consider before you move ahead with a cleanup? You could have a whole year discussing what that means, and that is exactly what the polluters are going to do. They are going to haul this Government into court just to try to get out of their responsibility. It will give polluters a hook to get into court and to litigate.

I want to talk about a site off the Santa Monica Bay, the Montrose site.

Mr. President, will the Chair inform me when I have 5 minutes remaining of my time?

The PRESIDING OFFICER. The Chair will do that.

Mrs. BOXER. I thank the Chair.

The Montrose Chemical Corporation holds the distinction of being the largest producer of DDT in the world. That is not a great distinction since we know what a poison DDT is.

It discharges tons of DDT through storm sewers into the ocean off the Palos Verdes peninsula, and 100 tons of it sits on the ocean floor there.

DDT is classified as a probable human carcinogen. It is thought to have severe liver and neurological impacts, and it has also recently been identified as a chemical which may promote breast cancer.

We know DDT is causing harm to the ocean, i.e. Santa Monica Bay, because the DDT goes up through the food chain where it reaches the bald eagles. Of course, we know those bald eagles were brought to the brink of extinction by DDT, and we know it causes the eagle eggs to thin and to fail to successfully hatch. EPA estimates it will cost $150 million to restore the ocean where that dump is.

The report language, in our strong opinion, with legal authorities across this country, tells us that it would prohibit the EPA from cleaning up this site until the NAS report comes out. And then even after that, Montrose will go back into court. Mind you, they have already spent $50 million fighting the cleanup. Their position is: Let the DDT just sit there. Don't cap it off. Don't do anything. In the meantime, it is poisoning the environment there.

I don't understand why we do these things. When I talk to my constituents, their eyes roll. Arsenic, DDT, PCBs, these are not good things. If we could agree on one thing around here, it would be to get rid of them. We do everything we can to help people who are good actors to clean up their act, if they made a mistake. We have a State revolving fund.

It stuns me that in this century we are still arguing over cleaning up arsenic out of the water, cleaning up DDT that is harming wildlife.

As to this argument by Montrose that they should do nothing, imagine how strongly they feel. They have spent $50 million in order to do nothing. Why didn't they spend the $50 million cleaning up the site, and we would be rid of the DDT; we wouldn't have this poison moving up the food chain.

What we hope to achieve—and we hope the managers will support this—is a very simple sense-of-the-Congress amendment. It is so clear. What we say is: Look, we can't get your language out of the report. We understand you don't want to make changes because you don't want to go back to conference. All we are saying is, let's stand firm together. Let us pass the sense of the Congress. I will reiterate it, and then I will save my 5 minutes. I am hopeful others will come to the floor.

It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect health, safety and the environment.

Now, my colleagues say nothing in this bill would harm that. I hope, therefore, they will support this amendment. I think it is very important.

Mr. President, I will take an additional 30 seconds to say Senator LEVIN wants to be added as a cosponsor. Senator BAUCUS was not personally consulted by anyone on this matter. That is clearing up the record, straight from Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am sorry we have to get into this little battle over who said what and who said what, when where, and why. Let it be clear that we on both sides made our best efforts to assure that everyone was advised. Twice, Mr. Tom Sliter, a staffer on EPW, was notified and discussed this with my assistant, Ms. Apostolou. He also, I understand, participated in a briefing conducted by Mr. Carliner of the minority staff.

Not everybody agreed with all of those things, and we never said that we had 100-percent agreement. We don't get 100-percent agreement, but we do extend the courtesy to all of the Members who are interested to let them know what we are doing and give them an opportunity. I am sorry to get into this, but when it was said that we did this without notification in an attempt to hide this, that is absolutely wrong. That is an unfortunate and unfair slam at our staff. I do not intend to let it stand.

The next point I will make, just to call it to the attention of my colleague

from California, is we have been advised that no California sites would be affected. EPA has indicated they will be sending a letter to assure the Senator that no California sites would be affected by the proposed managers' amendment, or the language in the statement of managers.

Let me say that while, technically, this issue is not before us at this time, we do intend to include a statement which has been carefully worked out at painstaking meetings that Senator MIKULSKI and I had, along with our House counterparts, with OMB Director Jack Lew and George Frampton, CEQ Director. This language will be included to address the concerns raised by EPA about House report language on this issue.

The report language simply requires EPA to take into consideration a National Academy of Sciences study on contaminated sediments, which has been worked on for the past several years and is expected within the next 3 months, before dredging or invasive remediation actions at sites where a plan has not been adopted by October 1, 2000, or where dredging has not already occurred.

Exceptions are provided for voluntary agreements and urgent cases where there is significant threat to public health. Furthermore, EPA is not prohibited from proposing draft remediation plans involving dredging or invasive remediation technologies.

In view of the time, effort, and resources that have gone into examining the efficacy of dredging contaminated sediments, it would truly be a shame not to consider the best science available before going forward. This is not going to result in undue delays, but it will result in an informed process.

Dredging is very controversial and it is very costly. What do you do with the dredge material if you dig up material that is contaminated? Where do you put it? I can tell you that the answer will be NIMBY—not in my backyard. That is the first thing everybody will say. ''Can't you find a better or safer place to put it?''

Also, does dredging cause more harm, potentially, to the health and environment than leaving the contaminated sediments in place? When you stir it up and dig into the contaminated sediments, do you spread more out and do you get more in the water supply or in the air? These are things that scientists ought to tell us. The National Academy of Sciences is working on it. What would you do with thousands of truckloads of dredge material if you dredged it up and the National Academy of Sciences says you should have left it in place?

Well, it is important that we act on science around this place. I know there are some groups that love to write letters and have their own agenda and say that we need to move forward. I believe most people in this body would agree that getting a peer-reviewed study by the National Academy of Sciences before we engage upon a massive and potential danger-causing activity—dredging up sediments, or other invasive remedies—makes sense. For that reason, I believe that carefully crafted language, which was agreed on by the OMB Director and the CEQ Director, is a far preferable resolution of this very serious question. Let's take the radical step of waiting to rely on the science.

I yield to my distinguished colleague from Maryland such time as she may require.

Ms. MIKULSKI. Mr. President, how much time remains for the opponents to the Boxer amendment?

The PRESIDING OFFICER. Nine minutes.

Ms. MIKULSKI. Mr. President, will the Chair inform me when I have taken 4 minutes in the event that others also wish to speak?

The PRESIDING OFFICER. Yes, the Chair will do so.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Boxer amendment and I urge my colleagues to vote against it.

This amendment will have to be disposed of by the House. It will not be accepted by the House and therefore will kill this bill.

I would like to explain to my colleagues how our bill addresses the issue of contaminated sediments, why I am opposed to the Boxer amendment and, why the administration is opposed to the Boxer amendment.

The Boxer amendment is not necessary and its passage would effectively kill this bill.

Let me explain what we do in our bill.

The final version of the VA/HUD bill will contain report language in the statement of the managers that prevents EPA from dredging any contaminated site that does not have an approved plan in place by October 1, 2000 until the National Academy of Sciences, NAS, has completed its study on this issue and EPA has reviewed it.

This language sunsets on June 30, 2001. The NAS is expected to release its report in December. With an EPA review, the delay would last probably no more than 120 days.

We have included some exceptions to this language that are very important and I want to outline them for my colleagues.

First, if a site has an approved dredging plan in place by October 1, 2000, the language does not apply.

Second, if dredging or dredging activity is already occurring at a site, the language does not apply.

Third, if a site has a voluntary agreement in place with a potentially responsible party, the language does not apply.

Fourth, if EPA determines that a site poses a threat to public health, the language does not apply.

These exceptions are very important and were carefully negotiated with the administration.

This was no small victory for us.

The House passed VA/HUD bill included report language that would have directed EPA not to initiate or order dredging or other invasive remediation technologies, until the NAS report was complete and required that the results be incorporated into the EPA decision making processes.

This more extreme language would have effectively frozen work at affected sites for an indefinite period of time.

During our negotiations with the House, we successfully modified the provision to remove the extreme language.

The report language that will be incorporated into the final version of the VA/HUD bill still leaves EPA with some discretion and does not mandate any solutions.

Our language also allows EPA to take comment on proposed remedial actions such as that for cleanup of the Hudson River.

Our language would also allow all cleanup plans to be finalized by a date certain—June 30, 2001—even if the NAS report has not been completed in a timely manner.

The NAS is expected to use their final report, no later than January 1, 2001, allowing the report to be properly considered by EPA while sites without final plans work on their drafts.

Mr. President, the administration supports our language and I urge my colleagues to vote against the Boxer amendment.

I wish to also respond to my colleague and friend, the Senator from California, by saying this: No. 1, neither Senator BOND nor I wanted the riders. The House insisted on the riders. So we attempted to remove the draconian substance of the riders and put in more procedural issues, more procedural safeguards. The Senator thinks we wimped out. We think we had a victory because of the draconian aspect. We fought off the dragons.

Also, I want to be clear to my colleagues, we are in a very unusual parliamentary procedure. If we pass this bill without any amendments, it will go immediately to the House and can go through a process of ratification and will be done. If any of these amendments pass, we will have to go into a parliamentary situation where the House will not accept this and, therefore, the bill will be dead. So I just lay that out for everyone to take into consideration.

So the funds for EPA, which are quite robust—matching, in many instances, the President's request—housing, as well as veterans, science and technology, and other consumer protection agencies such as the Consumer Product Safety Commission—I believe will be jeopardized.

Having said that, I don't want to make my argument on jeopardizing the bill. I want to address the concerns that my conscientious colleague has raised about jeopardizing the environment.

This bill prevents EPA from dredging at any site that does not have an approved dredging plan by October 1 until the National Academy of Sciences has completed its study and EPA has reviewed it. In the arsenic ozone debate we heard, the National Academy of Sciences elevated it to an icon status that said don't do anything on this rider because of what the National Academy of Sciences says. By the way, I think the Senator from California and I would agree that we do need the National Academy of Sciences. On the dredging issue, what we are saying is that the dredging sites cannot move ahead until the National Academy has completed its study and EPA has looked at it. Guess when the study is going to be done. December 2000 or January 2001. Any delay will be micro—90 to 120 days. Guess what. I say to my colleagues in the Senate, this is not permanent. It only takes this language to June 30, 2001.

This language has a sunset provision of June 30, 2001.

What are these exceptions? The main one is that if EPA believes any site poses a threat to public health, the language does not apply.

Let me repeat to anyone who thinks wisdom lies in Washington, with 21 advocacy groups, that if EPA believes the site poses a threat to public health, this language does not apply.

Also, if the site has a voluntary agreement in place, it doesn't apply. If dredging is already occurring at a site, the language does not apply. If you have your plan approved by October 1, the language does not apply.

We have so many ''doesn't applys'' here that I don't think the arguments made by the proponents of this amendment apply really in any way that has validity or attraction.

If you are worried about public health—I salute you for it—remember, it would not apply.

I join with my colleagues to say let the National Academy of Sciences complete its work. Let the EPA review it. Then it can move forth on all of this. If there is a delay, it would be 90 to 120 days.

That is basically what the argument is.

I hope the amendment offered by my colleague from California will be defeated.

How much time did I consume?

The PRESIDING OFFICER. Four minutes ten seconds remain.

Ms. MIKULSKI. I reserve the right for either Senator BOND or me to do rebuttal.

Mr. FEINGOLD. Mr. President, I rise today to support the Sense of the Congress amendment on contaminated sediments offered by the Senator from California (Mrs. BOXER). I do so because I have concerns about the implications that the report language accompanying this bill may have for the remediation and restoration of the Fox River in my home state of Wisconsin.

My staff has tried repeatedly over the last several days to clarify the report language with the Environmental Protection Agency (EPA) and has been unable to do so. I had wanted a letter from the EPA explaining the impact of this language on the Fox clean-up. In fact, my office was told by the Office of General Counsel that the EPA could not state with certainty the effects of this language on the Fox River, because it was one of the clean-ups that they had identified which might be delayed by this report language. This leaves me with concern that the next few actions Wisconsin is about to take to clean up the Fox River may be delayed, and my concern is shared by the Wisconsin Department of Natural Resources.

As members of this body know, the Senate's version of the VA–HUD bill did not contain any report language on sediments. Only the version which passed the other body contained report language on this issue, and this language is retained and modified in the report accompanying this bill. Therefore, I also raise concerns, Mr. President, because my Wisconsin colleague in the House (Mr. GREEN), who represents the Fox Valley, tried to clarify the House report language in a floor colloquy when the measure was considered in the House of Representatives. This bill before us now changes the very language my colleague from Wisconsin specifically tried to clarify, and adds new and explicit time lines which do not mesh with the upcoming actions that will be taken to clean up the Fox River. As a Wisconsin Senator, I have no choice but to try to enhance the understanding of what this language would do, and I believe that the amendment by the Senator from California (Mrs. BOXER) makes it clear that Congress intends the EPA to move swiftly to clean up contaminated river and ocean sites.

I want to explain the status of the Fox River clean-up. The Fox River is currently not a National Priority List (NPL) site, commonly known as Superfund site. Nonetheless, the Wisconsin Department of Natural Resources (WDNR) is working to develop a final Remedial Investigation and Feasibility Study (RIFS) and is expected to release that study in late December, 2000 or early January, 2001. The Wisconsin DNR intends to release the final RIFS jointly with the EPA, and the other trustees which include: the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service and the Oneida Tribe of Wisconsin. A final Record of Decision (ROD) could be reached between March and early June, 2001.

If the National Academy study is not yet complete and ''properly considered'' by EPA before the final RIFS is issued, as the Conference Report language requires, the report language is unclear about whether public comment can be initiated on the final RIFS. The report language says that public comment can be taken on ''proposed'' or ''draft'' remediation plans but is unclear with respect to comment on a final RIFS. Further the language says that ''no plans are to be finalized until June 30, 2001 or until the Agency has properly considered the National Academy of Sciences report, whichever comes first.'' Potentially stalling comment on the final RIFS raises concerns, as the final RIFS will finally indicate a preferred alternative for cleaning-up the Fox, an alternative which was not indicated in the draft RIFS. Interests on all sides of this issue—the paper companies that are potentially responsible parties in the clean-up, local governments that are concerned about liability, and local citizens who have been waiting to see what will be done to address the contaminants in the river—deserve to know what the preferred alternative is and to express their views.

Moreover, if the final ROD is issued before June 30, 2001, its implementation could also be delayed by this language. Though some may view this as simply a delay of a few weeks, I remind my colleagues that Wisconsin is a cold weather state. My State needs the certainty of being able to plan to contract to implement the remedy during the summer and early fall construction season. If not, we risk having to put off the clean up for another calendar year due to cold weather delays.

Given these uncertainties, I support my colleague from California's (Mrs. BOXER) amendment. This report language may have consequences for my state which I simply feel must be addressed.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield 3 minutes to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the distinguished Senator from California. I had not expected to speak on this matter. I came to the floor to speak on the VA–HUD bill as a whole.

Let me share a couple of quick observations about these riders.

I congratulate my colleague from California for the fight she is making because it is an important fight as a matter of principle, and also it is a matter of science and common sense. These riders don't find their way into this legislation accidentally. There are

powerful interests in the country that made sure these riders were here. We consistently see these attacks on environmental enforcement efforts in the country because there are people who just do not want a change.

On the air quality standards and nonattainment designations, the American Trucking Association is waiting for litigation with the EPA and wants to stop the EPA from keeping accountability with respect to the Clean Air Act.

That is what this is about. I have great respect for truckers and great respect for their efforts across the country. They are important to our economy. No one here is going to suggest otherwise. But every American has seen what happens at stoplights where they are sitting in a car that is living up to emission standards and a truck starts out at the stoplight. There is a great plume of black smoke that comes out of that truck. It is all over our highways. We know it. SUVs are presenting us with an increased problem because they come in under the light truck exception.

The fact is that the air standards of the country are not reaching the levels they ought to reach. The EPA is our chosen entity to enforce the Clean Air Act and to make sure that Americans are not subjected to pollution and air quality standards that are less than high.

We are told by the EPA what happens with this delay. There is the exposure of some 15,000 premature deaths in the country. Some 350,000 more Americans will suffer asthma as a consequence of the lack of air quality standards. That is the risk the Senate will take by allowing this kind of rider. However innocuous it may seem or however people make it sound going forward, there is a diminishment of the capacity of the EPA to enforce the law Congress has already passed to allow Americans to live by the highest air quality standards.

With respect to the dredging, I understand where that comes from. We have all been through that struggle in Massachusetts to try to clean up the Husatonic River. We are going to do some dredging there. There is now a struggle about the Hudson River, and other rivers, about whether or not those are going to be cleaned up.

The fact is the National Academy of Sciences has already provided us with not one but two studies that show dredging is a legitimate and important mechanism for cleaning up polluted areas. We are trying to do that in the Bedford-Hartford area where we have PCBs. They fear if this rider passes, that cleanup may in fact be jeopardized because people will use the excuse to say we don't have to proceed.

That is what is at stake. I know it is difficult to pull these bills together. There are a lot of different interests that have to be satisfied. But the fact is the Senate ought to take a vote on these riders. We ought to vote appropriately—that they don't belong in this legislation.

I thank my colleague for her efforts.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. Four minutes.

Mrs. BOXER. Would you let me know when I have 1 minute remaining?

The PRESIDING OFFICER. The Chair will be glad to do that.

Mrs. BOXER. Mr. President, I thank my friend from Massachusetts for his eloquent remarks. He is a leader on environmental issues in the Senate. It makes me feel really good that he came over.

I want to again try to set the record straight. Senator BOND said a letter is on its way from the EPA saying the California site is not in fact affected by the language in the bill regarding dredging. We have called them again. We called the general counsel last night. I told my friend from Missouri. They tell us that no such letter is coming.

Be that as it may, whether the letter comes or it doesn't come, the fact is if it does not affect California—and I hope he is right—I say to my friend, if he gets that letter, I will be very grateful. It is a bad situation because the language, in fact, we believe will really slow down the cleanup of Superfund sites. That is why you have Senators MOYNIHAN and SCHUMER concerned about the Hudson River. That cleanup will be stalled.

As my friend, Senator MIKULSKI, said—she calls me the gentlelady from California. She is the gentlelady from Maryland. That goes back to our House days. Senator MIKULSKI pointed out that she said these riders are less draconian. I believe that. They are less draconian. They are still bad, and they don't belong on their otherwise terrific bill. They do harm.

My friend points out that it is very clear the language said this will wreck the public health—no delay. It doesn't say ''affect'' the public health or the environment. When you have an effect on the environment by the fish eating DDT, you do not have to be a rocket scientist; if the fish eat DDT, it it is bad for humans. When do you prove that? It may not come down the line much longer.

I know my friend worked very hard on this. She had people in the room whom she trusted. But, again, I don't believe the administration sought out these riders. My friend is right; it was the House Members who did. They simply don't belong here. It would be very simple for us to agree to this sense of the Senate. I think it would be helpful because my friends say they don't want to delay these cleanups.

I want to make one point about science. Listen very carefully when people stand up here and say it is silly science and we must act on science. The EPA and the National Academy of Sciences acted on science with their new rule on the arsenic standard. Guess what. They are calling this silly science. This is the National Academy of Sciences. They say arsenic is very dangerous.

The bottom line is you can't seem to win around here. You get a report done by the National Academy of Sciences, and they say you have silly science; forget about it; throw it away. When you don't have the report, they say you can't act. As my friend pointed out, there have been many studies done by the National Academy of Sciences on port dredging as a way to get rid of these contaminants. We didn't know they were life threatening and dangerous. We know that now.

I hope we will have a good solid vote on these amendments.

I thank my colleagues. I retain 30 seconds.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are now in the concluding minutes of the debate.

First of all, on the three issues raised by the Senator from California, I want to say a couple of things.

No. 1, I am very proud of the Senate. When we moved our bill out of the full committee, we had no riders. We were not authorizing on appropriations. We had no riders, and we attempted to stand firm. Yes, we did face the dragons of the riders. What we ended up doing was not eliminating the dragons but we defang them. We defang the riders. We took the teeth out of them so they couldn't snarl up what this legislation is trying to do.

I believe the language we have adopted through the committee, through the managers' amendment, does have the riders. They are procedural. We acknowledge the flashing yellow light of the Senator from California with her terrible situation in California. We will do everything we can to make sure the Senator has that letter. I know it is not a substitute for the amendment. However, we want our colleagues to know the flashing yellow lights raised by the proponents are not valid.

Remember on the dredging, if the site has been approved by October 1, 2000, the language doesn't apply. If the dredging is already occurring, the language does not apply. If you have a voluntary agreement, the language does not apply. And if the EPA certifies that the site posed a threat to public health, the language does not apply.

I recommend the Boxer amendment does not apply to this bill and I urge its defeat.

I yield back the remaining time.

The PRESIDING OFFICER. Two minutes remain.

Mr. BOND. Mr. President, I take 1 minute to say the ranking member and I have been advised by EPA the California sites that would be affected by the language—and it is the clear understanding of the managers of the bill in the Senate—are either pilot sites already underway and would not be included or they are sites in which the final action would not be ready by the timeframe in which this action is delayed.

We have been advised, and it is our understanding, there is no application of this provision. It was intended to be included in the statement of managers on any California site.

I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. Mr. President, I ask for an additional 30 seconds added to my remaining 30 seconds.

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

Mrs. BOXER. I thank my friends for the opportunity for the brief debate. I say to my friends, these are not harmless riders. You can say they will ''defang'' and that is in the eye of the defanger.

The bottom line is these are not harmless riders. It is not harmless to tell the EPA they are gagged from telling the people in my State and every other State that they live in a dirty air situation. That is what this rider does.

It is not harmless to tell the EPA they cannot set a new standard for arsenic, a standard that essentially was set with data collected in 1942. I will not tell anyone if I was born then or not. That is an old standard, folks. We know it is much more dangerous.

Finally, it is not harmless to delay the cleanup of PCBs and DDT and all the other hazardous toxins that sometimes get into the bay and the ocean floor and harm the wildlife and work up the chain.

Please support the Boxer amendments.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. I see we have more time than I anticipated. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I want to make sure that there is time for the ranking member and myself.

What is the time situation, and how much time now does the Senator from Massachusetts have?

The PRESIDING OFFICER. The Senator from Massachusetts at the present time has 10 minutes.

Mr. BOND. And he is requesting?

The PRESIDING OFFICER. Another 5 minutes.

Mr. BOND. Mr. President, I do not object.

I amend that to ask unanimous consent that the remaining 20 minutes prior to the 12:30 vote be divided between the ranking member and myself.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise to speak on the legislation we will vote on shortly, the VA–HUD bill, with mixed feelings. I want to be clear to my colleagues, the distinguished Senator from Maryland and the Senator from Missouri, those feelings have absolutely nothing to do with the level of leadership they have provided on this legislation. I think they have done an outstanding job under exceedingly difficult circumstances. When I say ''difficult circumstances,'' they know better than anybody in the Senate what we are talking about.

This bill is traditionally knocked around, almost always begins with a significantly below realistic cap which makes it almost impossible for them to do their work for months on end. And then at the last minute they get some kind of a reprieve and they are allowed the opportunity to try to fit the pieces together, satisfy their colleagues, satisfy national priorities, and come to the Senate.

I think they have produced a housing budget that in light of recent years—I emphasize this—is a very strong budget. They have done an exceptional job with respect to the existing housing programs that we have in this country. They have increased funding for almost every significant Federal housing program that is already run by the Department of Housing and Urban Development. For that, I thank them—not just for me but for countless numbers of people across the country who depend on one or another of those efforts to have decent shelter and a competent housing program for their communities.

Let me share quickly a couple of examples where the work has been exceptional. They have provided about $6.2 billion for operating and capital costs in public housing, which is an increase over the administration's request. The HOPE VI program, which has been enormously successful in turning some of the Nation's worst public housing developments into healthy, mixed-income communities, including a number in my home State of Massachusetts, has received an additional $575 million.

The HOME program and the CDBG received significant funding increases. Any of us can go home and talk to a mayor and we will learn quickly how important those particular programs have been to the discretionary capacity of mayors to be able to make a difference for their communities.

The Community Reinvestment Act has been able to extend credit. That has assisted the communities. The bill also brought the homeless budget back up to where it was.

But let me just discuss, if I may, an area in which I know both the Senator from Missouri and the Senator from Maryland share with me a sense of frustration and a sense of a priority not met by this legislation. There is something the Congress of the United States could have done about this, and has chosen not to do.

Very simply, we need a production program in this country. We used to have a production program, but over the last years we have seen a retreat from the commitment by the Federal Government to provide production.

Last night, in the debate between Vice President GORE and Governor Bush, there was an exchange where the Vice President said to the Governor that he didn't doubt his heart, or his goodness as a person but that he questioned his priorities. I come to the floor today to question the priorities of all of us in Washington, the Congress and the administration, with respect to one of the most evident, compelling needs that we face in this country, in community after community after community. This is not a Boston or a Massachusetts issue. It is not a New England issue. There is not a community in the United States of America that you go to today where there are not people having an extraordinarily difficult time being able to find adequate housing.

The reason is partly something we can celebrate, in the sense it comes out of an economy that is so extraordinarily strong. But, on the other hand, because it is so strong and so many people are able to afford the few available places, the rents have risen to a point where even some vouchers are being refused. So we are upping the number of vouchers in this legislation to some 80,000 new vouchers, but there is no place for anybody to take them.

The result is, even as we live in a time of extraordinary economic expansion, too many of our fellow Americans are not sharing on the up side and are finding it increasingly difficult to find decent housing. HUD estimates that 5.4 million low-income households have what we call worst case housing needs. These families are paying over half their income towards housing costs or they are living in severely substandard housing.

Since 1950, the number of families with worst case housing needs has increased by 12 percent. That means 600,000 more of our fellow citizens cannot afford a decent and safe place to live, even though the United States of America has the best economy we have had in maybe half a century. For these families, living paycheck to paycheck, one simple unforeseen circumstance such as a child getting sick or a big car repair bill or some other kind of emergency can send them into homelessness. That is not an exaggeration.

Earlier this year, on the front page of the Washington Post, an article detailed these problems right here in our own backyard, the Nation's Capital. That article detailed the plight of low-income families living in apartments that are no longer affordable because the owners decided to no longer accept Federal assistance. For those families, the loss of their affordable housing unit meant they could go without a home.

We have mistakenly viewed this crisis as limited to certain demographic groups. I really caution my colleagues not to fall into that stereotype. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for the average two-bedroom apartment. The minimum wage today—is it $5.15? You would have to earn over $12 an hour to afford the median rent for the average two-bedroom apartment in this country. That figure rises dramatically in many metropolitan areas.

An hourly wage of $28 is needed in San Francisco; $23 on Long Island; $19 in Boston; $17 in Washington, DC, $16 in Chicago and in Seattle, and $15 in Atlanta. In every one of these cases, the affordability crisis has grown worse over the course of the past year. Working families are increasingly finding themselves unable to afford a house. A person in Boston would have to make over $35,000 a year just to afford a two-bedroom apartment, and we know that is well above the median earnings of folks in that area—as well, I might add, as most of the country.

In Cape Cod, MA, a working mother of three children has been forced to live in a camper. The children actually live in a tent because the camper is not large enough. The mother cooks on an outdoor grill. She cleans the campground toilets to help pay the rent on her campsite. She works 40 hours a week, earns $21,000 annually, and she cannot find affordable rental housing.

There was another article in the Washington Post this week which emphasizes the impact of this issue. Because of the ability of higher wage earners in this area who have benefited from the booming economy to pay higher housing costs, we have seen a rise in the number of building owners who refuse to rent to households that are assisted by section 8 vouchers. In Prince Georges County, 300 tenants in an apartment complex were recently told they have to move because the owner is no longer going to accept section 8.

I know the Senator from Missouri understands everything I have thus far said and supports the notion that we need a production program. I am grateful to the Senator from Missouri for having not just seen that, but put $1 billion into this bill for housing production. That is how this bill went to the conference level. That bill could have received support from the House and the administration that would have left us in a position to fund.

When people say: Senator, what about the cap? What about the total amount of money? In this year, the 2001 budget cycle, as a matter of priority, the administration and others are choosing to pay down $200 billion of debt. I am all for debt paydown. I know that is a tax cut to all Americans. I have been one of those here who has supported the concept that we ought to pay off the debt as rapidly as we possibly can. But the key is in the words ''as rapidly as we possibly can.'' Maybe we should add words such as ''as is appropriate,'' or ''as is measured against other priorities of the country.''

I do not know where it is written in stone or otherwise made an edict of the budgeting process that we have to choose to pay down $200 billion instead of paying down $199 billion or $198 billion, or some other figure. Would it really be so bad if the United States took 1 year longer to pay off the entire debt while sufficiently addressing the question of adequate housing for American families today?

The Senator from Missouri sought to put $1 billion into this bill. So we are making our own priorities. I say to my colleagues, as a matter of common sense and sound investment policy in the future of the country, it makes sense to invest in production of housing for people who cannot afford it because the alternative is that you have a lot of kids who are dragged out of schools, moving from community to community, often becoming at risk as a consequence of the lack of adequate housing. We will pick up their costs. We will pick up their costs when some Senator comes to the floor and says we need more Federal assistance to build prisons; or we need more Federal assistance for the juvenile justice system to take care of those kids who are getting into trouble; or we need more Federal assistance for the drug program because we have too many crack houses and too many communities that are magnets for crime.

Why? Because we don't allow them to become the kinds of communities we want them to be by investing up front in creating the kind of housing the country needs. It is inexcusable, in a nation as rich as we are, doing as well as we are, that we cannot find $1 billion to make certain we have a production program to help build the kind of housing that will release the pressures on the marketplace and can be felt all up and down the ladder in housing costs in the country.

Some colleagues will say: Why should the Federal Government do that? Years ago, we made a commitment in this country about housing. We have come to understand that there are certain things the marketplace doesn't always do very well. I happen to believe we have the most efficient allocation of capital of any economic system anywhere on the face of the planet. I am proud of that. I support that in dozens of ways—through the Small Business Committee, Banking Committee, Commerce Committee, tax incentives, various ways in which we allow the private sector to do what it does best, which is create jobs. But sometimes there are certain sectors of the economy where the marketplace does not work as efficiently. We have always recognized that with one kind of tax incentive or tax credit or direct grant or other kind of incentive or another. Housing just happens to be one of them.

When the supply is very tight and the demand is very high, you have a capacity for rents to rise and you have builders targeting their building to that place where they can make the most money. That is a natural instinct in a marketplace where you are looking for the greatest return on investment. You do not get your great return on investment from the sectors where the people can least afford the rents.

That is why we need a production program, and that is why I hope in these final days before the Congress adjourns we will find our way to include in the omnibus bill the production program we need so desperately. I thank the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The time of the Senator from Massachusetts has expired.

There are now 20 minutes equally divided among the managers of the bill.

Ms. MIKULSKI. Mr. President, as we conclude our debate on the VA–HUD bill, there are differences of opinion on these riders. I do hope they are rejected. If they are adopted, it will have a serious parliamentary and maybe even fiscal consequence. However, it is a democracy; people need to work their will. I am very proud of this bill because we do meet the needs of our veterans, those who fought the war over there so we could have peace here. I am very proud of what we have done in housing and urban economic development because what we want to do is create an opportunity ladder so people can make sure they have the opportunity for a better life, that there is local control in decisionmaking, strengthening communities whether they are in rural or urban America.

I am very proud of what we have done on the environment. We have funded clean air, clean water, safe drinking water, the ongoing efforts to clean up the Chesapeake Bay and many other bays around the United States of America. Also, in terms of science and technology, again, we have increased the funding so we can come up with the new ideas that ultimately will save lives, generate jobs, and save communities. That is what this bill is all about.

There are little known provisions, such as funding Arlington Cemetery where brave people who died in war are buried, and where Navy diver Stethem, my own Maryland resident who died as a result of an act of terrorism, is buried. He was on an airplane, and he wore the Navy uniform. They beat him up. This bill is a tribute to what people fight and die for around the country: That people will have a better life.

I yield the floor.

Mr. BOND. Mr. President, I wish to follow up with some comments on the issues we have discussed today and express, again, my sincere appreciation to my colleague from Maryland for the tremendous cooperation and guidance and valuable assistance she has provided, and her staff, Paul Carliner and others. We have had a lot of difficulties in working out this bill under unusual circumstances, but we both extend our thanks to the chairman and the ranking member, Senator STEVENS and Senator BYRD, for assisting us and for providing us with the resources we needed ultimately to put together a bill that meets the needs in so many important areas, from veterans to housing to the environment to space to science and emergency management. It has been a challenging time.

The Senator from Massachusetts noted that we had made an effort with respect to the production of housing. Frankly, I believe there is nothing more important. I think we have finally gotten the attention of the Department of Housing and Urban Development, which had heretofore focused solely on sending out new vouchers.

They wanted new vouchers overall. And my staff did what I thought was a very helpful report—completed it a month or so ago—which pointed out in so many areas vouchers simply cannot be used. There is no place to use them. The nationwide average is about 19 percent. I think in Jersey City some 65 percent of the vouchers cannot be used. In St. Louis County, MO, 50 percent cannot be used. It is an empty promise, a hollow promise, when we give a needy family a certificate that says this will pay their rent, and they take it out someplace and find out they cannot rent anyplace with that voucher, with that section 8 certificate. That does not do much good.

So we did fight hard for the production program. People have objected. I think they had legitimate concerns about the provisions. We agreed that these should be considered in an authorizing vehicle. We hope and we urge the Banking Committee next year to take up the problem of housing production. Let's get all these ideas out on the table.

My office has a lot of good ideas; I am sure others do. Let's get them all out and work them out in authorizing language. How sweet it would be if we had an authorized piece of housing legislation that would make it unnecessary for us to include housing provisions in the appropriations bill. It might be a lot duller, but I believe the ranking member and I could still pass the appropriations bill. So I urge them to deal with those housing questions.

We also thank our colleagues from the Environment and Public Works Committee for their helpful comments. As a member of that committee, I urge them to take a look at these many provisions which are included in our bill because of concerns over the direction we are moving in the environment. I would like to deal with them on the authorizing basis. I hope that we may do so in the future.

Mr. President, I thank all our colleagues for their help.

I reserve 2 minutes for the chairman of the committee at such time as he may choose for matters that he wishes to bring up.

Mr. STEVENS. Will the Senator yield now?

I thank the Senator very much.

Mr. President, I thank Senator BOND and Senator MIKULSKI, who have worked so hard on this bill and brought us a bill now, through the negotiations they have had with the House, that I believe will be signed. It has been a very difficult bill. In working together, it is nice to see a good bipartisan effort on our appropriations bills.

AMENDMENT NO. 4310

Mr. President, I ask unanimous consent it be in order for me to offer an amendment at this time. The amendment is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4310.

Mr. STEVENS. I would like to have the amendment read.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

At the appropriate place in the amendment, add:

DIVISION C

SEC. . In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the 106th Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

Mr. STEVENS. Mr. President, I ask unanimous consent for adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 4310) was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know we are concluding. I express my thanks to Senator STEVENS and to Senator BYRD, who enabled us to move forward with this very unusual process, and for the assistance they gave us in dealing with severe budgetary allocations.

I also thank Senator BOND, as well as Congressman WALSH, for including the Democrats as full participants, and also the courtesy extended to members of the executive branch at OMB and also to the Council on Environmental Quality.

I also thank Senator BOND's staff for, again, their really close work in relationship with us and for the professionalism that was afforded. And I thank my own staff. While we worked on this bill, a lot of people were off enjoying themselves. They went home to dinner; they went to fundraisers; they played with their grandchildren; and we were out here working. That is our job. We were happy to do it. But after we would go home, the staff would work, often until 10, 11, 12 o'clock at night and through weekends. I thank them for their hard work. But, most of all, I know the American people thank them for their hard work.

Mr. President, that concludes my remarks.

Mr. STEVENS. 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.

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

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

AMENDMENT NO. 4308

Mrs. BOXER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator has 1 minute.

Mrs. BOXER. Mr. President, my amendment strikes two riders which are harmful and unfair to the American people. That is why 21 environmental groups support the amendment. And the League of Conservation Voters has indicated they are going to score this on their environmental scorecard.

The first rider delays the setting of a new standard for arsenic in drinking water. The National Academy of

Sciences tells us we must act on a new standard for arsenic in water because arsenic is now a known carcinogen. They urge swift action because they tell us that the old standard was based on 1942 data. Arsenic causes cancer. That is science. We should not delay.

The second rider gags the EPA from informing communities that their air quality is harmful to their health. That is, to me, in a democracy, an amazing thing that we would stand here and allow this to happen, where the EPA would be denied the free speech to go into communities and say: You have to watch out for your health.

Gag rules on clean air and delays on arsenic standards are bad riders. I hope we will strike them.

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

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri has 1 minute.

Mr. BOND. Mr. President, with respect to the arsenic rider, the National Academy of Sciences says somebody must act, but the EPA has not determined what action must be taken. Give them the full year that the Clean Water Act envisioned. We are doing this so they can conduct the process and not wind up spending their time in court.

With respect to the ozone nonattainment designations, this is simply saying: Don't go out and put black eyes on communities when lower courts have said that the EPA doesn't have the authority to issue those designations. Wait until you find out whether they actually have the authority to go out and brand a community as being out of attainment with this particular standard until you find out whether it is lawful.

I strongly urge my colleagues to join with me in opposing this amendment.

Mr. President, I move to table amendment No. 4308, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 4308. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 32, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—63

Abraham	Dorgan	Mack
Allard	Enzi	McCain
Ashcroft	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Gramm	Miller
Bingaman	Grassley	Moynihan
Bond	Gregg	Murkowski
Breaux	Hagel	Nickles
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Cochran	Kohl	Smith (OR)
Conrad	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Levin	Thompson
Daschle	Lincoln	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner

NAYS—32

Akaka	Fitzgerald	Reid
Baucus	Graham	Robb
Biden	Hollings	Roth
Boxer	Jeffords	Sarbanes
Bryan	Johnson	Schumer
Chafee, L.	Kerrey	Snowe
Collins	Kerry	Specter
Dodd	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Murray	Wyden
Feingold	Reed	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The motion was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

CHANGE OF VOTE

Mr. DODD. Mr. President on rollcall No. 270, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of that vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

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

The Senator from California.

AMENDMENT NO. 4309

Mrs. BOXER. Mr. President, do I have 1 minute to describe this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, this is a simple amendment. It is a sense of the Congress and says the following:

It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the Nation that have been contaminated with PCBs, DDT, dioxins, metal, and other toxic chemicals in order to protect the public health, safety, and the environment.

I think this is very straightforward. I think we should all join hands and support the amendment. Why do I think we need it? There is report language in this bill that we believe delays the cleanup of these sites. The managers say, no, they don't think it will result in delay. If that is the case, then why can't we all join hands and support this sense of the Congress?

My goodness; we ought to protect our environment in this way. It seems to me if we have PCBs, if we have DDT with an ocean environment, a bay environment, or river environment, it is going to harm and it is harming the wildlife. That gets passed on to humans as the fish consume the DDT.

I urge a ''yes'' vote.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Maryland.

Ms. MIKULSKI. First, do not be deluded by the phrase ''sense of the Congress.'' This is not a free ride on the riders. There are consequences if this passes. It is a dangerous amendment. This amendment will then go to a formal conference. The House will not accept our decision. This bill will then die as so many other things are dying. It will die quickly, as a matter of fact.

Second, in terms of the consequences to policy, first of all, there are so many exceptions in this bill, one of which is that this language does not apply if EPA says the site poses a threat to public health. It does not apply if a voluntary agreement is in place, if dredging is already occurring in a site. If a site has an approved plan by October 1, 2000, it doesn't apply.

Guess what. It sunsets on June 30, 2000. Let's just sunset the amendment and move on.

Mr. BOND. I move to table and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to a motion to table the amendment No. 4309. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—56

Allard	Frist	Mikulski
Ashcroft	Gorton	Miller
Bennett	Gramm	Murkowski
Bond	Grassley	Nickles
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Hatch	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Dorgan	McCain	Warner
Enzi	McConnell	

NAYS—39

Abraham	Edwards	Lincoln
Akaka	Feingold	Moynihan
Baucus	Fitzgerald	Murray
Bayh	Graham	Reed
Biden	Harkin	Reid
Bingaman	Jeffords	Robb
Boxer	Johnson	Roth
Bryan	Kerrey	Schumer
Chafee, L.	Kerry	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Torricelli
Dodd	Leahy	Wellstone
Durbin	Levin	Wyden

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The motion was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the bill will be read a third time.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

SECTION 404

Mr. SMITH of New Hampshire. Mr. President, I would like to discuss with the distinguished chair of the Appropriations Subcommittee on VA, HUD and Independent Agencies the role of the Federal Emergency Management Agency (FEMA) in the Section 404 permitting process. FEMA and the Section 404 wetlands permitting program are subject to the authorization jurisdiction of the committee I chair, the Senate Environment and public Works Committee, and receive their funding through this appropriations bill.

Mr. BOND. I would be delighted to discuss this matter with my colleague from New Hampshire.

Mr. SMITH of New Hampshire. As the Senator knows, the Federal Emergency Management Agency was not established with the intent that it become a regulatory agency. Rather, the principal mission of the Agency is to administer relief to areas of our nation that are suffering from catastrophic events such as floods or hurricanes. The Section 404 permitting program under the Clean Water Act, as the Senator also knows well, is a complicated and controversial federal regulatory program administered primarily by the Army Corps of Engineers. However, the Environmental Protection Agency also has a major role in the implementation of the program that includes the ability to veto decisions by the Corps to issue specific Section 404 permits. I believe that two agencies implementing a federal regulatory program is quite enough.

Mr. BOND. I am familiar with the Section 404 program and agree with the Senator's observations.

Mr. SMITH of New Hampshire. I have two specific concerns regarding FEMA and the Section 404 program. First, I understand that a new rule on nationwide permits was issued by the Corps effective June 7, 2000. Nationwide permits are a streamlined permitting process that apply to minor wetlands disturbances that have a minimal impact on the nation's wetlands. These permits are very important to the operation of the program since as many as 85 percent of the permits issued by the Corps each year are nationwide permits. One aspect of this new rule makes it very difficult to obtain nationwide permits in the one hundred year floodplain. According to the Corps, 53 percent of the floodplain is subject to the jurisdiction of the Section 404 program. The rule provides that certain nationwide permits can be obtained in a portion of the hundred year floodplain if approved by FEMA or the local flood control agency.

Congress has not authorized a role for FEMA in the Section 404 permitting process. Is it your understanding that this new rule will be implemented in such a fashion that FEMA will not become a regulatory agency with respect to Section 404 nationwide permits?

Mr. BOND. I agree with the Senator that FEMA should not have a regulatory role in the Section 404 program and that there is some lack of clarity in the new nationwide permit rule regarding FEMA's role. The report of the Committee that accompanies this legislation contains language requesting detailed information from FEMA regarding their implementation plans under this new rule. I can assure the Senator that we will address his concerns as we work with FEMA on their funding needs and requests.

Mr. SMITH of New Hampshire. I thank the Senator for his attention to my concerns about FEMA's role in the 404 program. I would also call the Committee's attention to the related problem of the issuance of individual 404 permits in the 100 year floodplain. I believe it is important to emphasize that, just as in the case of nationwide permits. FEMA does not have a regulatory role in the issuance of individual permits under Section 404. Whether or not there should be such a policy in the hundred year floodplain is an issue that Congress may wish to address in the future. However, for now, I believe that it must be restated that FEMA has not been authorized a decisional role in whether or not an individual Section 404 permit should be issued nor the conditions of a Section 404 permit. We do not need a third federal agency with a decisional role in the Section 404 permitting program. Obviously, FEMA may comment on applications for Section 404 permits, as may any citizen or federal agency, but that opportunity must not be transformed into a decisional role. Does the Senator agree with me on this point? Is it the Senator's understanding that the funds in this bill will not be used by FEMA to play a decisional role in the issuance of individual Section 404 permits in the hundred year floodplain?

Mr. BOND. I agree with the Senator on this point. The funds in this bill are not to be used by FEMA to play a decisional role in the issuance of individual Section 404 permits in the hundred year floodplain.

Mr. SMITH of New Hampshire. Mr. President, I thank my distinguished colleague from Missouri.

ASSISTING VETERANS WITH DISABILITIES

Mr. LEVIN. Will the Chairman of the VA, HUD and Independent Agencies Appropriations Subcommittee yield for a question?

Mr. BOND. I will be pleased to yield for a question from the Senator from Michigan.

Mr. LEVIN. First, I want to compliment the Chairman and the Ranking Member, Ms. MIKULSKI, for bringing this bill to the Senator floor and for the Subcommittee's attention to the health, rehabilitation and research programs funded by this bill that are critical to our Nation's veterans.

I also want to compliment the Chairman and the Ranking Member for the subcommittee's report language that urges the VA's Rehabilitation Research Office to conduct a demonstration project to assess the impact of a new mobility technology on the ability of veterans to perform work functions, thereby leading to increased opportunities for veterans with disabilities to return to work. This innovative mobility device is a major advance in that it has the ability to climb stairs, traverse all terrain and balance the seated user at standing eye-level. It should, I hope, provide veterans who have mobility impairments with significant additional opportunities in the workplace. The demonstration project called for by the Subcommittee's language will

help clarify the additional employment opportunities that such a device should create for our Nation's veterans. I thank the Subcommittee for its assistance in making process on this matter.

With new and emerging technologies becoming available that can assist veterans with disabilities, it is vital that the VA keep pace with the marketplace and ensure that veterans with disabilities have access to these advancements. I have had the pleasure of seeing this new mobility device perform its functions and it clearly holds great promise. I am hopeful that this demonstration project will show a significant impact that this device can have on the ability of veterans with disabilities to return to work and I am eager on review the findings of the demonstration. Would the Chairman agree that the demonstration that is requested in the Subcommittee's language be completed by May 1, 2001?

Mr. BOND. Yes, I think that the more than 7 months between now and May 1, 2001, is ample time to complete the demonstration project. I thank Senator LEVIN for his work on this important issue and for bringing it to the Subcommittee's attention.

Mr. LEVIN. I thank the Chairman for his continuing leadership on this matter.

DREDGING

Mr. LEVIN. Mr. President, this Manager's Amendment contains language which would direct the Environmental Protection Agency (EPA) to take no action to initiate or order the use of dredging or invasive remedial technologies where a final plan has not been adopted prior to October 1, 2000, or where such activities are not now occurring until the NAS report has been completed and its findings have been properly considered by the Agency. Would the Senator from Maryland be willing to clarify a few questions about this language?

Ms. MIKULSKI. Mr. President, I would be pleased to offer information about this Amendment to my friend from Michigan.

Mr. LEVIN. Is it understood that the Environmental Protection Agency has the discretion to define ''threat to public health'' and ''urgent case'' as those terms are applied to the exceptions? Further, is it understood that the EPA has the discretion to define ''properly considered.''

Ms. MIKULSKI. The Senator is correct.

Mr. LEVIN. Does the Senator from Missouri, the Chairman of the Subcommittee, agree with these clarifications?

Mr. BOND. I agree with the Senator from Maryland and join in her interpretation of this language.

Mr. LEVIN. Mr. President, as always, I appreciate the courtesy of the distinguished Senators from Maryland and Missouri.

GREAT WATERS PROGRAM

Mr. DEWINE. Mr. President, we congratulate the Chairman and Ranking Member of the Appropriations Committee for presenting the Senate with an Appropriations bill which addresses so many of the water quality issues confronting America today. We also want to reiterate our support for a program of great interest to our colleagues from the Great Lakes states.

Mr. LEVIN. The Great Waters program, authorized by the Clean Air Act Amendments of 1990, assesses air deposition as a source of toxic contamination to key water bodies, including the Great Lakes and Chesapeake Bay. Research suggests that at least half of all new toxic pollution loadings entering the Great Lakes may be transported and deposited by the atmosphere. Consistent funding for the monitoring of air deposition of toxic contaminants is especially critical at this time as the international community completes negotiations of an international treaty on persistent organic pollutants. The Great Waters program will provide a key component of the database used to judge the effectiveness of this international agreement in lowering the toxic contaminants entering the Great Lakes, and other great waters of the United States, from foreign sources.

Mr. DEWINE. I would like to ask the distinguished Chairman if the bill provides sufficient funding through the parent account to restore funding for critical monitoring under the Great Waters program to the fiscal year 1999 level of effort?

Mr. BOND. Mr. President, I want to thank the distinguished Senators from Ohio and Michigan for highlighting the importance of the Great Waters program. We are pleased to recommend continuation of this program which is so vital to understanding the impact of airborne toxins on aquatic ecosystems. I assure the Senator that the intention of this bill is to restore sufficient funding to allow assessment of our progress in reducing the amount of toxic pollution entering the nation's waters.

THE CENTREDALE MANOR RESTORATION PROJECT

Mr. L. CHAFEE. Mr. President, I appreciate the work of the subcommittee chairman and ranking minority Member in putting together this year's VA-HUD appropriations bill. I would like to clarify one matter of importance regarding removing an environmental threat in a Rhode Island community. The Centredale Manor Restoration Project is a Superfund site in North Providence, RI. With my encouragement, the U.S. Environmental Protection Agency has been moving quickly at this site. The site was only added to the National Priorities List in February of this year and several removal actions have been conducted at the site. Recently, the EPA released a proposed Engineering Evaluation/Cost Analysis that recommends replacement of the Allendale Dam and excavation of contaminated soils from residential properties along the Woonasquatucket River. These cleanup plans—requiring excavation of approximately 2,500 cubic yards of soils and sediments—were intended to be finalized later this year after the current public comment period, with design and construction work to follow shortly thereafter. There is a great deal of local support for getting on with this clean up and removing dangerous contaminants from North Providence neighborhoods.

I understand that the report attached to this bill contains language directing EPA to wait until completion of the current National Academy of Sciences study of sediment remediation technology, and proper consideration of the NAS study as it relates to EPA remedy selection, before finalizing any more dredging plans. The NAS study is scheduled to be completed no later than January 1, 2001. It seems to me this report language would allow the EPA to continue planning associated with the Centredale Manor cleanup, including replacement of Allendale dam and excavation of contaminated soils and sediments in and along the Woonasquatucket River, at the North Providence Superfund site. Ultimately, I believe that following consideration of the NAS study, EPA will be able to finalize the cleanup plan and implement that final plan during the 2001 construction season. I would like to confirm with the Chairman of the VA-HUD Appropriations Subcommittee that the report language is not intended to delay progress toward cleaning up contamination at the Centredale Manor Restoration Project in North Providence.

Mr. BOND. Mr. President, the Senator from Rhode Island is correct. The conference report language on dredging and EPA review of the pending study by the National Academy of Sciences is not intended to delay progress towards cleaning up contamination at the Centredale Manor Restoration Project in Rhode Island. It is intended to ensure that EPA considers the findings of the NAS study in selecting remedies involving contaminated sediments.

Mr. L. CHAFEE. Mr. President, I appreciate the chairman's clarification of this matter.

TEA–21

Mr. LAUTENBERG. Mr. President, I would like to engage the Chairman of the VA–HUD Appropriations Subcommittee in a brief colloquy on an important matter.

It is my understanding that the managers' amendment that we are adopting includes a rider which prohibits the EPA from making nonattainment designations under the new 8-hour ozone standard until June 15, 2001, or the final adjudication of the American

Trucking Association vs. EPA case now before the Supreme Court, whichever comes first. Is that right?

Mr. BOND. The Senator from New Jersey is correct.

Mr. LAUTENBERG. While I believe that inclusion of this rider is unfortunate as it will slow progress toward cleaner air, I understand that it should have little practical effect. EPA is unlikely to make those designations much in advance of June 15, 2001, in any case, even though all but about 6 states have submitted proposed areas for nonattainment designation.

I would just like to make one thing very clear for the record. This rider is a prohibition on the expenditures of funds. It does not negate the requirement included in TEA–21 that areas be designated under the new ozone standard. It also does not in any way prejudice the litigation pending before the Supreme Court. Would the distinguished Chairman confirm that these points are true?

Mr. BOND. Yes, Mr. President, the Senator is correct. This language does not modify section 6103 of TEA–21, nor is it intended to affect the Supreme Court's consideration of the litigation on these standards in any way.

Ms. MIKULSKI. I concur with the Subcommittee Chairman and the Senator from New Jersey.

CERCLA

Mr. LAUTENBERG. Mr. President, I would like to clarify a section in the statement of the managers accompanying the conference report. The language directs EPA to take no action to initiate or order the use of certain technologies such as dredging until certain steps have been taken with respect to the National Academy of Sciences report, with exceptions for voluntary agreements and urgent cases. It is my understanding that after June 30, 2001, or when EPA has properly considered the NAS report, whichever comes first, the conferees intend that EPA could proceed to finalize any such plans and act on those plans through steps to initiate or order dredging and other technologies, as appropriate.

Mr. BOND. The Senator is correct. The statement of the managers is not intended to limit EPA's authority to act on a plan that is finalized in accordance with the conditions set out.

Mr. LAUTENBERG. It is also my understanding that in directing EPA to properly consider the NAS report, the conferees are not intending to change the normal criteria by which EPA selects remedies, such as the factors laid out in CERCLA, the National Contingency Plan, and applicable guidance. Instead, the conferees are asking EPA to disseminate the report to officials within the Agency who make remedy selection decisions and to ask them to review it as part of the larger body of research on scientific and technical issues associated with hazardous waste cleanup. The NAS report is not being singled out for special deference greater than it would otherwise receive.

Mr. BOND. The Senator is correct. The statement of the managers calling for EPA to properly consider the NAS report is not a change in the CERCLA remedy selection process, it is not a call for an EPA response to the report, and is not a direction to give the report more weight than it would otherwise receive.

Mr. LAUTENBERG. It is also my understanding that urgent cases would include situations in which contaminated sediments, either alone or through their accumulation in fish, cause significant risks to public health such as increases in cancer risks, reproductive effects, or birth defects.

Mr. BOND. The Senator is correct.

Ms. MIKULSKI. I concur with the subcommittee chairman and Senator LAUTENBERG.

EPA'S ENDOCRINE DISRUPTOR SCREENING PROGRAM

Mr. SMITH of New Hampshire. Mr. President, I want to call the Senate's attention to a program that the Environmental Protection Agency (EPA) is implementing in a way that I believe is inconsistent with the original intent of Congress. The Endocrine Disruptor Screening Program, EDSP, was created by EPA to implement language in the Food Quality Protection Act, FQPA, and Safe Drinking Water Act Amendments of 1996 requiring that EPA, and I quote, ''develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or other such endocrine effect . . .'' The Program was required to be implemented by August 1, 1999.

This program has been plagued by a lack of public participation from key constituencies, an expansive interpretation of the Congressional mandate, questionable decisions as to the validation of testing protocols, and neglect of money appropriated for the development of non-animal tests.

In October 1996 EPA formed the Endocrine Disruptor Screening and Testing Advisory Committee, EDSTAC, under the Federal Advisory Committee Act to advise EPA on risk assessment techniques for endocrine disrupting chemicals. EDSTAC included scientists and representatives from EPA and other government agencies, industry, national environmental groups, worker protection groups, environmental justice groups, and research scientists. More recently, EPA set up the Endocrine Disruptor Standardization and Validation Task Force to perform the work needed to develop, standardize, and validate the screens and tests proposed for the Program. However, one very important constituency was not included in either of these groups—in fact they were excluded—they are the animal welfare groups. Traditionally, these groups have been left out of the consultation process of EPA regarding the newly initiated chemical testing programs. Any program that includes testing of chemicals for toxicity or other effects involves the use of animals in such testing, however, the groups that advocate for animal welfare were excluded from providing early input in the Endocrine Disruptor Screening Program.

As Chairman of the committee with jurisdiction over the testing and handling of toxic chemicals, the Committee on Environment and Public Works, I am particularly concerned about how this program is being administered. In addition to the lack of public input, a major concern deals with the large number of animals used in testing that could occur as a result of EPA's implementation plan for this program. On August 25, 2000, EPA published a report to Congress on the Endocrine Disruptor Screening Program that sets forth the findings, recommendations and further actions of EPA in implementing the EDSP. The implementation plan that EPA has come up with is broader than the plain language of the FQPA. While obtaining better data on endocrine disruptors is certainly a worthy goal, I am concerned about the expansion of this congressionally mandated program. The broad interpretation by the EPA of the chemicals to test and the method of validation calls into question whether this program will be implemented in a manner consistent with the intent of Congress. All of these expanded interpretations increase the number of test animals needed to implement the program.

The law specifically states that EPA is to ''use appropriately validated tests.'' EPA has interpreted the law to mean that animal tests can be validated through the EPA's own Science Advisory Board, however, non-animal tests must be run through a more rigorous Interagency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) process. ICCVAM was created as a standing committee in 1997 and is composed of representatives of fifteen Federal regulatory or research agencies that regulate the use of animals in toxicology testing; EPA is a co-chair of ICCVAM. The ICCVAM process with input from the EPA Science Advisory Board reviews can ensure that the tests, animal or non-animal, will produce good results. I believe all tests should be assessed for validation by ICCVAM.

My comments up until now have been critical of the plan that EPA has put forth for future implementation of the Endocrine Disruptor Screening Program. Last year, Congress appropriated

$5 million for the development and implementation of the test methods including the high throughput pre-screen, a non-animal screening process. After spending $70,000, the Agency has stopped working to integrate the high throughput pre-screen into the Endocrine Disruptor Screening Program. Although this specific example concerns me, it is only one example of the general disinterest of EPA in integrating non-animal tests into the program. I urge the EPA's Office of Research and Development to apportion funds to prioritize research, development and validation of non-animal tests.

Mr. BOND. Thank you for your insight and comments on EPA's Endocrine Disruptor Screening Program. We are in agreement that EPA should implement the Program better. EPA should also pursue the validation and incorporation of non-animal testing as soon as practicable.

Mr. SMITH of New Hampshire. I want to thank the Senator from Missouri for his comments and hope we can continue to work together on the monitoring of this and other EPA programs.

MILITARY RETIREES

Mr. HAGEL. Mr. President, as you know, current law requires that for a military retiree to receive his VA disability compensation he must waive an equal part of his retirement pay. This issue is frequently referred to as ''concurrent receipt,'' because it would involve the simultaneous receipt of two types of benefits.

The service connected disabled military retiree is the only person that is forced to pay for their own disability compensation. A worker in private industry is not forced to pay for his own disability. Likewise, local, State and federal civil servants, appointed and elected officials are not forced to pay for their own disability compensation.

For several years I have worked closely with military retirees and veterans organizations to change the law to permit receipt of all deserved benefits. This is a step that this Congress must take. It is unfair that a person who serves his or her country and has a service-connected disability can't draw both benefits.

Legislation to fix concurrent receipt has been introduced during the past several Congresses. Last year, thanks in great part to the efforts of the Chairman and the Ranking Member of the Senate Armed Services Committee, the Senate took a first step towards fixing this problem by authorizing a concurrent receipt provision for severely disabled military retirees. The existing concurrent receipt restrictions, however, remain in effect.

This year, the Senate again made an effort to solve the concurrent receipt problem. During debate on the Department of Defense Authorization bill, the Senate included an amendment to completely repeal concurrent receipt laws. This would allow all veterans to receive their full disability compensation along with their retired pay. When the conference report to the Defense Authorization bill reached desk of the conferees, however, they were faced with an insurmountable financial problem.

The Defense Authorization conference report that is being considered today contains crucial provisions that will enable the government to fulfill its first priority: to provide a strong national defense. In addition, the Act contains significant and necessary increases in overall defense spending, especially directed at improving morale and retention. One of the most important of these provisions is an amendment, fulfilling a broken promise, which will give the same health care benefits to military retirees as those available to active duty service members. Therefore, I will support the Defense Authorization bill.

However, I want to take this opportunity to declare my intentions and to call upon my colleagues for their support. As part of the annual budget process next year, I will work with my colleague from Nevada, Mr. REID, who has dedicated a great deal of time to this effort, to include budget cap room for concurrent receipt.

I want to remind my colleagues, the service connected disabled military retiree is the only person who is forced to pay for his own disability compensation. It is simply unfair that a person who serves his or her country and has a service-connected disability can't draw both his VA and disability benefits concurrently.

This is a situation that must be fixed and I look forward to working with my colleagues on both sides of the aisle to ensure that our servicemembers, active duty and retired, receive the full benefits that they deserve.

HOUSING NEEDS

Mr. SARBANES. Mr. President, I thank Senators BOND and MIKULSKI for their good work on this year's VA–HUD appropriations bill. Also, I would like to congratulate Secretary Cuomo on the hard work he has done to raise awareness of the critical housing needs many Americans are experiencing around the country.

As the ranking member on the Banking, Housing, and Urban Affairs Committee, I have a very keen interest in the portion of this bill that funds the Department of Housing and Urban Development.

This year's budget is a strong step in the right direction. The bill contains increases in spending for many of the critical housing programs that serve middle- and low-income families.

It includes funding for nearly 80,000 new section 8 housing vouchers. These vouchers will provide additional housing resources for families experiencing critical housing needs.

Funding for the HOME and CDBG programs has been increased by $200 million and $300 million over last year's levels respectively. These are programs that local governments and non-profits rely on to build and rehabilitate affordable housing, as well as revitalize communities.

The Committee has also provided for an increase in the homeless budget, which includes emergency shelter, permanent housing, counseling, and job training services. For the approximately 500,000 people that are homeless in this country on any given night, this additional money will mean a better chance to find a bed in a shelter, a soup kitchen at which to eat, or a permanent home.

They also took the important step of providing a stream of funding to renew Shelter Plus Care vouchers. This will enable local providers to continue to build up the infrastructure they need to serve this vulnerable population.

This year's budget builds on the public housing reform legislation we passed two years ago by increasing the public housing operating and capital funds, enabling local public housing authorities to maintain and invest in their properties.

Also included is a two year extension of The Federal Housing Administration's Down Payment Simplification Program. This will allow the FHA to continue using the simplified formula to extend homeownership to more American families.

Additionally, there is an increase in spending for the Lead Paint Hazard program, a very important program for cities trying to abate the poisonous lead paint found in their housing stock.

Lastly, I want to thank Senators BOND and MIKULSKI for their efforts in pushing one provision that did not make it into the bill, that is, a new housing production program. While I am disappointed that we were unable to achieve this in the end, I appreciate their acknowledgment of the housing crisis our nation is experiencing.

The long-term answer to this problem will have to be the dedication of new resources to building additional housing. While the nearly 80,000 new section 8 vouchers will help to alleviate the severe housing crunch that many working American families experience, I hope we will be able to revisit the topic of production again next year.

All in all, this is a very good bill. I am very pleased and again congratulate my colleagues on a well thought out, well funded, piece of legislation.

Mr. BYRD. Mr. President, as all Senators are aware, I have taken the floor on a number of occasions, not only this year, but over the past several years, to express my concern about the manner in which the Senate was disposing of certain appropriation bills. This year—as in three previous fiscal years,

fiscal years 1997, 1999, and 2000—the Senate has, until today, again been unable to take up and debate and amend several fiscal year 2001 appropriations bills; namely, Treasury/General Government, VA/HUD, and Commerce/Justice/State appropriations bills. I have been deeply concerned that the Senate is in danger of becoming a mere adjunct of the House, when it comes to consideration of appropriations bills.

In light of the circumstances in which we find ourselves, so near the end of the 106th Congress, I was pleased to support the unanimous consent agreement entered into yesterday. Under that agreement, the Senate has before it this morning the Fiscal Year 2001 VA/HUD Appropriations bill, as amended by the Senate Appropriations Committee. That Committee-reported bill has been amended by a Committee substitute offered by Senators BOND and MIKULSKI. Despite the fact that the Senate has not taken up the VA/HUD Appropriations bill until today, the fact is that Chairman BOND and Ranking Member MIKULSKI have worked tirelessly on the substitute before the Senate today. They have worked with the Administration and the other body to pound out an agreement that is acceptable to all parties involved in those negotiations. So, I am pleased that the many hours that they have devoted to this effort have resulted in the agreement now about to be adopted by the Senate. As is always the case, when it comes to appropriations bills, no one is fully satisfied with the final agreements that are reached. I am sure that there are areas where members would prefer to see changes made, but the time has come and gone for us to complete our work on the Fiscal Year 2001 appropriations bills—a fiscal year which began some 12 days ago.

Mr. President, as I explained earlier in my remarks, the Senate, until today, had not taken up the VA/HUD bill, or the Treasury/General Government bill, or the Commerce/Justice/State bill. The amendment at the desk places before the Senate the Committee-reported FY–2001 Treasury/General Government Appropriations bill.

This is the only opportunity that the Senate has had to consider the Treasury/General Government Appropriations bill, other than its being presented to the Senate on September 14th in a combined Legislative Branch and Treasury/General Government conference report, which was unamendable. The inclusion of the Treasury/General Government appropriations in the Legislative Branch conference report was not amendable and precluded the Senate's opportunity to debate and amend the Treasury/General Government bill on the Senate floor. Instead, on September 14th, Senators were asked to vote on the unamendable conference report, which contained not only the Legislative Branch Appropriations for Fiscal Year 2001, but also the Treasury/General Government Appropriations for Fiscal Year 2001. The vote on that combined conference report was 28 yeas and 69 nays. The motion to reconsider that vote is still pending.

Mr. President, it is my understanding that several adjustments to that Legislative Branch and Treasury/General Government conference report have been made in the form of amendments to the Transportation Appropriations bill, which were adopted in conference and were included as part of the Transportation conference report, which has now passed both Houses of Congress and is awaiting the President's signature. I do not intend to discuss those amendments in detail at this time, but instead will point out that a concern by Senator REID regarding the selection of a chief administrative officer for the Capitol Police has been resolved in that Transportation conference, together with substantial increases in funding for the IRS and certain other matters pertaining to the Treasury/General Government portion of that combined conference report.

As a result of these amendments regarding the Legislative Branch and Treasury/General Government conference report, it is my understanding that that conference report is now acceptable to the Chairmen and Ranking Members of those two Subcommittees, and I believe it is the intention of the Leadership to bring up and dispose of that combined Legislative Branch and Treasury/General Government conference report immediately following completion of consideration of the VA/HUD Appropriations conference report, which is currently before the Senate.

Mr. President, I urged the Leaders to allow for the amendment to put before the Senate the Treasury/General Government Appropriations bill, as reported by the Appropriations Committee, in order to preserve, at least to some extent, the Senate's right to take up appropriations bills prior to their being inserted into unamendable conference reports. I appreciate that the Leaders accommodated my request. Although, under the unanimous consent agreement, there will be no opportunity to amend the Treasury/General Government Appropriations bill, at least we have preserved the Senate's right to consider it. I am encouraged by the fact that the Majority Leader, at this late hour of the session, has attempted, as best he could, to allow some semblance of Senate consideration of the VA/HUD and the Treasury/General Government appropriations bills. I am hopeful that a similar agreement can be reached on the one remaining appropriations bill which the Senate has not yet acted upon—the Commerce/Justice/State Appropriations bill.

I am also very hopeful that we can find a way to ensure that the Senate can return to the regular appropriations process in the next Congress and all congresses thereafter, whereby appropriations bills are reported by the Committee and taken up in the Senate for debate and amendment prior to their being inserted into unamendable conference reports.

Mr. KOHL. Mr. President, I would like to take a moment to explain my votes on the amendments offered by Senator BOXER to the VA–HUD Appropriations bill relating to legislative riders that were attached to the bill. Included in the bill were provisions that would potentially delay the issuance of rules on arsenic, the declaration of new ozone non-attainment areas, and ordering dredging for the clean up of PCB's. Senator BOXER offered amendments that would have eliminated or weakened these provisions. She has worked hard for our environment, and has been a leader on ecological issues, so I regret I had to vote against her proposals. Unfortunately I had to oppose her for several reasons. First, the amendments, if accepted would have seriously disrupted Congress's efforts to complete our work on the budget. These amendments would have resulted in additional delays, and could have jeopardized the fate of the bill.

I was also concerned because the Administration did not oppose, and did not agree with the dire assessment of the effects of these riders. Staff at the EPA do not believe that these riders will result in any significant delays. EPA does not believe that the dredging language included in the bill will delay action on the Fox River in my state, but it will ensure that we use the best science available when EPA develops clean up plans.

Senators BOND and MIKULSKI, along with the Administration, have done their best to neuter destructive language that was included in the House version of this bill, and I think they have done well. We would prefer that these riders not be included at all, but if they must, at least they were included in a way that is unlikely to have any negative effect on the environment.

Mr. LEVIN. Mr. President, I am very pleased that this year's VA, HUD Appropriations bill contains $1 million for the City of Detroit for the Detroit River walkway or promenade. The riverfront is a focal point of Detroit's redevelopment efforts in connection with the City's upcoming 300th anniversary and plans are underway to construct an extensive, pedestrian-friendly walkway or promenade along the shoreline. I have personally been able to obtain support from this body for that purpose. The grant provided for in this bill will help defray the costs of the project, such as land acquisition, walkway installation and building demolition, and will help give Detroit a world-class waterfront.

We also have before the Senate today two very important amendments to this bill. The first would strike language in the report which delays the Environmental Protection Agency from making a final regulation for arsenic in drinking water. The National Academy of Sciences has found that the current regulations for the levels of arsenic in our water are unacceptable. The Environmental Protection Agency has proposed to lower the standard from the current 50 parts per billion to 5 parts per billion. I support that proposal and regret that I had to vote against this amendment. However, this amendment contained two provisions and it is the other provision I do not support.

That part of this amendment would strike language in the report which prevents the Environmental Protection Agency from designating an area in nonattainment under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone. I agree that an ozone standard should be in place to protect public health and the environment. However, the Environmental Protection Agency's authority to issue the 8-hour standard is currently under review by the United States Supreme Court. The Court will hear argument on November 7 to decide whether to uphold a Court of Appeals decision that invalidated the 8-hour standard on the grounds that the agency had assumed an ''unconstitutional delegation of legislative power.'' Even the EPA has agreed that it cannot actually implement efforts with respect to the 8-hour standard. Until the Supreme Court hears this case, we do not know whether the EPA even had the authority to make this new rule. Therefore, I agree that the EPA should refrain from using the standard—a standard that may be struck down as unenforceable—until the Supreme Court has made its determination regarding the constitutionality of the EPA's actions.

Now this isn't a frivolous matter. A nonattainment designation can detrimentally affect an area and, if not justified, would cause needless economic hardship, such as costly transportation conformity measures, should the Supreme Court rule that the 8-hour standard is unenforceable. Further, this standard could impose unfair economic burdens on a number of communities in Michigan that suffer from significant ozone and other pollution transported from more severely polluted areas. And it could be all for nought if the Supreme Court strikes down the standard.

Mr. President, I support the goals of the Clean Air Act. However, it needs to be applied in a common sense equitable manner if it is to retain the support of the American People. It is not equitable to designate an area in nonattainment if that designation may become null and void in a matter of months. For these reasons I voted against the Boxer Amendment.

Mr. JOHNSON. Mr. President, I am pleased that, with my support, the Senate took another step today toward fulfilling our country's commitment to provide health care for our veterans. The fiscal year 2001 VA–HUD Appropriations Conference Report that passed the Senate this afternoon contains a $1.4 billion increase in veterans health care funding from the last year's appropriations level.

While I am pleased that we have finally come around to talking about additional funding for veterans health care, as opposed to three years of flatline budget levels, I am disappointed that the funding level in the FY2001 VA–HUD Appropriations Conference Report falls short of the level proposed by veterans organizations.

The authoritative Independent Budget is produced by major veterans organizations including AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the VFW. The Independent Budget and The American Legion agree that the Veterans Administration will need at least $500 million more in funding than provided by this conference report.

I am pleased to have led the effort last year in the Senate to increase veterans health care funding. Through my efforts on the Senate Budget Committee and on the Senate floor, we were able to start reversing the negative effects of three years of flat-lined veterans health care budgets with an increase of $1.7 billion. I am pleased that my efforts appear to have convinced the Administration and Members of Congress to start talking about increases in veterans health care funding instead of keeping this budget stagnant.

This year, I was successful in getting a bipartisan amendment passed to the Senate Budget Resolution that added an additional $1.9 billion to last year's funding for veterans health care. The conference report that passed the Senate today fell $500 million short of this goal and will prevent the VA from adequately funding a number of important programs including medical care, research, long term care, and necessary facility construction and renovation.

While the $1.4 billion increase in this year's VA budget and the $1.7 billion increase from last year are important improvements, I'm afraid the funds are simply providing budgetary backfill for the years when the veterans health care needs were ignored. We need a VA veterans' health care budget that can adequately offset years of underfunding, the higher costs of medical care caused by consumer inflation, wage increases, and legislation passed by Congress. For the first time in a number of years, we're working with overall budget surpluses instead of budget deficits. Clearly, the funds are there to provide for veterans health care. It is simply a question of whether the political will is there to make veterans health care a priority instead of an afterthought.

As a member of the Senate Budget Committee, I will continue to do all I can to encourage my colleagues to approve adequate funding levels for veterans health care. I look forward to continue working on a bipartisan basis with my Senate colleagues as well as with representatives of the veterans community in South Dakota.

Mr. KYL. Mr. President, the final version of the fiscal year 2001 Energy and Water Development appropriations provides $1 million for the Bureau of Reclamation to initiate a comprehensive Hopi/Western Navajo water development study. This funding was added to the bill at my request, and I would like to take this opportunity to detail the reason why I consider this to be a very important undertaking.

Efforts have been ongoing for several years to settle the various water rights claims of the Navajo and Hopi Indian tribes and other water users in the Little Colorado River watershed of Northern Arizona. Numerous proposals have been advanced in an effort to settle these water-rights claims, including identifying alternative sources of water, means of delivery and points of usage to help provide a reliable source of good-quality water to satisfy the present and future demands of Indian communities on those reservations. Cost estimates for the various existing proposals run into the hundreds of millions of dollars, the majority of which would likely be borne by the federal government. This study is needed to identify the most cost-effective projects that will serve to meet these objectives.

I have asked the Bureau to hire an outside contractor to complete this study to ensure that a fresh and objective analysis of existing studies and data is conducted. In addition, using a private contractor will enable the Bureau to complete the study in a timely manner without requiring the Bureau to divert personnel needed to accomplish other vital priorities. The study should be complete and submitted to the Senate Appropriations Committee as soon as possible, but no later than April 1, 2002.

I also want to assure the parties that this study is intended to be used to facilitate this settlement, and cannot be used for any other purpose in any administrative or judicial proceeding.

Mr. WELLSTONE. Mr. President. I rise to speak about a provision in the VA, HUD and Independent Agencies Appropriations bill, which was passed by the Senate today. Specifically, I want to speak about the substantial backlog of civil rights claims that have

been filed with the Environmental Protection Agency's, EPA, Office of Civil Rights, OCR.

As my colleagues know, Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. For thirty-five years, this law has been a cornerstone of our nation's civil rights protections. To better implement Title VI in federal environmental programs, President Clinton issued an Executive Order in 1994 requiring each federal agency ''to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations.''

Under EPA's Title VI implementing regulations, 40 CFR Section 7, EPA-funded permitting agencies are prohibited from taking actions in the permitting process that are intentionally discriminatory or have a discriminatory effect based on race, color, or national origin. Under these regulations OCR is required to ''promptly'' investigate all complaints filed under Title VI unless all parties agree to a delay [40 CFR Section 7.120]. OCR is first required to initiate complaint proceedings within 5 days of receipt of a complaint [40 CFR Section 7.120(d)]. Then it must review the complaint for acceptance, rejection, or referral to another agency and make a determination within 25 days of the receipt of the complaint [40 CFR Section 7.120(d)(1)]. If a complaint is accepted, EPA must make a preliminary finding in the matter, including recommendations, if any, for achieving voluntary compliance, and OCR must notify the recipient of these finding within 180 days of the start of the complaint investigation. [40 CFR Section 7.120(d)(2)].

Unfortunately according to the OCR's most recent log of cases filed on October 4, 2000, 103 Title VI claims have been filed since September 1993. Of these, over half, 56 cases, are still pending. The remainder were either rejected or dismissed over jurisdictional issues. Eleven of the still active cases have been pending for 5 years or more, without resolution. Only one case has been resolved by a decision of the OCR, which found that there was not a legally recognizable ''adverse impact'' on the community and denied the community's request for reconsideration.

To further complicate resolution for these civil rights claims, in 1998 a rider was inserted in the VA–HUD Appropriations bill that blocked the implementation or administration of the interim Guidance to enforce Title VI claims issued on February 5, 1998. This rider has effectively stopped the EPA from investigating and responding to claims of race or national origin discrimination that have been filed with the Agency after October, 1998. That same rider has been on all subsequent VA/HUD bills, including this one.

This summer the EPA revised it's Guidance, which was noticed in the Federal Register for public comment. The revision is titled ''Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits.'' I am pleased that the rider, included in this VA/HUD Appropriations bill, would not apply to the EPA's revised Guidance.

However a there still remains a large backlog of cases to be acted upon. There were 35 complaints filed after the first rider in 1998. To date only one has been accepted for investigation. Although the step of acceptance or rejection is required under Federal Regulation within 25 days of the receipt of the complaint, 34 of these complaints are more than 25 days old and over half of them, 20 of 34 cases, have been ''under review'' for more than a year.

The EPA's own regulations are clear, regardless of any Guidance. Furthermore, the rider does not account for the entire backlog of unresolved complaints. There are still 21 complaints pending that were filed before the rider blocking the EPA's 1998 Guidance went into effect. Of these cases, 19 have been accepted, but no preliminary findings have been made. Two cases are still under review after 4½ years, and as you will recall the deadline in the federal regulations for accepting cases is 25 days from the initial complaint date. And again, half of the still active cases,—11 of 21—have been pending for 5 years or more, without resolution.

It appears the EPA is out of compliance with it's own regulations for processing civil rights complaints, both for cases filed before and after the effect of the rider. While the rider has no doubt been a hindrance to the Agency, it clearly does not absolve the Agency of its responsibilities under the 36 year old civil rights law. And the Agency's own regulations lay out a clear framework for processing and acting on complaints.

Several environmental and civil rights organizations have written to Congressional leaders on this backlog. Mr. President, I ask unanimous consent that a letter to the VA, HUD and Independent Agencies Subcommittee from the NAACP, and a letter from the Earthjustice Legal Defense Fund be entered into the RECORD following my statement.

In closing, I am pleased the Administration appears to be working to finalize the revised Guidance. However, I remain concerned that the EPA has established no clear way of dealing with the backlog of civil rights claims that have built up over the past seven years.

Therefore, as a Senator from Minnesota, I call on the EPA, as expeditiously as possible, to resolve the many backlogged civil rights claims, several of which have been pending for years. Only then will we be able to fulfill the intent of the landmark 1964 Civil Rights Act.

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

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, October 11, 2000.

Hon. CHRISTOPHER S. BOND, Chairman,
Hon. BARBARA MIKULSKI, Ranking Member,
VA, HUD, and Independent Agencies Subcommittee, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BOND AND SENATOR MIKULSKI: The National Association for the Advancement of Colored People, the nation's oldest and largest grassroots civil rights organization, strongly opposes the anti-civil rights, anti-environmental rider in the House version of the VA, HUD, and Independent Agencies Appropriations bill that, for the third year in a row, attempts to interfere with the obligation of the Environmental Protection Agency (EPA) to investigate and resolve Title VI Civil Rights complaints filed with its Office of Civil Rights. We urge you to not accept this rider in the final version of the bill, and to instead insist on bill language that requires the EPA to begin immediately resolving the growing backlog of civil rights complaints filed since 1993 by communities of color struggling for environmental justice.

The rider, as well as the backlog of civil rights complaints, has had the effect of undermining one of the most important laws in this country, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin. The NAACP worked for the enactment of Title VI and continues to work against any actions that may result in racial discrimination. Therefore, we are deeply troubled by acts of Congress and actions of government agencies that may result in having a disparate impact on communities of color.

Any community in this nation that feels that it is threatened by a state environmental agency decision must have access to legal recourse to address its concerns. Historically, these communities have been low-income areas with high concentrations of African Americans, Latino Americans and Asian Americans. The fact that communities of color are disproportionately over-represented among communities with these complaints leads to inevitable concerns that their basic civil rights are being violated. According to the EPA's Office of Civil Rights, there are now 56 complaints lodged with the agency that remain unresolved. Many of these claims were filed with the EPA several years ago. However, the agency has not even notified complainants about whether their complaints have been accepted or rejected—a duty required of the EPA by federal regulations. Of the 21 unresolved complaints that were accepted for investigation, over half were filed more than five years ago. The EPA has failed to render preliminary findings for all of the complaints accepted for investigation. However, federal regulations require the EPA to make preliminary findings within 180 days of the complaint's acceptance for investigation. EPA's failure to comply with federal regulations has blocked resolution of civil rights complaints. As a result, people of color who lack

the resources for federal court civil rights litigation are effectively denied access to legal redress at the administrative level. This is a completely unacceptable situation.

The House anti-civil rights, anti-environmental rider makes a bad situation worse. For the last two years and as proposed for next year, the riders expressly prohibit the EPA from investigating and resolving new civil rights complaints. The result has been a maintaining the status quo of concentrating polluting sources in communities of color. By blocking the EPA from developing and implementing concrete manners of resolving these complaints, the rider creates a chilling effect on the EPA for investigating the backlog of complaints. As a result, the riders clearly have added to the problem of the growing backlog of unresolved civil rights complaints.

The rider is an unjust denial of a civil rights remedy for people of color struggling to protect their children and communities from environmental hazards and pollution. It violates the spirit, if not the outright language, of the Constitution of the United States that guarantees every American the right to ''life, liberty and the pursuit of happiness.''

We urge you to delete all language from the final bill that could interfere with EPA's ability to investigate civil rights violations, and to insert into the final bill a provision that requires the EPA to resolve the backlog of civil rights complaints as expeditiously as possible. I hope that you will feel free to contact me with any questions or comments you may have on this matter. I look forward to working with you to ensure that the rights of all Americans are protected.

Sincerely,

HILARY O. SHELTON,
Director.

EARTHJUSTICE,
LEGAL DEFENSE FUND,
October 12, 2000.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: EarthJustice Legal Defense Fund is a non-profit environmental law firm whose mission is to enforce laws that protect our environment through litigation and advocacy. One of these laws is Title VI of the Civil Rights Act, which expressly prohibits discrimination on the basis of race, color or national origin in federally-funded programs. In 1993, the New Orleans office of Earthjustice successfully represented African American citizens groups in Mississippi by filing the first Title VI Civil Rights complaint with the Environmental Protection Agency (''EPA''), which was against the state's environmental programs that concentrated waste sites in African American communities. Our civil rights complaint protected Mississippi citizens, who were unfairly targeted for additional proposed waste sites.

Clearly, Title VI of the Civil Rights Act is an important remedy to protect people of color who are disproportionately burdened by toxic facilities and waste sites. There have been numerous governmental and academic reports that demonstrate the racial disparities that exist in environmental permitting decisions, which concentrate polluting sources in communities of color. The gains that people of color have made in the struggle for environmental justice have heightened public awareness about this form of racism and established institutional changes at the EPA and other government agencies to address this issue. However, actions taken by Congress over the past three years have taken away the ability of people of color to exercise their civil rights in defense of their health and environment.

The right of citizens to seek legal redress—a cornerstone of our democracy—is blocked by Congressional riders that have prevented the EPA from investigating civil rights complaints for the last two years. This rider is also inserted in this year's VA, HUD, and Independent Agencies bill. Through this rider, Congress has effectively repealed civil rights protections for people who live in fear of industrial accidents and daily breath a cocktail of toxic chemicals spewed by facilities and waste sites in their neighborhoods. As a result of the rider, there has been an increase in the number of civil rights complaints filed with the EPA by people of color that go unanswered. There are now 56 civil rights complaints pending before the EPA's Office of Civil Rights that remain unaddressed, in violation of the agency's own Title VI regulations requiring prompt resolution of claims. The rider's offensive prohibition against investigating new civil rights complaints with tools and analyses developed by the EPA silences people of color. We find that such legislation is a dangerous erosion of our civil rights, which opens the door to new riders that can dismantle civil rights protections in housing, education, employment, and transportation. We find it profoundly disturbing that with one brushstroke of a pen, Congress can set back the gains of the civil rights movement in this country.

The anti-civil rights and anti-environmental rider in the present VA, HUD, and Independent Agencies bill sets a dangerous precedent in this country for taking away the rights of citizens. We deeply appreciate your leadership in opposing this rider and supporting a safe and healthy environment for all communities.

Sincerely,

MONIQUE HARDEN,
Staff Attorney.
JOAN MULHERN,
Senior Legislative Counsel.

Mr. BOND. Mr. President, have the yeas and nays been ordered? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Before we begin the vote, I urge all my colleagues to support this measure. Senator MIKULSKI and I have worked long and hard. Obviously, we have not made everybody happy, but that is not in our power. We hope we have done well by all of the functions and all of the facilities and departments we serve. We hope our colleagues will be sullen but not rebellious and join us in passing a measure which has so many good things to provide for veterans, housing, environment, space, science, and emergency management.

Again, I thank all my colleagues for their indulgence as we had to go through this unusual episode. I thank our staff, Jon Kamarck, Carolyn Apostolou, Cheh Kim, and Joe Norrell. On the minority side, Paul Carliner and Alexa Mitrakos have been outstanding.

The most valuable ally I have on this measure is the very distinguished Senator from Maryland, Ms. MIKULSKI, to whom I am deeply grateful, and I appreciate her leadership and guidance.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I echo the expression of thanks to our staff and to our colleagues. I urge we move immediately to a vote and serve the Nation.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—87

Abraham	Durbin	Mikulski
Akaka	Edwards	Miller
Ashcroft	Enzi	Moynihan
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Gorton	Nickles
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Hagel	Robb
Boxer	Harkin	Roberts
Breaux	Hatch	Rockefeller
Brownback	Hollings	Roth
Bryan	Hutchinson	Santorum
Bunning	Hutchison	Sarbanes
Burns	Inouye	Schumer
Byrd	Jeffords	Sessions
Campbell	Johnson	Shelby
Chafee, L.	Kerrey	Smith (NH)
Cleland	Kerry	Smith (OR)
Cochran	Kohl	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Stevens
Craig	Leahy	Thomas
Crapo	Levin	Thompson
Daschle	Lincoln	Thurmond
DeWine	Lott	Torricelli
Dodd	Lugar	Warner
Domenici	Mack	Wellstone
Dorgan	McConnell	Wyden

NAYS—8

Allard	Gramm	McCain
Feingold	Inhofe	Voinovich
Graham	Kyl	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The bill (H.R. 4635), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4635) entitled ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent

agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to and merged with the appropriation for ''General operating expenses'': Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $351,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That travel expenses shall not exceed $1,125,000: Provided further, That of the amount made available under this heading, not to exceed $125,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $28,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $66,040,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103–335) under the heading ''Research, Development, Test and Evaluation, Defense-Wide''.

SEC. 110. As HR LINK$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK$ services from the Franchise Fund shall be transferred to the General Administration portion of the ''General operating expenses'' appropriation in the following amounts: $78,000

from the ''Office of Inspector General'', $358,000 from the ''National cemetery administration'', $1,106,000 from ''Medical care'', $84,000 from ''Medical administration and miscellaneous operating expenses'', and $38,000 shall be reprogrammed within the ''General operating expenses'' appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed $1,600,000 from the ''Medical care'' appropriation shall be transferred to the ''General operating expenses'' appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Not to exceed $1,200,000 may be transferred from the ''Medical care'' appropriation to the ''General operating expenses'' appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 113. Not to exceed $4,500,000 from the ''Construction, minor projects'' appropriation and not to exceed $2,000,000 from the ''Medical care'' appropriation may be transferred to and merged with the Parking Revolving Fund for surface parking lot projects.

SEC. 114. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for ''Medical care'' appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,940,907,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $12,972,000,000, of which $8,772,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 (''the Act'' herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 1361l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That of the total amount provided under this heading, $452,907,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies: Provided further, That of the total amount provided under this heading, up to $7,000,000 shall be made available for the completion of the Jobs Plus Demonstration: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,833,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual Contributions for Assisted Housing'' or any other heading for fiscal year 2000 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2001, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $3,000,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,242,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program, $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to

provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended, of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $6,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees: Provided further, That of the amount provided in this heading, $2,000,000 shall be transferred to the Working Capital Fund for development and maintaining information technology systems.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $258,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $90,000,000, to remain available until expended: Provided, That $75,000,000 shall be available for the Secretary of Housing and Urban Development for ''Urban Empowerment Zones'', as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided further, That $15,000,000 shall be available to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,057,550,000: Provided, That of the amount provided, $4,410,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), to remain available until September 30, 2003: Provided further, That $71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,600,000 shall be available as a grant to the National American Indian Housing Council, $10,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation, and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $3,000,000 shall be made available to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate, and equip their facilities: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department: Provided further, That $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'', for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, of which not less than $5,000,000 of the funding shall be used in rural areas, including tribal areas, and of which $3,450,000 shall be made available for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $44,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes: Provided further, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amount made available under this heading, $292,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,800,000,000 to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,025,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2001 and 2002 under the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $779,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $217,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That $1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000, of which $96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to

exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which $33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,500,000, to remain available until September 30, 2002: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: Provided further, That $500,000, to remain available until expended, shall be for a commission as established under section 525 of Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2002, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,072,000,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development fund'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, and $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That not more than $758,000,000 shall be made available to the personal services object class: Provided further, That no less than $100,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of this provision by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by May 15, 2001: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $85,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for ''Drug elimination grants for low-income housing'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to

AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking ''and 2000'' and inserting ''2000, and thereafter''.

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting ''and any other reasonable limit prescribed by the Secretary'' immediately before the semicolon.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 206. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 207. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 208. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

''SEC. 443. ENVIRONMENTAL REVIEW.

''For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 209. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after ''December 31, 2002'' the following: '', except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date''.

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

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

(2) in subparagraph (F), by striking ''or their designees.'' and inserting ''and'';

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

''(G) the Director of the Enforcement Center; or their designees.''.

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 210. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

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

''(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 211. None of the funds appropriated in this or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 212. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration unless the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submit by December 31, 2000 a schedule of benchmarks and measurable goals to the House and Senate Committees on Appropriations designed to address issues of mismanagement and safeguards against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 213. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for use, as approved by the Secretary of Housing and Urban Development—

(1) for activities related to the revitalization of the Hollander Ridge site; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 214. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: '', including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources'';

(2) in subsection (e)(1)—

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

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

(C) by adding after subparagraph (J) the following:

''(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative.''; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).''.

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: '', including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources''; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following '', including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)''.

MARK-TO-MARKET REFORM

SEC. 215. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 216. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''fiscal year 2000'' and inserting in lieu thereof ''fiscal years 2000 and 2001''.

CDBG ELIGIBILITY

SEC. 217. Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 is amended by—

(1) in clause (v), striking out the ''or'' at the end;

(2) in clause (vi), striking the period at the end; and

(3) adding at the end the following new clause:

''(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government; or

''(viii) notwithstanding any other provision of this section, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.''.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

USE OF MODERATE REHABILITATION FUNDS FOR HOME

SEC. 219. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make the funds available under contracts NY36K113004 and NY36K113005 of the Department of Housing and Urban Development available for use under the HOME Investment Partnerships Act and shall allocate such funds to the City of New Rochelle, New York.

LOMA LINDA REPROGRAMMING

SEC. 220. Of the amounts made available under the sixth undesignated paragraph under the heading ''Community Planning and Development—Community Development Block Grants'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report 105–769)) to the City of Loma Linda, California, for infrastructure improvements at Redlands Boulevard and California Streets shall, notwithstanding such provisions, be made available to the City for infrastructure improvements related to the Mountain View Bridge.

NATIVE AMERICAN ELIGIBILITY FOR THE ROSS PROGRAM

SEC. 221. (a) Section 34 of the United States Housing Act of 1937 is amended—

(1) in the heading, by striking ''PUBLIC HOUSING'' and inserting ''PUBLIC AND INDIAN HOUSING'';

(2) in subsection (a)—

(A) by inserting after ''residents,'' the following: ''recipients under the Native American Housing Assistance and Self-Determination Act of 1996 (notwithstanding section 502 of such Act) on behalf of residents of housing assisted under such Act,'' and

(B) by inserting after ''public housing residents'' the second place it appears the following: ''and residents of housing assisted under such Act'',

(3) in subsection (b)—

(A) by inserting after ''project'' the first place it appears the following: ''or the property of a recipient under such Act or housing assisted under such Act'';

(B) by inserting after ''public housing residents'' the following: ''or residents of housing assisted under such Act''; and

(C) in subsection (b)(1), by inserting after ''public housing project'' the following: ''or residents of housing assisted under such Act''; and

(4) in subsection (d)(2), by striking ''State or local'' and inserting ''State, local, or tribal''.

(b) ASSESSMENT AND REPORT.—Section 538(b)(1) of the Quality Housing and Work Responsibility Act of 1998 is amended by inserting after ''public housing'' the following: ''and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996''.

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 222. (a) AVAILABILITY.—Section 220(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1075) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

(b) APPLICABILITY.—The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out such section 220 (as amended by this subsection (a) of this section) notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

HOME PROGRAM DISASTER FUNDING FOR ELDERLY HOUSING

SEC. 223. Of the amounts made available under Chapter IX of the Supplemental Appropriations Act of 1993 for assistance under the HOME investment partnerships program to the city of Homestead, Florida (Public Law 103–50; 107 Stat. 262), up to $583,926.70 shall be made available to Dade County, Florida, for use only for rehabilitating housing for low-income elderly persons, and such amount shall not be subject to the requirements of such program, except for section 288 of the HOME Investment Partnerships Act (42 U.S.C. 12838).

CDBG PUBLIC SERVICES CAP

SEC. 224. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by striking ''1993'' and all that follows through ''City of Los Angeles'' and inserting ''1993 through 2001 to the City of Los Angeles''.

EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS

SEC. 225. Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended, in the matter that precedes clause (i), by striking ''mortgage'' and all that follows through ''involving'' and inserting ''mortgage closed on or before December 31, 2002, involving''.

USE OF SUPPORTIVE HOUSING PROGRAM FUNDS FOR INFORMATION SYSTEMS

SEC. 226. Section 423 of the Stewart B. McKinney Homeless Assistance Act is amended under subsection (a) by adding the following paragraph:

''(7) MANAGEMENT INFORMATION SYSTEM.—A grant for the costs of implementing and operating management information systems for purposes of collecting unduplicated counts of homeless people and analyzing patterns of use of assistance funded under this Act.''.

INDIAN HOUSING LOAN GUARANTEE REFORM

SEC. 227. Section 184 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (a), by striking ''or as a result of a lack of access to private financial markets''; and

(2) in subsection (b)(2), by inserting ''refinance,'' after ''acquire,''.

USE OF SECTION 8 VOUCHERS FOR OPT-OUTS

SEC. 228. Section 8(t)(2) of the United States Housing Act of 1937 is amended by inserting after ''contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project'' the following: ''(including any such termination or expiration during fiscal years after fiscal year 1996 prior to the effective date of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001)''.

HOMELESS DISCHARGE COORDINATION POLICY

SEC. 229. (a) DISCHARGE COORDINATION POLICY.—Subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act is amended by adding at the end the following new section:

''SEC. 402. DISCHARGE COORDINATION POLICY.

''The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.''.

(b) ASSISTANCE UNDER EMERGENCY SHELTER GRANTS PROGRAM.—Section 414(a)(4) of the Stewart B. McKinney Homeless Assistance Act is amended-

(1) in the matter preceding subparagraph (A), by inserting a comma after ''homelessness'';

(2) by striking ''Not'' and inserting the following: ''Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not''.

TECHNICAL CHANGE TO SENIORS HOUSING COMMISSION

SEC. 230. Section 525 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act'' (42 U.S.C. 12701 note) is amended in subsection (a) by striking ''Commission on Affordable Housing and Health Care Facility Needs in the 21st Century'' and inserting ''Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century''.

INTERAGENCY COUNCIL ON THE HOMELESS REFORMS

SEC. 231. Title II of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in section 202, under subsection (b) by inserting after the period the following: ''The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis.''; and

(2) in section 209 by striking ''1994'' and inserting ''2005''.

SECTION 8 PHA PROJECT-BASED ASSISTANCE

SEC. 232. (a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended to read as follows:

''(13) PHA PROJECT-BASED ASSISTANCE.—

''(A) IN GENERAL.—A public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract with respect to an existing, newly constructed, or rehabilitated structure, that is attached to the structure, subject to the limitations and requirements of this paragraph.

''(B) PERCENTAGE LIMITATION.—Not more than 20 percent of the funding available for tenant-

based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

''(C) CONSISTENCY WITH PHA PLAN AND OTHER GOALS.—A public housing agency may approve a housing assistance payment contract pursuant to this paragraph only if the contract is consistent with—

''(i) the public housing agency plan for the agency approved under section 5A; and

''(ii) the goal of deconcentrating poverty and expanding housing and economic opportunities.

''(D) INCOME MIXING REQUIREMENT.—

''(i) IN GENERAL.—Not more than 25 percent of the dwelling units in any building may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.

''(ii) EXCEPTIONS.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services.

''(E) RESIDENT CHOICE REQUIREMENT.—A housing assistance payment contract pursuant to this paragraph shall provide as follows:

''(i) MOBILITY.—Each low-income family occupying a dwelling unit assisted under the contract may move from the housing at any time after the family has occupied the dwelling unit for 12 months.

''(ii) CONTINUED ASSISTANCE.—Upon such a move, the public housing agency shall provide the low-income family with tenant-based rental assistance under this section or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability, and other requirements, as the Secretary shall provide by regulation. If such rental assistance is not immediately available to fulfill the requirement under the preceding sentence with respect to a low-income family, such requirement may be met by providing the family priority to receive the next voucher or other tenant-based rental assistance amounts that become available under the program used to fulfill such requirement.

''(F) CONTRACT TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a structure may have a term of up to 10 years, subject to the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts and in the agency's annual contributions contract with the Secretary, and to annual compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make annual inspections of each assisted unit in the development. The contract may specify additional conditions for its continuation. If the units covered by the contract are owned by the agency, the term of the contract shall be agreed upon by the agency and the unit of general local government or other entity approved by the Secretary in the manner provided under paragraph (11).

''(G) EXTENSION OF CONTRACT TERM.—A public housing agency may enter into a contract with the owner of a structure assisted under a housing assistance payment contract pursuant to this paragraph to extend the term of the underlying housing assistance payment contract for such period as the agency determines to be appropriate to achieve long-term affordability of the housing or to expand housing opportunities. Such a contract shall provide that the extension of such term shall be contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, and may obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

''(H) RENT CALCULATION.—A housing assistance payment contract pursuant to this paragraph shall establish rents for each unit assisted in an amount that does not exceed 110 percent of the applicable fair market rental (or any exception payment standard approved by the Secretary pursuant to paragraph (1)(D)), except that if a contract covers a dwelling unit that has been allocated low-income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) and is not located in a qualified census tract (as such term is defined in subsection (d) of such section 42), the rent for such unit may be established at any level that does not exceed the rent charged for comparable units in the building that also receive the low-income housing tax credit but do not have additional rental assistance. The rents established by housing assistance payment contracts pursuant to this paragraph may vary from the payment standards established by the public housing agency pursuant to paragraph (1)(B), but shall be subject to paragraph (10)(A).

''(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph shall provide for rent adjustments, except that—

''(i) the adjusted rent for any unit assisted shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market and may not exceed the maximum rent permitted under subparagraph (H); and

''(ii) the provisions of subsection (c)(2)(C) shall not apply.

''(J) TENANT SELECTION.—A public housing agency shall select families to receive project-based assistance pursuant to this paragraph from its waiting list for assistance under this subsection. Eligibility for such project-based assistance shall be subject to the provisions of section 16(b) that apply to tenant-based assistance. The agency may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under section 5A. Any family that rejects an offer of project-based assistance under this paragraph or that is rejected for admission to a structure by the owner or manager of a structure assisted under this paragraph shall retain its place on the waiting list as if the offer had not been made. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list. Subject to its waiting list policies and selection preferences, a public housing agency may place on its waiting list a family referred by the owner or manager of a structure and may maintain a separate waiting list for assistance under this paragraph, but only if all families on the agency's waiting list for assistance under this subsection are permitted to place their names on the separate list.

''(K) VACATED UNITS.—Notwithstanding paragraph (9), a housing assistance payment contract pursuant to this paragraph may provide as follows:

''(i) PAYMENT FOR VACANT UNITS.—That the public housing agency may, in its discretion, continue to provide assistance under the contract, for a reasonable period not exceeding 60 days, for a dwelling unit that becomes vacant, but only (I) if the vacancy was not the fault of the owner of the dwelling unit, and (II) the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy. Rental assistance may not be provided for a vacant unit after the expiration of such period.

''(ii) REDUCTION OF CONTRACT.—That, if despite reasonable efforts of the agency and the owner to fill a vacant unit, no eligible family has agreed to rent the unit within 120 days after the owner has notified the agency of the vacancy, the agency may reduce its housing assistance payments contract with the owner by the amount equivalent to the remaining months of subsidy attributable to the vacant unit. Amounts deobligated pursuant to such a contract provision shall be available to the agency to provide assistance under this subsection.

Eligible applicants for assistance under this subsection may enforce provisions authorized by this subparagraph.''.

(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) as in effect before such enactment, such assistance may be extended or renewed notwithstanding the requirements under subparagraphs (C), (D), and (E) of such section 8(o)(13), as amended by subsection (a).

DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS FOR THE ELDERLY OR DISABLED

SEC. 233. Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

FAMILY UNIFICATION PROGRAM

SEC. 234. Section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C 1437f(x)(2)) is amended—

(1) by striking ''any family (A) who is otherwise eligible for such assistance, and (B)'' and inserting ''(A) any family (i) who is otherwise eligible for such assistance, and (ii)''; and

(2) by inserting before the period at the end the following: ''and (B) for a period not to exceed 18 months, otherwise eligible youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older''.

PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 235. Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''demonstrate the effectiveness of providing'' and inserting ''provide''; and

(B) in the second sentence, by striking ''demonstration'' and inserting ''the'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''determine the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (5), and inserting the following new paragraph:

''(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''test the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (4) and inserting the following new paragraph:

''(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(4) by striking subsection (d);

(5) by striking ''pilot'' and ''PILOT'' each place such terms appear; and

*(6) in the section heading, by striking ''**DEMONSTRATIONS**'' and inserting ''**PROGRAMS**''.*

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,500,000, $5,000,000 of which to remain available until September 30, 2001 and $2,500,000 of which to remain available until September 30, 2002: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $118,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to $8,750,000 may be used for administrative expenses, up to $19,750,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $458,500,000, to remain available until September 30, 2002: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $231,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $21,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $30,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading ''Corporation for National and Community Service, National and Community Service Programs Operating Expenses'' in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the ''Act'') (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and

innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the ''P.A.V.E. the Way'' project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $63,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2001, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $696,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,087,990,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the ''Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits'' with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: Provided further, That notwithstanding section 1412(b)(12)(A)(v) of the Safe Drinking Water Act, as amended, the Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2002, and $36,500,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,628,740,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $335,740,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act, except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated

under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,008,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2001, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available after June 1, 2001 to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04, are hereby resolved in favor of the grantee: Provided further, That EPA, in considering the local match for the $5,000,000 appropriated in fiscal year 1999 for the City of Cumberland, Maryland, to separate and relocate the city's combined sewer and stormwater system, shall take into account non-federal money spent by the City of Cumberland for combined sewer, stormwater and wastewater treatment infrastructure on or after October 1, 1999, and that the fiscal year 1999 and any subsequent funds may be used for any required non-federal share of the costs of projects funded by the federal government under Section 580 of Public Law 106–53.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

For fiscal year 2001, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act, as amended, is amended by adding at the end the following new paragraph:

''(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations: Provided, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to the State of Florida, $3,000,000 shall be for a hurricane mitigation initiative in Miami-Dade County.

For an additional amount for ''Disaster relief'', $1,300,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $17,730,000 in fees collected but unexpended during fiscal years 1994 through 1998 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2001.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''September 30, 2000'' and inserting ''December 31, 2001''.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking ''September 30, 2000'' and inserting ''December 31, 2001''.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,462,900,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,190,700,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,608,700,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for ''Human space flight'' may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2001 between NASA and a nongovernment organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $296,303: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services

for research support; acquisition of aircraft; $3,350,000,000, of which not to exceed $275,592,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $121,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $787,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $160,890,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937: Provided, That of the amount made available, $2,500,000 shall be for an endowment to establish the George Knight Scholarship Fund for the Neighborhood Reinvestment Training Institute.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et

seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by November 1, 2000, for 30 days of review.

SEC. 427. None of the funds made available in this Act may be used for the designation, or approval of the designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p. 38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, American Trucking Ass'ns. v. EPA (No. 97–1440, 1999 Westlaw 300618) prior to June 15, 2001 or final adjudication of this case by the Supreme Court of the United States, whichever occurs first.

SEC. 428. Section 432 of Public Law 104–204 (110 Stat. 2874) is amended—

(a) in subsection (c) by inserting ''or to restructure and improve the efficiency of the workforce'' after ''the National Aeronautics and Space Administration'' and before ''the Administrator'';

(b) by deleting paragraph (4) of subsection (h) and inserting in lieu thereof—

''(4) The provisions of subsections (1) and (3) of this section may be waived upon a determination by the Administrator that use of the incentive satisfactorily demonstrates downsizing or other restructuring within the Agency that would improve the efficiency of agency operations or contribute directly to evolving mission requirements.''

(c) by deleting subsection (i) and inserting in lieu thereof—

''(i) REPORTS.—The Administrator shall submit a report on NASA's restructuring activities to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate not later than September 30, 2001. This report shall include—

''(1) an outline of a timetable for restructuring the workforce at NASA Headquarters and field Centers;

''(2) annual Full Time Equivalent (FTE) targets by broad occupational categories and a summary of how these targets reflect the respective missions of Headquarters and the field Centers;

''(3) a description of personnel initiatives, such as relocation assistance, early retirement incentives, and career transition assistance, which NASA will use to achieve personnel reductions or to rebalance the workforce; and

''(4) a description of efficiencies in operations achieved through the use of the voluntary separation incentive.''; and

(d) in subsection (j), by deleting ''September 30, 2000'' and inserting in lieu thereof ''September 30, 2002''.

SEC. 429. Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 2000'', and inserting ''December 31, 2001''.

SEC. 430. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 431. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

''SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, 'Human space flight', 'Science, aeronautics and technology', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for 2 fiscal years. Each account shall include the planned full costs of the Administration's related activities.

''(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

''(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the 'Mission support' account are to be transferred to the 'Human space flight' and 'Science, aeronautics and technology' accounts. Such balances shall be transferred and merged with the 'Human space flight' and 'Science, aeronautics and technology' accounts, and remain available

for the period of which originally appropriated.''.

TITLE V—FILIPINO VETERANS' BENEFITS IMPROVEMENTS

SEC. 501. (a) RATE OF COMPENSATION PAYMENTS FOR FILIPINO VETERANS RESIDING IN THE UNITED STATES.—(1) Section 107 of title 38, United States Code, is amended—

(A) by striking ''Payments'' in the second sentence of subsection (a) and inserting ''Except as provided in subsection (c), payments''; and

(B) by adding at the end the following new subsection:

''(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.''.

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

(b) ELIGIBILITY FOR HEALTH CARE OF DISABLED FILIPINO VETERANS RESIDING IN THE UNITED STATES.—Section 1734 of such title is amended—

(1) by inserting ''(a)'' before ''The Secretary,''; and

(2) by adding at the end the following:

''(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.''.

(c) HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.—Section 1724 of such title is amended by adding at the end the following new subsection:

''(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Secretary may furnish a veteran who has a service-connected disability with such medical services as the Secretary determines to be needed.''.

TITLE VI—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,172,730,916.14.

DIVISION B

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SEC. 1001. Such amounts as may be necessary are hereby appropriated for programs, projects, or activities provided for in H.R. 4733, the Energy and Water Development Appropriations Act, 2001, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 106–907) as filed in the House of Representatives on September 27, 2000, as if enacted into law, except:

(1) that such conference report shall be considered as not including those provisions in section 103 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000;

(2) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing $1,000,000 for the Upper Susquehanna River Basin, New York, investigation within available funds under General Investigations in Title I;

(3) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as appropriating $1,717,199,000 for Construction, General under Title I, including $8,400,000 for the Elba, Alabama, flood control project; $10,800,000 for the Geneva, Alabama, flood control project; $1,000,000 for the Metropolitan Louisville, Beargrass Creek, Kentucky, project; $3,000,000 for the St. Louis, Missouri, environmental infrastructure project authorized by section 502(f)(32) of Public Law 106–53; and $2,000,000 for the Black Fox, Murfree and Oaklands Springs Wetlands, Tennessee, project;

(4) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as including the following at the end of Title I:

''SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the locally preferred plan for flood control, environmental restoration and recreation, Murrieta Creek, California, described as Alternative 6, based on the Murrieta Creek Feasibility Report and Environmental Impact Statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000.

''SEC. 107. Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico, which was initiated under the authority of the Section 205 program prior to being specifically authorized in the Water Resources Development Act of 1999.'';

(5) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing that $19,158,000 of the amount appropriated under the Central Utah Project Completion Account under Title II shall be deposited into the Utah Reclamation Mitigation and Conservation Account;

(6) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as not including those provisions in section 211, and shall be considered as including the following new section 211:

''SEC. 211. Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675, 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

'''(f) REQUIREMENT TO FURNISH WATER, POWER CAPACITY AND ENERGY.—Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, shall permanently furnish annually the following:

'''(1) WATER.—16,000 acre-feet of the water conserved by the works authorized by title II, for the benefit of the Bands and the local entities in accordance with the settlement agreement: Provided, That during construction of said works, the Indian Water Authority and the local entities shall receive 17 percent of any water conserved by said works up to a maximum of 16,000 acre-feet per year. The Indian Water Authority and the local entities shall pay their proportionate share of such costs as are provided by section 203(b) of title II or are agreed to by them.

'''(2) POWER CAPACITY AND ENERGY.—Beginning on the date when conserved water from the works authorized by title II first becomes available, power capacity and energy through the Yuma Arizona Area Aggregate Power Managers (Yuma Area Contractors), at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities, in amounts sufficient to convey the water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct and to the places of use on the Bands' reservations or in the local entities' service areas in accordance with the settlement agreement. The Secretary, through a coterminus exhibit to Bureau of Reclamation Contract No. 6–CU–30–P1136, shall enter into an agreement with the Yuma Area Contractors which shall provide for furnishing annually and permanently said power capacity and energy by said Yuma Area Contractors at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities. The Secretary shall authorize the Yuma Area Contractors to utilize federal project use power provided for in Bureau of Reclamation Contracts numbered 6–CU–30–P1136, 6–CU–30–P1137, and 6–CU–30–P1138 for the full range of purposes served by the Yuma Area Contractors, including the purpose of supplying the power capacity and energy to convey the conserved water referred to in paragraph (1), for so long as the Yuma Area Contractors meet their obligation to provide sufficient power capacity and energy for the conveyance of said conserved water. If for any reason the Yuma Area Contractors do not provide said power capacity and energy for the conveyance of said conserved water, then the Secretary shall furnish said power capacity and energy annually and permanently at the lowest rate assigned to project use power within the jurisdiction of the Bureau of Reclamation in accordance with Exhibit E ''Project Use Power'' of the Agreement between Water and Power Resources Service, Department of the Interior, and Western Area Power Administration, Department of Energy (March 26, 1980).

'''SEC. 106A. ANNUAL REPAYMENT INSTALLMENTS. During the period of planning, design and construction of any of the works authorized by title II of Public Law 100–675 and during the period that the Indian Water Authority and the local entities referred to in said Act receive up to 16,000 acre feet of the water conserved by said works, the annual repayment installments provided in Section 102(b) of Public Law 93–320 shall continue to be nonreimbursable. Nothing in this Section shall affect the National obligation set forth in Section 101(c) of Public Law 93–320.'.''; and

(7) that such conference report shall be considered as not including those provisions in section 605 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000.

SEC. 1002. In publishing this Act in slip form and in the United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in section 1001.

DIVISION C

In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for Federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the One Hundred Sixth Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

Titles I–IV of division A of this Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001''.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. FITZGERALD) appointed Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY, Mr. LAUTENBERG, Mr. HARKIN, Mr. REID, Mr. BYRD, and Mr. INOUYE conferees on the part of the Senate.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to and adopts the motion to reconsider the vote whereby the conference report on H.R. 4516 was defeated.

The question is on agreeing to the conference report upon reconsideration.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—58

Akaka	Hagel	Moynihan
Bennett	Hatch	Murkowski
Bond	Hollings	Murray
Boxer	Hutchinson	Nickles
Breaux	Inhofe	Reed
Campbell	Inouye	Reid
Chafee, L.	Jeffords	Robb
Cochran	Kerrey	Rockefeller
Craig	Kerry	Roth
Crapo	Kohl	Sarbanes
Daschle	Kyl	Shelby
Dodd	Landrieu	Smith (OR)
Domenici	Lautenberg	Specter
Dorgan	Leahy	Stevens
Durbin	Levin	Thomas
Enzi	Lott	Thompson
Fitzgerald	Lugar	Thurmond
Gorton	Mack	Torricelli
Grassley	McConnell	
Gregg	Mikulski	

NAYS—37

Abraham	Ashcroft	Bayh
Allard	Baucus	Biden
Bingaman	Feingold	Santorum
Brownback	Frist	Schumer
Bryan	Graham	Sessions
Bunning	Gramm	Smith (NH)
Burns	Harkin	Snowe
Byrd	Hutchison	Voinovich
Cleland	Johnson	Warner
Collins	Lincoln	Wellstone
Conrad	McCain	Wyden
DeWine	Miller	
Edwards	Roberts	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The conference report was agreed to.

Mr. STEVENS. That vote is not subject to reconsideration?

The PRESIDING OFFICER. The vote is subject to reconsideration because the first result was changed.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4392, the intelligence authorization.

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

The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agreed to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. SHELBY. Mr. President, the Senate has before it the conference report to H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The conference report reflects the legislation, S. 2507, that was approved unanimously by the Select Committee on Intelligence on April 27, 2000, and amended and approved by the Senate on Monday, October 2.

I thank Senator BRYAN, the vice chairman of the committee for his assistance in expediting this conference report. This is Senator BRYAN's first year as vice chairman. It has been a pleasure to work cooperatively with him on a wide range of issues, and I regret that this also will be his last year on the committee and in the Senate.

The committee has been increasingly troubled by the NSA's growing inability to meet technological challenges and to provide America's leaders with vital signals intelligence, SIGINT. Success in NSA's mission is critical to our national security. Therefore, the conference report reflects the start of our investment in resources and support aimed at restoring the NSA's' capabilities.

I am proud to report that the conference report addresses the growing problem of leaks of classified information. The conferees endorsed the Senate provision that will close a gap in U.S. law to ensure the prosecution of all unauthorized disclosure of classified information. Successive directors of Central Intelligence have decried the growing problem of leaks of classified information and the damage it causes to our national security. DCI Tenet has publically stated that the U.S. Government ''leaks like a sieve.''

Arguments that section 304 will stifle the freedom of the press simply don't pass muster. This provision has nothing to do with restraining publication. It simply criminalizes knowing and willful disclosure of properly classified information by those charged with protecting it. The Senate Intelligence Committee unanimously approved this provision and worked closely with the Attorney General and the intelligence community to incorporate changes requested by the Department of Justice. The Departments of Justice and State and the CIA all support the provision as approved by the conference committee.

Another provision of the bill is designed to ensure that the State Department corrects the serious, systemic security weaknesses that have repeatedly placed at risk sensitive classified intelligence information collected at considerable risk and expense. This provision would require that the Director of Central Intelligence certify that the retention and storage of Sensitive Compartmented Information (SCI) by any element of the State is in full compliance with all applicable DCI directives relating to the handling, retention, or storage of such information.

The bill requires the Director of Central Intelligence, in consultation with the Secretary of Defense, to create an analytic capability for intelligence relating to prisoners of war and missing persons. The analytic capability will extend to activities with respect to prisoners of war and missing persons after December 31, 1990.

Also, the bill strengthens the IG's requirements to be fully engaged in investigating and responding to possible wrongdoing by senior CIA officials. In the wake of the investigation of former Director of Central Intelligence John

Deutch this provision will ensure that the CIA policies its senior officials.

The conference report also contains the Counterintelligence Reform Act of 2000. S. 2089 was introduced by Senators SPECTER, TORRICELLI, THURMOND, BIDEN, GRASSLEY, FEINGOLD, HELMS, SCHUMER, SESSIONS, and LEAHY in April in the wake of Congressional and other investigations into PRC espionage against the Department of Energy's nuclear weapons laboratories and other U.S. government facilities, and the U.S. government's response. Those investigations focused attention on the application of the Foreign Intelligence Surveillance Act of 1978, and highlighted coordination, information-sharing, and other problems within and among the Department of Energy, FBI, and Department of Justice. The amendment will correct some of the problems in coordinating and sharing information between federal agencies, and will clarify procedures and the statutory roles of various agencies in the investigation and prosecution of espionage and other cases affecting national security.

I thank all Senators for their cooperation in this conference report, particularly the members of the committee. I also thank the staff of the Select Committee on Intelligence for their hard work in developing this legislation.

SECTION 304

Mr. LEVIN. Mr. President, I would like to ask a question of the Vice Chairman of the Intelligence Committee, Senator BRYAN, for purposes of clarification with respect to one definition in the Intelligence Authorization bill. And that's the definition of ''classified information'' in Section 304 of the bill which amends Section 798A of Title 18. Section 304 establishes as a crime the willful disclosure of classified information to an unauthorized person. In paragraph (c)(2) it defines ''classified information'' as ''information that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order . . .''

Mr. President, I would like to ask the Vice Chairman's assurance that this bill is not intended to alter in any way the existing definitions of classified information contained in other statutes relevant to the protection of classified information and whistleblower rights. Is that correct?

Mr. BRYAN. The Senator is correct, and I thank him for bringing this to the attention of the Senate.

Mr. WARNER. Mr. President, I ask unanimous consent the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The conference report was agreed to.

UNANIMOUS CONSENT AGREEMENT—H.R. 4461

Mr. WARNER. I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, and it be considered under the following agreement, equally divided in the usual form.

I further ask consent that the debate continue beginning at 9:30 a.m. on Tuesday and proceed throughout the day.

I ask consent that the vote occur on adoption of the Agriculture conference report at 11:30 a.m. on Wednesday and that paragraph 4 of rule XII be waived and the time between 9:30 a.m. and 11:30 a.m. on Wednesday be equally divided in the usual form, and, finally, 45 minutes of the minority time be under the control of Senator HARKIN.

Mr. REID. I have no objection.

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

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 111

Mr. WARNER. I ask consent that immediately following the vote on passage of the Defense authorization conference report, the Senate proceed to the consideration of H.J. Res. 111, the continuing resolution, the resolution be read the third time, and the Senate then proceed immediately to a vote on passage of the resolution with no intervening action or debate.

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

THE FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will read the conference report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year and for the Armed Forces, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceeding of the RECORD of October 6, 2000.)

Mr. WARNER. Mr. President, it is my privilege as chairman, together with my distinguished friend and ranking member, Mr. LEVIN, the Senator from Michigan, to at long last bring to the Senate the annual conference report from the authorizing committee in the Senate and the authorizing committee in the House.

To refresh the recollection of Senators, I will read the time agreement: 2 hours under the control of the chairman of the Armed Services Committee, Mr. WARNER; 2½ hours under the control of the ranking member, Mr. LEVIN; 1 hour under the control of Senator GRAMM; 30 minutes under the control of Senator WELLSTONE. Following the debate just outlined, Senator ROBERT KERRY will be recognized to make a point of order. The motion to waive the Budget Act will be limited to 2 hours equally divided in the usual form.

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

Mr. WARNER. We hope to yield back some time because I know many of our colleagues are anxious to make commitments, but this is a very important piece of legislation. I am certain the Senators who are going to participate, whom I have identified, will do so in a manner that fits the importance of this annual piece of legislation.

This is the 39th consecutive authorization bill passed by the Congress, assuming it passes this Chamber. It passed the House by a vote of 382–31. That will give some clear indication of the importance of the legislation and the strong support that it merits and has merited in the House of Representatives.

Mr. President, the Senate, as I have been with my colleagues here for the past hour or so for the voting, reflects a very somber note on this sad day for America—indeed, for all those who, throughout the world, stand guard for freedom. We have suffered a tragic loss to the U.S. Navy. This is in parallel with frightful losses taking place elsewhere throughout the Middle East. It brings to mind that this is a most dangerous world that faces us every day. Men and women in the Armed Forces of the United States go forth from our shores, serving in countries all over the world. They, of course, now are on a high alert because of the tragic terrorist act inflicted upon one of our destroyers, the U.S.S. *Cole*.

First in mind are thoughts for our sailors who have lost their lives, and most particularly their families and the families who, at this hour, are still waiting definitive news with regard to the crew of that ship. The casualties number four dead, approximately 12 missing, and some 35 to 36 suffering wounds. Still the facts are coming in.

This clearly shows the danger; it shows the risks the men and women of the Armed Forces are taking—not only in the Middle East region. This, of course, happened in a port in Yemen. The ship was on a routine refueling, a matter of hours, as it worked its way up towards the Persian Gulf to take up

its duty station in enforcing the United Nations Security Council sanctions against Iraq. Because of the smuggling that is taking place in violation of those sanctions, those are dangerous tasks and they are being performed every day by men and women of the U.S. Armed Forces, Great Britain, and other nations. Air missions are being flown over Iraq every day, and often those missions are encountering ground fire and other military activity directed against them. We must be a grateful nation for the risks that are constantly assumed by the men and women of the U.S. Armed Forces and their families.

The Senate will have an opportunity to get further facts in the course of the day.

I will now direct my attention to this particular bill, and I see the distinguished President pro tempore, the former chairman of the Senate Armed Services Committee. It is my privilege to succeed him. As an honor to our distinguished former chairman, I ask he lead off the debate on this bill today.

Mr. THURMOND. Thank you very much. I appreciate your fine work as chairman.

Mr. President, before I discuss the conference report on the Defense authorization bill, I want to join my colleagues in expressing my condolences to the families of the sailors killed and wounded in this morning's attack on the U.S.S. *Cole*. This heinous attack again demonstrates the constant peril faced by our military personnel and reinforces the need for this Nation to maintain its vigilance at all times.

Mr. President, I join Chairman WARNER and Senator LEVIN, the ranking member of the Senate Armed Services Committee, in urging my Senate colleagues to support the conference report to accompany the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. The report, which is the culmination of hundreds of hours of work by the Senate and House Armed Services Committees, is a continuation of the Congress' efforts to reverse the decline in the readiness of our armed forces. It increases the President's budget request by more than $4 billion. More important, it directs the additional resources to the critical areas of procurement, research and development, and improving the quality of life for our military personnel and their families.

The chairman and ranking member have already highlighted the significant aspects of this bill. However, I do want to comment on the comprehensive health care provision for Medicare-eligible military retirees and the Energy Employees' Occupational Illness Compensation Program, both of which I consider significant aspects of this legislation. The health care provision is long overdue legislation that will ensure our military retirees and their families receive life-long health care committed to them as a condition of their service. It will significantly ease the uncertainty regarding health care and financial burden for thousands of military retirees who have dedicated their lives to the service of the Nation. The occupational illness compensation provision provides fair and just compensation to the thousands of workers who were exposed to dangerous levels of hazardous material and other toxic substances while they worked on the Nation's nuclear weapons programs. Although I understand that these benefits come at a significant financial cost, we must keep in mind our commitment to these patriots and remember the greatness of a Nation is not how much gold or wealth it accumulates, but on how it takes care of its citizens, especially those who serve in the Armed Forces.

As with all conference reports, there are disappointments. I am particularly disappointed that the provision to increase the survivor benefit plan basic annuity for surviving spouses age 62 and older was dropped during the conference. The provision would have increased the survivor benefit plan annuity for these individuals from 35 percent to 45 percent over the next four years. I understand that despite the obvious merit of the legislation it was dropped during the conference because it would have cost $2.4 billion over the next 10 years. I find this ironic, since there is more than $60 billion in direct spending attributed to this conference report.

Despite my disappointment regarding the survivor benefit plan provision, this is a strong defense bill that will have a positive impact on the readiness of our armed forces. It is also a fitting tribute to my friend FLOYD SPENCE, the Chairman of the House Armed Services Committee, to have this bill named in his honor. FLOYD has worked tirelessly for our military personnel throughout his long and distinguished career in the House of Representatives. Regrettably, due to the House Rules he will give up the chair of the Armed Services Committee at the end of this session. Although he will be missed as chairman, his leadership and concern for our military personnel will have a lasting legacy in this conference report and FLOYD will continue to serve the people of South Carolina and the Nation as a member of the House Armed Services Committee.

I congratulate Chairman WARNER and Senator LEVIN on this conference report and urge my colleagues to give it their overwhelming support.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe there is a parliamentary inquiry from our colleague. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that following the Senator from Virginia and the Senator from Michigan, I be allowed to speak.

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

Mr. WELLSTONE. I thank the Chair.

Mr. WARNER. Mr. President, of course, his request is in the unanimous consent agreement, and, of course, we will observe it.

Today the Senate begins consideration of the conference report to accompany H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Before I discuss the provisions of the conference report, I want to report that my fellow Senators on the conference panel and I enthusiastically joined the House conferees in naming this bill. Representative FLOYD SPENCE has served as the chairman of the House Armed Services Committee for the last six years. His chairmanship, however, represents only a portion of the almost 30 years Representative SPENCE has been a tireless and dedicated supporter of the military men and women in uniform. As chairman of the committee, in particular, he has led the committee and the House of Representatives in addressing the many challenging national security issues that have confronted our nation in the wake of the cold war. Representative SPENCE has accomplished this undertaking with distinction. From this former Marine captain to a retired Navy captain, I salute him for his leadership. Under the rules of the House, he will relinquish command of the committee at the end of this Congress. Representative SPENCE will remain a member of the committee, and I look forward to continuing to work with him in the many years to come.

This legislation will have a profound, positive impact on our nation's security and on the welfare of the men and women of the Armed Forces and their families. For the second year in a row, the conference report before the Senate authorizes a real increase in defense spending. We have built on the momentum begun last year by authorizing $309.9 billion in new budget authority for defense for fiscal year 2001—$4.6 billion above the President's budget request. And how have we allocated this increase? This bill authorizes $63.2 billion in procurement, which is $2.6 billion above the President's budget request; $38.9 billion in research, development, test and evaluation, which is $1.1 billion above the President's request; and $109.7 billion in operations and maintenance funding, which exceeds the budget request by $1.0 billion.

It is said that success has a thousand fathers and failure is an orphan. The majority of credit for the successes in this bill however, can be attribute to five distinguished and decorated fathers: the Chairman of the Joint Chiefs

of Staff and the four service chiefs. General Shelton, General Shinseki, Admiral Clark, General Jones, and General Ryan came to Congress repeatedly during this session and presented to the Senate Armed Services Committee their concerns about the state of the Armed Forces today. They also shared with us their observations about the future. They have consistently shared this information with us in a reasonable, earnest, and nonpartisan manner. We greatly appreciate their candor and contributions to this process.

We all recognize that our military today is over deployed and under recourced—both in terms of people and money.

Since the early 1990s, the U.S. military has been sent on operations overseas at an unprecedented rate; at the same time that force structure was reduced by a third and defense spending was declining. From the end of the Viet Nam War until 1989, there were 60 military deployments. From 1990 to today, there have been 343 deployments—a 571 percent increase. These statistics accurately tell the story. This trend has increased the risk to our forces and has exacerbated the recruiting and retention problems in the military. This cannot continue.

While the rate of military deployments is established by the President, the Congress, within our constitutional powers, is continuing to support the Armed Forces by improving the quality of life for the men and women in uniform and their families, by providing for funding increases to address declining readiness problems, aging equipment, and recruiting and retention difficulties. The conference report does this. For the servicemen and women deployed around the world, and the families at home that wait their return, they should know that the Congress is steadfastly behind them.

I turn now to what is one of the most important single item in this conference report—military healthcare, particularly for our retired personnel and their families. History shows they are the best recruiters of all.

The conference report before the Senate fulfills an important commitment of ''healthcare for life'' made by the recruiters—the U.S. Government—beginning in World War II and continuing through the Korean war and the Viet Nam war. The goal of making that commitment was to encourage service members to remain in uniform and become careerists. Simply put, a commitment of health care for life in exchange for their dedicated career service.

Again, this convergence report fulfills the promise of healthcare for life. I am proud of the bipartisan unanimity with which the Senate Armed Services Committee supported this initiative—an initiative never taken before by an congressional committee.

Let me describe for my colleagues and for our active and retired service members around the world the legislation in this conference report to authorize health care benefits for Medicare-eligible military retirees and their families, and how we arrived at this outcome.

For as long as I can remember, military recruits and those facing re-enlistment have been told that one of the basic benefits of serving a full military career is health care for life. We all know now that this commonly offered incentive was not based in statute, but was, nonetheless, freely and frequently made; it is a commitment that we must honor.

Let me briefly review the history of military health care. Military medical care requirements for activity duty service members and their families were recognized as early as the 1700's. Congressional action in the last 1800's directed military medical officers to attend to military families whenever possible, at no cost to the family. During World War II, with so many service members on activity duty, the military medical system could not handle the health care requirements of family members. The Emergency Maternal and Infant Care Program was authorized by Congress to meet this road. This program was administered through state health agencies.

The earliest reference in statute defining the health care benefit for military retirees was in 1956 when, for the first time, the Dependent's Medical Care Act specified that military retirees were eligible for health care in military facilities on a space-available basis. In 1966, this Act was amended to create the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, to supplement the care provided in military facilities. This legislation, in 1966, specifically excluded from coverage military retirees who were eligible for Medicare—a program which had been enacted by the Congress one year earlier, in 1965.

The exclusion of over age 65, Medicare-eligible military retirees from guaranteed care from the military health care system was masked for many years because the capacity of military hospitals an the military medical system exceeded that required to care for active duty service members; therefore, many Medicare-eligible retirees were able to receive treatment, on a space-available basis, at military facilities. In the 1990s, we began to reduce the size of our military services and the base realignment and closure, BRAC, rounds began to close bases—and military hospitals—all across the Nation. The combined effect of fewer military medical personnel to provide care and the closure of over 30 percent of the military hospitals eliminated the excess capacity that had been so beneficial to military retirees. Also during this decade the retiree population grew dramatically, adding pressure to the military health care system. The true magnitude of the problem was finally exposed.

All of us have heard from military retirees who served a full career and, in so doing, made many sacrifices. Many times the sacrifices these heroic veterans made resulted in serious medical conditions that manifested themselves at the time in their lives when they were pushed out of the military health care system. As a nation, we promised these dedicated retirees health care for life, but we were ignoring that promise.

On February 23, 2000, I introduced a bill, S. 2087, that provided for access to mail order pharmaceuticals for ALL Medicare-eligible military retirees, for the first time. The legislation also would improve access to benefits under TRICARE and extend and improve certain demonstration programs under the Defense Health Program.

On May 1, 2000, I introduced S. 2486, which added a retail pharmacy component to the previous legislation, providing for a full pharmacy benefit for all retirees, including those eligible for Medicare.

On June 6, Senator TIM HUTCHINSON and I introduced S. 2669, a bill that would extend TRICARE eligibility to all military retirees and their families, regardless of age. Later that same day, I amended the defense authorization bill to add the text of S. 2669. This legislation provided uninterrupted access to the Military Health Care System, known as TRICARE, to all retirees.

While the Senate bill extended TRICARE eligibility to all military retirees and their families regardless of age, the defense authorization bill passed by the House of Representatives took a different approach. The House bill expanded and made permanent the Medicare subvention program. Medicare subvention is a program that is currently being tested in ten sites across the country. Under Medicare subvention, the Health Care Financing Agency of the Department of Health and Human Services reimburses the Department of Defense for providing health care to Medicare-eligible military retirees in military hospitals.

There are several problems with Medicare subvention. First, the amount of the reimbursement from Medicare to DOD falls well short of the actual cost of providing that care, causing DOD to absorb a loss for each retiree covered by the program. Second, expanding Medicare subvention nationwide would provide access to health care only for those beneficiaries living in proximity to the remaining DOD medical facilities. In contrast, the Senate bill covered 100 percent of the Medicare-eligible military retirees, regardless of where they live.

As many of you know, since the defense authorization conference began in late July, Senate and House conferees have been working toward the

mutual goal of adopting legislation which would provide comprehensive health care to all military retirees, regardless of age. I am pleased to announce that the conference report to accompany the National Defense Authorization Act for Fiscal Year 2001 includes a permanent health care benefit for retirees—modeled on the Senate bill. I am delighted that we have honored the commitment of health care for life that was made to those who proudly served this nation. This is long overdue.

It had always been my intent to make this health care benefit permanent. In fact, when I originally introduced my legislation in February, with the support of many in the Senate, there was no time limit on the benefits contained in my amendment. During Senate floor consideration, a discussion arose about whether a budget point of order could be made against the bill due to the mandatory costs of the amendment. At that point, I made the decision to limit the provision to a preliminary 2-year period to ensure that there would be no point of order against the authorization bill. We knew of Senators who had a legitimate interest in raising such a point of order, and I did not want to put the bill at risk.

All through this process, I have made clear my commitment to work to make these benefits permanent at the earliest opportunity.

During the defense authorization conference we had an opportunity to make my retiree health care provisions permanent by converting the benefit to an entitlement and creating an accrual account in the Treasury. This conversion to an entitlement would not occur until fiscal year 2003.

Let me describe how funding the health care benefit through an accrual account would work. Accrual method of financing is more of an accounting mechanism than a change in funding. Using an accrual method of financing does not, in itself, increase the costs of a program. Accrual funding is commonly used in entitlement programs; one example of an accrual account is the military retirement account. The Department of Defense would annually deposit such funds, as determined by the actuarial board, into the accrual account in the Treasury. The Treasury, which would absorb the liability for certain costs attributed to providing health care, would also make an annual deposit to the accrual account. The costs of the health care benefit would than be paid from the accrual account.

The net effect of funding this important program as an entitlement would be similar to funding it from within the discretionary accounts of the Department of Defense. While a significant portion of the burden of funding this program is moved from the Department of Defense budget, there is little net cost to the federal government.

Permanently funding the military retiree health care benefit will be seen by retirees, active duty service members and potential recruits as the nation keeping it's commitment of health care for life to military retirees. Those serving today and those who are joining the military will see that the promise of a lifetime of health care, in return for serving a full career, will be honored in perpetuity.

Two weeks ago, in testimony before both the Senate Armed Services Committee and the House Armed Services Committee, General Hugh Shelton, Chairman of the Joint Chiefs of Staff, and each of the service chiefs strongly supported making this benefit permanent and using the accrual account method of financing. The Joint Chiefs have repeatedly testified that failing to honor the commitment to our retirees has been detrimental to their recruiting and retention efforts.

During our conference we made many tough decisions on issues that are very important to many Senators. I resisted every proposal that would potentially generate a point of order against the conference report. The accrual funding mechanism and the direct spending associated with the retiree health care benefit will make our conference report vulnerable to a motion to raise a point of order against our bill which would require a 60 vote majority to overcome. It is any Senator's legitimate right to take such an action. While I respect the right of any Senator to raise a point of order, I am urging my colleagues to consider the benefits of the health care provisions in this bill, which are fully justified. We would not want to leave our over-65 military retirees in doubt about our intentions with respect to their medical care. They must make critical decisions regarding their medical insurance plans and medical care. By making this health care plan a permanent entitlement, we are truly fulfilling the commitment made to all those who have completed a career in uniform.

If such a point of order is sustained, then the Defense authorization conference report will have to be recommitted to a new conference. There is simply not enough time in this Congress to commence a new conference.

If the Defense authorization conference report is not passed, there will be no health care benefit for Medicare-eligible military retirees. If the defense authorization conference report is not passed, this would be the first time in 38 years that the Congress has not passed a Defense authorization bill. That would be a tragedy. What a terrible signal to send to our brave men and women in uniform defending freedom around the world.

In addition to restoring our commitment to our retirees, the conference report also includes a number of important initiatives for active and reserve men and women in uniform today. The conferees authorized a 3.7 percent pay raise for military personnel effective January 1, 2001 and a revision of the basic pay tables to give noncommissioned officers an additional pay increase, effective July 1, 2001. I cannot understate the importance of providing our noncommissioned officers with this support. They are our career soldiers, sailors, airmen, and marines; tried and true, they are the backbone of our military and are more than deserving of this pay raise.

We included a provision to reduce the number of military personnel on food stamps. The conference report would provide up to $500 per month in an additional, special pay for military personnel who are eligible for food stamps. By our estimates, this provision should reduce the 6,000 military personnel estimated by DOD to be on food stamps today by about half. To further assist our most needy service members, the conferees agreed to eliminate the requirement that service members pay 15 percent of their housing costs out of their own pocket and directed implementation of the Thrift Savings Program of active and reserve service members.

The conference report extends current and authorizes additional recruiting and retention bonuses and special pays. If the bill is not enacted into law, all of these bonuses will expire on December 31, 2000. If the services are not able to offer the recruiting and reenlistment bonuses, their recruiting and retention progress of this past year will be for naught.

Also important to improving the quality of life for servicemen and women and their families is our continuing support for the modernization, renovation, and improvement of aging military housing. This conference report contains $8.8 billion for military construction and family housing, an increase of $788.0 million above the administration's request. More than $443.0 million of this amount is for the construction of 2,900 family housing units—800 more homes than last year. The conference report also provides more than $585.0 million to renovate and upgrade critical barracks space for unaccompanied military personnel and more than $660.0 million for vital military construction projects for reserve components.

This conference report also supports a group of dedicated men and women, who, while not in uniform, provided an equally important contribution to the defense of the Nation. The conference report establishes a new program to compensate Department of Energy, DOE, employees and DOE contractor employees who were injured due to exposure to radiation, beryllium, or silica while working at certain DOE defense-

related nuclear facilities. This new program is intended to compensate those employees who, for the past 50 years, have performed duties uniquely related to nuclear weapons production and testing. Eligible employees would receive a lump sum payment of $150,000 and payment for all future medical costs related to the covered illness.

At this point, I recognize the important contributions of Senators THOMPSON, VOINOVICH, MCCONNELL, and DEWINE and their staff in crafting the final conference outcome on DOE workers compensation. Although they were not conferees, they were involved every step of the way as we negotiated this important issue with the House. They are to be commended for their tireless efforts on behalf of DOE workers.

I will now briefly highlight just a few of the important measures in this bill which support modernization and operations of our land, sea, and air forces, and which support our continuing efforts to identify and counter the emerging threats—information warfare or the use of weapons of mass destruction.

The conference report:

Increases funding by over $888.0 million for the primary military readiness accounts for ammunition, spare parts, equipment maintenance, base operations, training funds, and real property maintenance. While the additional funds that the conferees have provided will help with some of the most critical shortages in these areas, further efforts will be required over the next several years if we are to restore the Armed Forces to appropriate levels of readiness;

Supports the Army's transformation efforts by: authorizing an additional $750.0 million for this initiative; directing the Army to provide a plan that charts a clear course toward the fielding of an objective force in the 2012 time frame; and requiring an evaluation of equipment alternatives for Interim Brigade Combat Teams;

Adds $560.0 million to the President's budget request for ship construction;

Adds $15.7 million for five additional Weapons of Mass Destruction Civil Support Teams, WMD–CST, which will result in a total of 32 WMD–CSTs by the end of fiscal year 2001. WMD–CSTs, formerly known as Rapid Assessment and Initial Detection, RAID; Teams, are comprised of 22 full-time National guard personnel who are specially trained and equipped to deploy and assess suspected nuclear, biological, chemical, or radiological events in support of local first responders in the United States.

Includes a provision that would designate one Assistant Secretary of Defense as the principal civilian advisor to the Secretary for Department of Defense activities for combating terrorism. This provision—which is critically needed—ensures that there is a single individual within the Department responsible for providing a focused, comprehensive and well-funded DOD policy for combating terrorism.

Provides additional funding to address several of the Department of Defense's most critical shortfalls in combating cyber-warfare threats. The conference report adds $15.0 million to create an information Security Scholarship Program to address shortages in skilled DOD information assurance personnel by providing essential training and education in exchange for a service commitment, and $5.0 million to establish an Institute for Defense Computer Security and Information Protection to conduct critical research and development that is currently not being done by DOD or the private sector, and to facilitate the exchange of information regarding cyberthreats and related issues;

Adds $146.0 million to accelerate technologies leading to the development and fielding of unmanned air combat vehicles by 2010 and unmanned ground combat vehicles by 2015. This initiative will allow the Department to exploit the opportunities created by the rapid pace of technological development to provide our men and women in uniform with the most advanced weaponry and leverage these developments in a way that minimizes the risk to those deployed in harm's why;

Authorizes a net increase of $391.8 million for ballistic missile defense programs including a $129.0 million increase for National Missile Defense risk reduction, an $85.0 million increase for the Airborne Laser program, and an $80.0 million increase for the Navy Theater Wide missile defense program;

Reduces the congressional review period from 180 days to 60 days for changes proposed by the administration on the export control levels of high performance computers;

Ensures service contractors receive prompt and timely payment from the Department of Defense by requiring a plan for the electronic submission of supporting documents for contracts and the payment of interest for service contracts for payments more than 30 days late;

Authorizes $470.0 million in federal assistance to the Nation's firefighters over the next two years. The conference report also establishes a framework for the review and reauthorization of the program at the end of that time.

I would now like to take a few moments to address a provision which is not in the final conference report—the Warner-Kasich amendment on Kosovo.

As my colleagues know, I started the legislative effort to get our European allies to live up to the commitments they have made to provide assistance to the peacekeeping operation in Kosovo shortly after returning from a trip to the region in January. I was greatly troubled by what I saw in Kosovo—a U.N. peacekeeping mission that was out of money; a civil implementation effort that had barely begun, almost seven months after the war had ended; and U.S. and other NATO troops having to make up for shortfalls on the civilian side by performing a variety of non-military missions, from performing basic police functions to running towns and villages, to acting as judges and juries. I could not allow this situation to continue without reviewing the issue with our allies and bringing it to the attention of my colleagues.

The United Sates bore the major share of the military burden for the air war on behalf of Kosovo—flying almost 70 percent of the strike and support sorties, at a cost of over $4.0 billion to the U.S. taxpayer and great personal risk to our aviators. In return, the Europeans promised to pay the major share of the burden to secure the peace. European nations and institutions quickly volunteered billions in assistance and thousands of personnel for the effort to rebuild Kosovo. Unfortunately, as I discovered in January, these resources and personnel were not making their way to Kosovo—commitments were simply not becoming realities.

I introduced legislation that had a very clear and simple purpose: to tell our European allies that we would not allow the commitment of U.S. military personnel to Kosovo to drift on endlessly because of the failure of the Europeans to live up to their commitments. My legislation would have done no more than hold our allies accountable for the pledges and commitments they freely made.

For a variety of reasons, a form of the legislation that I originally sponsored failed in the Senate on a close vote. However, Congressman KASICH, after consulting with me, pursued similar legislation as an amendment to the defense authorization bill in the House of Representatives. The Kasich amendment passed the House by an overwhelming margin—over 100 votes. It was this amendment that we addressed during our conference.

I believe that the legislation Congressman KASICH and I jointly pursued this year has had a very positive effect. Money and personnel for civil implementation efforts are now flowing into Kosovo. Our allies are making credible progress in fulfilling their commitments. The civil implementation effort in Kosovo is now moving forward. While more clearly needs to be done, it was the feeling of a majority of the conferees—myself included—that the Kosovo legislation had largely achieved its purpose, and keeping this legislation in the final conference report could have a negative impact on

relations with our allies and, perhaps, developments in Kosovo.

In place of the Kasich language, the conferees included a provision which requires the President to submit semiannual reports to the Congress, beginning in December of this year, on the progress being made by our allies in fulfilling their commitments in Kosovo. Such reports will allow the Congress to keep track of developments in this important area. If these reports reveal that progress again lags, it is the intention of this Senator to pursue legislation in the future designed to ensure greater burden sharing by our European allies in this crucial venture.

In conclusion, I want to thank all of the members and staff of the Senate and House Armed Services Committee for their hard work and cooperation. This bill sends a strong signal to our men and women in uniform and their families that Congress fully supports them as they perform their missions around the world with courage and dedication.

I am confident that enactment of this conference report will enhance the quality of life for our service men and women and their families, strengthen the modernization and readiness of our Armed Forces, and begin to address newly emerging threats to our security. I strongly urge my colleagues to adopt the recommendations of the conference committee.

Mr. President, I especially thank my distinguished friend and ranking member for the cooperation he has given me. This is the 22nd year we have served together in the Senate. We have been partners all these many years. We are proud to have the joint responsibility of the leadership of the committee that tries at every juncture to exert wisdom and decisions reflecting bipartisanship and, as in the famous words of another Senator, we check politics at the water's edge, particularly as it relates to the forward-deployed troops of our Armed Forces.

We are proud of that record. We have worked together very well. There was unanimous signing of the conference report which is presently before the Senate. I am very proud of the participation of all members of our committee and, indeed, the superb staffs of both the majority and minority.

I join my distinguished colleague, the President pro tempore and former chairman, in recognizing this bill is named for FLOYD SPENCE, the chairman of the House committee. Chairman SPENCE has served many years. He was a World War II veteran in the Navy and rose to the rank of captain. He has had a distinguished public service record in the United States. It is most fitting that this bill be named in his honor.

Mr. President, I see the presence of our distinguished colleague from Alabama. Perhaps he would like to follow the Senator from Minnesota.

Mr. SESSIONS. If that is appropriate, I will be honored to follow the Senator.

Mr. WARNER. Senator WELLSTONE, to be correct. Mr. President, I ask unanimous consent he be recognized following Senator WELLSTONE.

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

Mr. WARNER. Mr. President, unless the managers, Mr. LEVIN or myself, for some reason need to be recognized.

For the second year in a row, the conference report before the Senate authorizes a real increase in defense spending. We have built on the momentum of last year by authorizing $309.9 billion in new budget authority for Defense for the fiscal year 2001, $4.6 billion above the request of the President of the United States.

That additional funding over and above the President's request was the result of the actions of many Senators, most particularly our Senate leadership, Republican and Democratic, the Budget Committee chairman, Senator DOMENICI, the ranking member, and others, and I certainly had a strong hand in it. We had a record to take before the Senate to justify that increase, and that record, in large measure, was put together by the Joint Chiefs of Staff; specifically, the Chiefs of the Services who have periodically come before the Congress and, in accordance with the clear understanding between the Congress and the Service Chiefs, to give us their opinions with regard to the needs for their respective military departments and, indeed, the other departments. They give us those professional opinions, even though those opinions at times are at variance with the statements of the President, the Secretary of Defense, and possibly even the Chairman of the Joint Chiefs of Staff.

The Service Chiefs have come forward repeatedly and told us about the needs over and above budget requests. Therefore, at this time, I specifically thank them for their service and thank them also for standing up for those in uniform and their families in their respective military departments.

When you are down there, whether it is an enlisted man or junior officer, looking up to those four-stars, it is a long way, but they are the leaders and they are the most trusted of all, the most unbiased. When it comes to politics, there is not a trace. They are there for the interest of our Nation and most specifically for those who every day follow their orders. I thank them.

They confirmed what we all know: That today, the U.S. military is overdeployed and underresourced, resource in terms of people, dollars, procurement, and O&M funds. I will go into detail about them in the course of this debate.

Since early 1990, the U.S. military has been sent on operations overseas at an unprecedented rate. At the same time, that force structure was reduced by a third and defense spending was declining every year up until 2 years ago. From the end of the war in Vietnam until 1989, the records of the Pentagon show there were 60 military deployments.

From basically 1989 until today, there have been 343 deployments in sharp contrast to the 60 in the preceding period. This represents over a 500-percent increase in our deployments. These statistics tell the story.

I am not suggesting in any way that most of these deployments were absolutely essential. Many were in the vital security interests of the United States. As I think quite properly, those contending for the Presidency today, both Republican and Democrat, have pointed out that they will watch very carefully what has been brought to the attention, largely by the Congress and the Chiefs, that they are overdeployed and underresourced. Those are the statistics of this period basically from 1989 until today.

While the rate of military deployments is established by the President, the Congress, with our constitutional powers, is continuing to support the Armed Forces by improving the quality of life for the men and women in uniform and their families, and the President, in his budget submissions, has done that. But each time in the past 3 years, the Congress has gone above the President's request to add what we can, given the budget constraints, to further improve the quality of life of the men and women in the Armed Forces, to further increase procurement, to further increase O&M funds because we are highly aware of that theme—overdeployed and underresourced.

The conference report takes great strides in the direction to improve, over and above that requested by the President, the quality of life of our men and women and, I may say, the retirees.

I am proud of our committee. The Senate Armed Services Committee, the records show, is the first committee in the Senate to recognize the need for revising the health care program for career military retirees. Basically, that is 20 years or, in the case of those who have medical retirement, earlier than 20, but the career military have long been neglected.

I want to credit the many organizations and many individuals who approached this chairman, who approached, I believe, every Member of the Senate, and brought to their attention the need for correction. That correction, I am proud to say, is incorporated in this conference report and will be given in great detail.

Basically, these retirees, in my judgment, have been entitled to this for many years. In my judgment, they were promised this. At a later point in

this debate, I will go into the specifics because I have researched it way back. And now, at long last, in this 2001 appropriations, we make the start for a health care program to have the care for those retirees which they deserve and to which they have been entitled for many years. One of the most important single items in this conference report is this military health care.

History shows that our military retirees are the best recruiters of all. One of the direct consequences of our military being overdeployed and underresourced—I will use that refrain over and over again—has been the difficulty in recruiting the needed personnel, the difficulty in retaining the middle grade officers primarily, and the middle grade enlisted, particularly those with skills that are in direct competition with our ever-burgeoning economy in the private sector, who know full well that to get a military person—trained in computers, trained in electronics—they know they get a well-trained, well-disciplined, reliable employee.

That is quite a lure to these young men and women who are overdeployed, who suffer so much family separation. There has been an over 500-percent increase in these military deployments in the past decade or so. So that is the reason we are having difficulty in meeting our recruiting goals.

But we are beginning to put a fix in to take care of the retirees, so once again they can go out, as they have done in the past—I am not suggesting they withstood recruiting, but certainly some of the incentive has been lacking because they have not been treated fairly—and, once again, they will be in the forward vanguard of recruiting. They are the best recruiters of all.

I have to say on a personal note, my father served in World War I. I am very proud of his service and believe he recruited me in World War II by simply saying: It is your duty, son. Although I had very modest service at the conclusion of, the end of that war, fathers like him all throughout the country—and some mothers—were the recruiters long before we got to the recruiting station.

The conference report before the Senate fulfills an important commitment of health care for life, as we have determined because in World War II, history shows, and continuing through the Korean war, and indeed through Vietnam, the goal of making that commitment was to encourage service members to remain in uniform and become careerists. Simply put, there was the commitment of health care for life in exchange for their dedicated career service.

Let me describe for my colleagues and for our active and retired service members around the world the legislation in this conference report to authorize health care benefits for Medicare-eligible military retirees and their families. First, our committee, we were in the forward vanguard of this. Then we were joined by the House. But let me describe what we have done in this bill jointly—Senate and House—in this conference report.

Military medical care requirements for active duty service members and their families were recognized as early as the 1700s. That is how far back in the history of our country it goes—George Washington's Continental Army. Congressional action in the late 1800s directed military medical officers to tend to military families, whenever possible, at no cost to the family.

During World War II, with so many service members on active duty, the military medical system could not handle the health care requirements of many family members. The Emergency Maternal and Infant Care Program was authorized by Congress to meet that need in that wartime period. This program was administered through State health agencies. The earliest reference in statute defining the health care benefit for military retirees was in 1956, when for the first time, the Dependent's Medical Care Act specified that military retirees were eligible for health care in military facilities on a space-available basis.

In 1966, a decade later, this act was amended to create the Civilian Health and Medical Care Program of the Uniformed Services, called CHAMPUS, to supplement the care provided in military facilities. This legislation, in 1966, specifically excluded from coverage military retirees who were eligible for Medicare, a program which had been enacted by the Congress 1 year earlier, in 1965.

All of us have heard from military retirees who served a full career and in so doing made many sacrifices. Many times the sacrifices these heroic retirees made resulted in serious medical conditions that manifested themselves in a time in their lives when they were pushed out of the military health care program. As a nation, we promised these dedicated retirees health care for life, but at that period we were ignoring that promise of America.

On February 23, 2000, I introduced a bill, S. 2087, that provided for access to mail-order pharmaceuticals for all Medicare-eligible military retirees. This was the first time that has ever been done. The legislation would also improve access to benefits under TRICARE and extend and improve certain demonstration programs under the Defense Health Program.

On May 1, 2000, I introduced S. 2486, which added a retail pharmacy component to the previous legislation, providing for a full pharmacy benefit for all retirees, including those eligible for Medicare.

Now, I staged this purposely because throughout this period I was in consultation with the many veterans groups who came forward in that period, experts who had studied this for a long time and brought to my attention the added requirements in the legislation.

While I and other members of the Senate Armed Services Committee were working on this legislation, we were doing so in consultation regularly with those organizations representing the retired military and the Department of Defense. It is interesting, Secretary Cohen had some difficulty, understandably, because of his budget constraints. But I know in his heart of hearts he was concerned about the military retirees, as were the Chiefs. But the time came when the Chiefs had the opportunity to express their opinions, which, as I say, were at variance with those of the Secretary of Defense and, indeed, the President. They told us about the need for this legislation.

So while I thank the Senate and most particularly our committee for pioneering this effort for the first time in the history of the Congress, we owe a debt of gratitude to so many others who helped us, gave us the encouragement, and, indeed, showed us the path to follow.

On June 6, Senator TIM HUTCHINSON and I introduced S. 2669, a bill that would extend TRICARE eligibility to all military retirees and their families regardless of age. Later that same day, I amended the Defense authorization bill to add the text of S. 2669. This legislation provided uninterrupted access to the military health care system, known as TRICARE, to all retirees.

While the Senate bill extended TRICARE eligibility to all military retirees and their families regardless of age, the Defense authorization bill passed by the House of Representatives took a different approach. I respect their approach, but it was different from ours.

The House bill expanded and made permanent the Medicare subvention program. Medicare subvention is a program that is currently being tested in 10 sites across the country. Under Medicare subvention, the Health Care Financing Agency of the Department of Health and Human Services reimburses the Department of Defense for providing health care to Medicare-eligible military retirees in military hospitals.

There were two significant problems with Medicare's subvention in the judgment of the Senate, and particularly the conferees, when we got to conference.

First, the amount in the reimbursement from Medicare to DOD falls well short of the actual cost of providing that care, causing DOD to absorb a loss for each retiree covered by the program.

Second, expanding Medicare subvention nationwide would provide access to health care only for those beneficiaries living in proximity to the remaining DOD medical facilities. In contrast, the Senate bill covered 100 percent of the Medicare-eligible military retirees, regardless of where they live.

This is important; I emphasize that. Many of the military retirees live under very modest circumstances and have sought places in our Nation for their retirement homes which cost less and, therefore, very often are not co-located with large military facilities and military medical hospitals. They are scattered. It has been a burden on some of those people through the years to travel considerable distances to avail themselves of such medical assistance as was afforded to them prior to this bill.

Since the Defense authorization conference began in late July, Senate and House conferees have been working towards the mutual goal of adopting legislation which would provide comprehensive health care to all military retirees regardless of age. I am pleased to announce that the conference report to accompany the National Defense Authorization Act for fiscal year 2001 includes a permanent health care benefit for retirees modeled on the Senate's original version to have it permanent.

I am delighted that we have honored the commitment of health care for life that was made to those who proudly served the Nation on a permanent basis.

I acknowledge the strong participation by the House conferees; indeed, the Speaker of the House and the chairman of the House Subcommittee on Personnel, and Chairman Spence, Chairman Stump. I could mention many who worked on this. That was a subject of some concern in the conference because Senator LEVIN and I, when we had our bill on the floor with provisions which would, in an orderly way, have enabled us to have permanency to this program, were going to be challenged on a point of order. That may occur again today. Frankly, I would rather have it occur today than when this bill first was on the floor 2 months or so ago for various reasons.

So the conferees made the decision—a bold one—that they would make this permanent, and we now present that to the Senate. It had always been my intent to make this health care permanent. In fact, when we originally introduced the legislation in February, with the support of many in the Senate, there was no time limit on the benefits contained in the early Senate bills and amendments. I have covered the history of how we have gotten where it is now permanent.

The net effect of funding this important program as an entitlement would be similar to funding it from within the discretionary accounts of the Department of Defense. There is little net cost to the Federal Government. Permanently funding the military retiree health care benefit will be seen by retirees, active duty service members, and potential recruits, both enlisted and officers, as the Nation keeping its commitment to health care for life to military retirees. Those serving today and those who are joining the military will see that the promise of a lifetime of health care in return for a career will be honored by America.

Two weeks ago in testimony before the Senate Armed Services Committee and the House Armed Services Committee, Gen. Hugh Shelton, Chairman of the Joint Chiefs of Staff, and each of the Service Chiefs strongly supported making this benefit permanent and using the accrual account methods of financing. While I respect the right of any Senator to raise a point of order, I am urging my colleagues to consider the benefits of the health care provisions of this bill which are fully justified. We would not want to leave our over-65 military retirees in doubt about our intentions with respect to their future medical care.

This issue is on the 1 yard line, ready to be carried across for a touchdown by the Senate, hopefully within a matter of hours.

These retirees must make critical decisions regarding their medical insurance plans and medical care. By making this health care plan a permanent entitlement, we are truly fulfilling the commitment made to all those who have completed a career in uniform and to those contemplating a career in the future.

I am going to yield the floor at this time so as to move along. I will return to my remarks at a later point.

I yield the floor to my distinguished colleague. Again, I thank Senator LEVIN for his untiring efforts on our behalf to create this historic piece of legislation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me congratulate Senator WARNER, our chairman, for his distinguished service, as always, for his total commitment to the men and women in the military, for trying to produce a bipartisan product which we have produced again this year. Without his leadership, this would not be possible. I, first and foremost, thank my good friend JOHN WARNER for again coming through with a really good bill that I think will command the large number of votes which will be forthcoming.

Mr. WARNER. Mr. President, I thank my colleague. I know he would wish to share, with me, such credit for this legislation with all members on both sides of the aisle of the Armed Services Committee. We have a great team.

Mr. LEVIN. That was indeed the next point. We are blessed with a committee which operates on a bipartisan basis. The members of the committee work well together. The chairmen of our subcommittees work well. Our staffs work well together. We have many blessings to count being able to serve in this body and to serve our Nation, but surely one of our great blessings is being on a committee which is able to operate on such a bipartisan basis.

I echo Chairman WARNER's comments about the tragedy in Yemen this morning that involved the Navy ship, the U.S.S. *Cole*. Our hearts and prayers go out to the families of those who have been lost in this despicable act of terrorism. Our hearts and prayers go out to the sailors who have survived who are now struggling for life. Our hearts and prayers go out to their families. We are in, as we surely understand, for a long battle against terrorist acts.

I notice my good friend from Kansas on the floor, chairman of the subcommittee that addresses new threats we face. The terrorist threat which was exemplified this morning in Yemen has been repeatedly pointed out by him and other members of the subcommittee and of the Senate as being the type of threat that we face. That kind of terrorist act is a real world threat which is here and now.

That was not a weapon of mass destruction, but it was a weapon that caused massive injury, massive death. We must put our brains and our resources together with allies to try to prevent these kinds of actions from occurring and, when they do occur, to bring the perpetrators to justice.

The Senator from New York has requested that I yield 5 minutes to him so he may make a statement at this time. The order that we had established by unanimous consent was that after my opening statement the Senator from Minnesota would be recognized, and then the Senator from Alabama would be recognized. I want someone on the other side of the aisle to hear this, but I ask unanimous consent that that be modified at this time so I may defer my opening statement to yield to the Senator from New York 5 minutes.

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

The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend, the Senator from Michigan. He is gracious as always, and I appreciate the opportunity to briefly interrupt this proceeding. I also compliment him and Senator WARNER on the bill they have put together. As was mentioned, the whole Chamber admires the bipartisan way in which the Senators from Michigan and Virginia have worked together.

I rise today to say I am stunned and saddened by the violence which has erupted in the Middle East. I am saddened by the loss of four innocent and

brave American sailors, victims of malicious, malevolent, maddening terrorism that has no rationale, no justification.

My prayers and thoughts are with their families, as well as with those who have been injured and those who are missing, and their families as well. Terrorism can strike anywhere at any time. We have to be doing all we can in this Chamber to deal with it.

I am stunned also that after 7 years of good faith negotiations all too many Palestinians still see violence as the means to achieve their ends. The violent pictures we saw of the two Israeli reservists being thrown from a window and brutally beaten is enough to turn anyone's stomach. Pictures such as that and so many other pictures that we have seen are not only very disturbing to us, but it lessens the chances for peace in the Middle East.

I am disappointed and sad that Chairman Arafat has failed to stop or even condemn the violence. Yasser Arafat says he is for peace and he has signed agreements for peace. Yet violence has erupted in the Middle East and not only has he failed to stop it, you don't hear a word of condemnation. Instead, one may feel that he misguidedly thinks violence is a means to an end. I am saddened that a peace process which saw the courage and sacrifice of leaders such as Yitzhak Rabin and Ehud Barak may be crumbling before our eyes. The prospect for peace, at least in the near future, has been shattered by today's events.

I have been a supporter of the Oslo peace process because I truly believe that peace is the only realistic, long-term alternative for Israel and Israel's Arab neighbors. It will be through peace that they achieve strength and security. It will be through peace that Israel will have its future aglow with possibilities. But now, to be honest, I am not so sure what will come of the Oslo peace process, let alone how much more Israel can sacrifice in the name of peaceful compromise which may never come to be. Prime Minister Barak went further than anyone dreamed he could go, and even those exceedingly generous and courageous offers were rejected.

Peace has to be a two-way street; otherwise, it is just empty promises.

Chairman Arafat must be called to task for his inability to control the violence and to embrace peace. The sad truth is that while Israeli leaders were preparing their citizens for peace by bringing them to accept the compromises necessary for peace, Arafat was doing the opposite. He was making false promises to his people and raising false hopes.

If there is to be real peace in the Middle East, Chairman Arafat has a responsibility to prepare his people for peace, not violence. That means changing Palestinian textbooks which still call for the destruction of Israel. It also means stopping the rhetoric of hate concerning Jewish claims to Jerusalem's holy sites. Most of all, it means telling his people, as Ehud Barak has, that compromise is the way to attain a fair and just settlement, and that violence is no longer an option.

As a result, today, sadly, extremists on both sides have been strengthened. Who has benefited from what has happened in the last 10 days? Ideologues, and only ideologues; not average people, whether they be Jew, Arab, Christian, or Moslem.

I believe Mr. Arafat will rue the day he let this genie out of the bottle. He has let forces loose and he now has a tiger by the tail, and I even wonder whether he can survive.

To the Israelis, I say: Stay the course, even at this painful moment. It will be very easy to throw up one's hands and give up. Yes, be strong, and make sure that when a horrible thing such as happened to the two in Ramallah happens, there will be a price paid. But don't give up on the course to peace; don't give up to those who will tell you there is another solution. There is not.

To my fellow Americans, I say: First, we are so saddened, again, by the loss of innocent lives—people defending America as Americans have for more than 200 years. I also say to my American brethren that we can't isolate ourselves, that this conflict in the Middle East is not one on which we can turn our backs. Just look; not only are four Americans dead; several more are missing and many more injured, and oil prices are up. We are carefully watching movements of troops in Iraq and Iran at this moment. We are worried about terrorism even on our own shores. No, we all must stay the course.

As I mentioned, the prospects for peace in the Near East have been shattered by today's actions. Only by strong, courageous but careful and judicious action by people of good will—Americans, Israelis, and Arabs—can those pieces be put back together. I thank the Chair.

Mr. WELLSTONE. Mr. President, if my colleague will yield for 30 seconds, I know other colleagues want to respond, but I say to my colleague from New York in as sincere a way as I can, I thought his words were powerful and eloquent. They were beautifully written, beautifully said, and very important. I want to associate myself with him. I know I can't speak on it as well as the Senator did, so I associate myself with what he said. It is just the way I think about it and feel about it.

Mr. SCHUMER. I thank the Senator.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask the distinguished Presiding Officer this: It is my understanding that the Senator from Michigan will be recognized next, to be followed by the distinguished Senator from Minnesota, to be followed by the Senator from Alabama, Mr. SESSIONS; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTS. I ask unanimous consent that I may be recognized following the remarks by Senator SESSIONS.

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

Mr. LEVIN. Mr. President, while the Senator from New York is still on the floor, I commend him for his thoughtful comments about the Middle East. I was not only struck by the content of his comments, but also by the way in which they were so forcefully and calmly delivered, which I think will reverberate throughout this Chamber.

These are times of great violence in the Middle East. One of the most striking things to me is the silence of Chairman Arafat relative to violence. Prime Minister Barak has said to his own citizens, ''I urge our Jewish citizens to refrain from attacking Arabs and their property under any circumstances.'' From Chairman Arafat, we have had silence about the actions of the Palestinians in the streets. That silence speaks volumes. It was referred to by the good Senator from New York, and I want to again say that I thought his comments were exactly the right substance and tone.

I also want to expand on that one thought, about what we have not heard once from Chairman Arafat, which is a statement saying that violence—by whoever—is wrong. We have not even gotten that much from Chairman Arafat, and it is a huge and very obvious and intentional omission on his part, which speaks very loudly about what his intentions are.

I would be happy to yield to my friend from Nevada.

Mr. REID. Mr. President, I think the Senator from New York summed up my feelings. I think Americans have to understand that tiny, little Israel, the only democracy in that part of the world—surrounded by some of the worst tyrannies in the world—is having a very difficult time right now. If there was ever a country in the history of the United States that has shown their friendship to the United States it has been Israel. During this time of need for Israel, we have to show our friendship toward them—no one wants to see the violence taking place—and recognize that Israel is a democracy. It was in 1948. It is today.

As my friend from Michigan said, I hope we will have Chairman Arafat come forward and do something publicly to denounce what is taking place on the Palestinian side. It has been despicable—from the raiding of the tomb, to the terrible murders of these two Israeli soldiers today.

I support the statement made by my friend from New York, and certainly

my friend from Michigan who is managing this bill. Today, of all days, signifies to me the importance of the work that he and Senator WARNER have done to get this bill to this point so we can authorize the many things that need to be done by the U.S. military. We have talked about the act of terrorism against our U.S. Navy, and this bill addresses that.

As I said yesterday, the Senator from Michigan is to be commended for his work on this bill.

Mr. LEVIN. Mr. President, I thank the Senator from Nevada. He is always thoughtful and on the point. He joins those of us who have commented on the tragic loss of our sailors and on the injuries to our sailors on the U.S.S. *Cole* because not only is it happening at the moment—this act of terrorism—but it is dramatizing what the major threats to our security are. But it is just another reminder of the sacrifices of the men and women of our military and the risk that they face every day in this world.

I thank him for his comments.

I am happy to yield to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank both of my colleagues for not only their kind remarks but for their leadership on this and some other issues. It is a pleasure to serve in the Senate under such leaders as the Senators from Michigan and Nevada. I thank them.

Mr. LEVIN. I thank the good Senator from New York.

Mr. President, let me now continue with my remarks relative to the Defense authorization bill itself.

The most far-reaching step that we have taken in this conference report is to answer the call of Secretary Cohen and the Joint Chiefs of Staff to address shortcomings in the health care program. We provide health care for our military personnel and our retirees and their families. But there are shortcomings. There are gaps. There are holes. There are lapses. We are trying to fill those. We are trying to make the commitment of health care to our military men and women and to their families, and after they retire, a real-world commitment. We want to fulfill the promise of lifetime health care to those who complete a military career by providing, as we do in this bill, that retired members and their families remain in the TRICARE health program for life. When they become eligible for Medicare, TRICARE would serve as a Medigap-type policy and pay virtually all costs for medical care that are not covered by Medicare itself. This means that retirees will be able to choose any medical provider that accepts Medicare, and TRICARE would pay the deductibles and the copayments.

Second, the budget request that we approved improves access to health care for families of active duty members by eliminating deductibles and copayments for care provided by the TRICARE program.

We would also make TRICARE Prime available to the families of service members assigned to remote locations where they don't have access to military treatment facilities. And we provide for physical exams for family members when required for school enrollment.

Finally, we would address the rising price of prescription drugs by providing a generous pharmacy benefit for military retirees. Under this provision, prescriptions filled in a military facility will be free. Prescriptions filled through the military's national mail-order pharmacy will cost $8 for a 90-day supply. Retirees would pay a 20-percent copayment for prescriptions filled in a way which is on an approved list of retail pharmacies. There is the so-called ''network retail pharmacy.'' They would pay a 25-percent copay for prescriptions filled in a non-network retail pharmacy; in other words, from a pharmacy not on the approved list.

I am appalled, as so many Members of this body are appalled, by the rising costs of pharmaceuticals in this country, and by the growing gap between the prices paid for drugs by our citizens and people who live in other countries—frequently, by the way, for prescription drugs manufactured in this country and often subsidized either directly by taxpayers in the form of NIH grants to people who develop those drugs and do the research on them, and indirectly through the Tax Code. We provide credits for research and development. We have this gap between what our citizens pay and citizens in other countries pay for drugs manufactured in the United States. We are not curing that gap in this bill, except we are taking a step relative to military retirees. This step at least addresses that problem for military retirees.

It is my hope that before the end of this session or in the next Congress that we will provide a similar benefit for Medicare beneficiaries.

The importance of this prescription drug program is shown by the effort that was made to achieve it. The importance of this benefit is reflected in the fact that military retirees brought to our attention the extraordinary expense to them of prescription drugs. We are responding to that. We have a moral obligation to respond to that because we made a commitment to them.

This country has a moral obligation surely to our seniors—I think to all of us, but at least to our seniors—to make prescription drugs affordable. We haven't made the same kind of commitment technically to our seniors. But surely we should feel the moral obligation to make sure our seniors have access to affordable prescription drugs. That commitment that we surely should feel, I believe, will be advanced by this action that we are taking relative to our military retirees. Hopefully it will prod us to do the same for all of our seniors as we do for our military retirees in the area of prescription drugs.

We cannot overlook the fact that these provisions are going to be expensive to implement. This bill would establish a new entitlement program for military retiree health care at an estimated cost of $60 billion. The $60 billion cost of this program is over the next 10 years. It is actually, technically, a $40 billion net cost to the Government for reasons that I will go into when we get to the waiver of the point of order relative to the budget.

It is a significant amount of money, $60 billion of direct spending, or $40 billion net, over the next 10 years. Either one of those numbers is a big number. We should be very conscious of what we are doing. That is why it is very important this body act openly and forthrightly on this proposal.

Senator WARNER mentioned that we had made a proposal in committee which would have achieved this same goal on a phased-in basis, first for 2 years and then permanently, in a way which would have met the requirements of the Budget Act without creating a point of order.

In the wisdom of the conferees, we made this a permanent benefit. It is the right thing to do. But there is a cost to it which exceeds the amount of money this committee has been authorized to allocate under our mandatory spending limits. This body will then be offered the opportunity and presented with the question: Do we wish to waive that limit, to use the waiver authority as provided for us in the Budget Act, in order to approve this permanent benefit?

That will be argued at a later time in this debate. I intend to vote to waive the Budget Act and permit this benefit to go into effect for our retirees. However, it is important that this body, when it exceeds these spending allocations, does so in a way where everyone has a chance to recognize what it is we are doing in that regard.

As I said, there was no provision made in this year's budget resolution for this level of mandatory spending. We were given a very small amount, closer to half a billion. There was a way we could have operated within that level in a 2-year program, then expecting to make that permanent later on in a way which would have complied with the Budget Act. But this conference went in a different direction. It is a reasonable approach, perhaps even a more straightforward approach. In any event, it does create this point of order which we now need to address in this bill.

I believe these steps to address problems in the military health care system are the right thing to do. Again,

we just should do so openly. We should not do so blindly. The problem is not with this bill but in the budget resolution itself, which is not realistic in the amount of money it provided for this and for other purposes.

The conference report also includes a title numbered 35 in the Senate bill which is the Energy Employees Occupational Illness Compensation Program. This Nation now has a great debt to the many workers in our nuclear weapons facilities who played such a vital role in winning the cold war, a deterrent which they produced which was able to deter aggression to help maintain security and peace. But we now know that many of these workers were exposed to dangerous radioactive and chemical materials in the course of their work, and they are now suffering from debilitating and often fatal illnesses as a result. It is simple justice that these workers and their families should be compensated for those illnesses.

The Department of Energy Employees Occupational Illness Compensation Act provides that compensation, and it does so in a fair and balanced manner. We were able to overcome significant opposition in the House of Representatives and provide compensation to the loyal Department of Energy workers who were poisoned by that work in support of our Nation's defense. Now there is a cost. We should be aware of that cost. It is a cost of $1.1 billion over 5 years and about $1.6 billion over 10 years.

I am particularly pleased that the conferees rejected a House provision which would have prohibited the continued deployment of United States ground combat forces in Kosovo under certain circumstances. What the House provision said was, if the specified contributions by our allies for civilian policing and reconstruction were not met by a target date, then our troops would automatically be withdrawn.

First of all, our European allies are almost to those levels. They are now clearly the senior partner in Kosovo. That is the right thing. We want our allies to be senior partners and the United States to be the junior partner. Many times we are not the senior partner. That is a very good development.

It would be a mistake, and this body voted it would be a mistake, to put in an automatic withdrawal date because of the uncertainty that would create, the weakening of the NATO alliance which would be created, and the negative impact of morale on our men and women who would then believe, somehow or other between now and that automatic removal date, that our troops may be removed. That kind of uncertainty is not healthy either in terms of who our adversary was and could still become theoretically; it is not healthy in terms of the NATO alliance; it is not healthy in terms of the morale of our men and women in uniform.

We have all put pressure on our European allies to do more. It is something in which many of us, if not most of us, believe. They are now doing more. Our response should be a positive response rather than this automatic threat that unless they meet a specified numerical target by a fixed date, something would automatically happen without any further action of the Congress.

The process in the House bill, which was rejected by the Senate after a lengthy floor debate, but adopted by the House, would have led to the automatic withdrawal of our forces, even if there was no action in the future by Congress. That at least, in my judgment, would not have been a responsible exercise of congressional authority but rather its abdication. Putting this on automatic pilot would not have been the best way to exercise congressional authority.

We have the power of the purse, and we have a right to exercise it. If we want to withdraw troops, we have the right to do that. If we have troops in too many places, we have the right to say: Pull them out, don't spend any money to keep them there. We have that responsibility. If we are in too many places, we are the ones with the power of the purse. We can say: Pull forces out of here, pull forces out of there.

The specific effort to do that was made relative to Kosovo. It was rejected. I am glad, by the way, that both the candidates for President rejected that approach. But if we are going to do it, we ought to be accountable ourselves for doing it and not put something on automatic pilot so that something will happen in the future even if we do nothing between now and then. That is not the way I believe the power of the purse should be used.

I believe very deeply in the power of the purse, and I believe there are occasions when we want to say we believe that troops should not be in a certain place and we are not going to provide money for it. But that ought to be done directly and not be done at a future date in the absence of a decision by the Congress.

The conferees also rejected a provision that would have placed burdensome restrictions on our efforts to support the antidrug effort in Colombia. We rejected a provision that undermined our ability to implement agreements designed to prevent development of nuclear weapons by North Korea. We rejected a provision which implied that a national missile defense would be deployed immediately without regard to the system's operational effectiveness or affordability or the impact that it might have on our overall national security. Those were unwise provisions, in my judgment, and I am pleased they were not included in the conference report. I am pleased the conferees did adopt a series of provisions implementing the agreement between President Clinton and the Governor of Puerto Rico regarding the status of training exercises by the Navy and Marine Corps on the island of Vieques. Training on Vieques, as we know, was suspended last year after the tragic death of a security guard at the training range. The Secretary of the Navy, the Chief of Naval Operations, and others have testified that there is just no adequate substitute for that training on the island of Vieques.

As of today, the Commonwealth of Puerto Rico has lived up to its obligations under the agreement. The training range on Vieques has been cleared of protesters with the assistance of the government of Puerto Rico, and Navy training exercises have now resumed on the island with the use of inert ordnance, as provided for in the agreement.

The Navy is working with the citizens of Vieques and others throughout Puerto Rico towards the resumption of live-fire training on Vieques. This bill, hopefully, provides the framework for the resumption of that training.

The President's budget request added $12 billion of defense spending to last year's appropriated levels, and the Congressional Budget Resolution added an additional $4.5 billion. For the most part, the conference report spends this money wisely, to meet needs that were identified as priorities by the Joint Chiefs of Staff or to accelerate items that are included in the Future Years Defense Plan.

The bill also provides funding support and legislative guidance for key Department of Defense priorities, including the Army's transformation plan and the Joint Strike Fighter Program.

On the first point, the conference report provides appropriate support for the Army transformation plan, the plan that was put forward by Secretary Caldera and General Shinseki. The conferees concluded that the Army needs to transform itself into a lighter, more lethal, survivable, and tactically mobile force. We approved all of the funds requested by the Army for this purpose, and we actually added some research money to the amount requested to help the Army in the long-term transformation process.

At the same time, we directed the Army to prepare a detailed roadmap for the transformation initiative and to conduct appropriate testing and experimentation to ensure that the transformation effort is successful.

Mr. President, I have a few more minutes but I have taken a little longer than I expected. I would like, at this point, if the Senator from Minnesota is ready, to yield to him for his presentation.

Mr. WELLSTONE. Mr. President, I do not want to break up the flow of my

colleague. I am pleased to follow the Senator from Michigan.

Mr. LEVIN. Actually, if the Senator from Minnesota is ready to speak at this time, it will work to my convenience if I interrupt myself at this moment and yield to the Senator, but I ask unanimous consent I then be given back the floor for perhaps 10 more minutes of remarks following the Senator from Minnesota.

The PRESIDING OFFICER. Is there an objection?

Mr. SESSIONS. Mr. President, I understand Senator ROBERTS was seeking to speak. Perhaps with that exception? The two of you could talk about that, perhaps.

Mr. LEVIN. I will be happy to comment on the request of the Senator from Alabama because he is correct. As I understand it, the order now is that at the end of my remarks Senator WELLSTONE is to be recognized, the Senator from Alabama is to be recognized, and then the Senator from Kansas is to be recognized.

What I am suggesting is that the remarks of the Senator from Minnesota come now in the middle of my remarks, I then complete my remarks following the Senator from Minnesota, and then we go back to the Senator from Alabama and the Senator from Kansas; if that is all right?

Mr. SESSIONS. That is fine. I have no objection.

Mr. LEVIN. It will just take me 10 minutes more when Senator WELLSTONE has finished. I thank my friend from Alabama.

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

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me again thank Senator WARNER of Virginia for his statement about the crew of the U.S.S. *Cole*. My understanding is four American sailors have lost their lives, others have been injured. As a Senator from Minnesota, I want to express my support and my concern. I do not think we have as yet knowledge of who is behind this. It certainly looks like a well-planned terrorist attack, but I echo the words of my colleague from the State of Virginia.

The chair of the committee, Senator WARNER, and the ranking minority member, Senator LEVIN, are two of the best Senators in the Senate. Therefore, I want to speak with a little bit of humility because I don't want this to come off as arrogant. I want to express my opposition to this bill. I don't think there will be many opposed, but I want to give this at least my best effort.

Let me start out with my own framework. I believe part of the definition of real national security for our Nation is a strong military, but I also think part of the definition of real national security is the security of our local communities—whether it is affordable housing, whether it is affordable child care, whether it is good health care for citizens, or whether we have the best education for every child. It is within this framework that I rise to speak against this bill.

The bill provides $309.8 billion for the military. That is $4.5 billion more than the administration's request and $19 billion above fiscal year 2000 levels. Yet the majority party could not find the additional money for more school counselors, could not find additional money for Head Start. One of the scandals is we keep talking about how important the early years are, we keep talking about how important the Head Start Program is to give children a head start. Yet I think we provide funding for about 3 or 4 percent of the children who could benefit from the Early Head Start Program.

The majority party could find the additional $4.5 billion, above and beyond the administration's request, but they could not find the additional money for affordable housing. They could not find additional money up to this time for prescription drug benefits for elderly people. It is a matter of priorities. I think as long as our country is first in the world when it comes to spending on the military but ranks 10th in the world when it comes to spending on education, we will never achieve our strength and our greatness.

The cry for more money, the rallying cry from some of my colleagues for more Pentagon funding, was for readiness. We have heard about the crisis in readiness, lack of spare parts, inadequate training funds, difficulty retaining pilots and other key personnel, declining quality of life. I am all for the part of this budget that increases funding in these decisive areas. But if you look at the category of spending with the largest increase from fiscal year 2000 to fiscal year 2001, it is procurement of weapons. It is not military readiness, with an 11-percent increase; or operations and maintenance, which funds most of the readiness programs, which goes up 4 percent; or family housing, on the other hand, which actually declines by 3 percent; military construction declines by 6 percent. These figures are from the Pentagon budget authority.

But the real increase in the funding—if you look at fiscal year 1999 to fiscal year 2005, procurement increases 39 percent. This is the largest increase in this Pentagon budget. In fact, 53 percent of the increase in budget authority during this 6-year period goes to new weapons.

I have to ask the question in this post-cold war period, in an opportunity to redefine some of our priorities and to redefine national security and to have a strong military, but also to make sure that we concern ourselves with national security as in the security of local communities—good education, good health care, good jobs, affordable housing. It seems to me this budget does much more for the military contractors than it needs to do, is beyond the President's request. And, frankly, we are in a zero sum game. You cannot have it all. Money spent in one area is money not spent in another area.

I believe that overall what we have before us in this piece of legislation, and the amount of money it calls for, for the Pentagon and military, reflects some distorted priorities. It is for that reason I will oppose this conference report.

Related to this question I have raised about budget priorities is an amendment which was dropped from the conference report. This was an amendment I offered, which was accepted, which asked that we in the Congress do a careful study of child poverty under welfare ''reform'' to find out how children are doing, to find out whether not only has there been a decrease in poverty of children but among those children who are poor—from the last report we received—we have an increase in poverty among children who are poor. I wanted us to do an honest policy evaluation.

Over the last 2 years I have offered this amendment four or five times, and every time it is dropped in conference committee—every single time. It seems to me we would want to know, as we move into the reauthorization of the welfare bill, what this dramatic decline in the welfare roll means. Any fool can throw people off the welfare rolls. That is easy. The question is, Where are the mothers and where are the children and are they better off?

Some I think are better off. For that I am grateful. Some have living-wage jobs and can support their families, and that is what it was supposed to be about. But I am telling my colleagues, I traveled some of the country—I am going to do more over the next 2 years because obviously we need to know what is happening out there—and it is my observation that the vast majority of the women and children are in the following situation: These women are working but now they are working poor. These jobs do not provide anywhere close to our salaries or even close to what would be called a living wage; in other words, on what they can support their families.

From the studies of Families USA and what I have seen with my own eyes, too many of these women no longer have medical assistance for themselves and their children and in all too many situations—Yale and Berkeley did a study on the child care situation—2- and 3-year-olds—these are mothers with children—are in child care situations which at best are inadequate and quite often are dangerous.

We have seen, roughly speaking, a 25- to 30-percent decline in food stamp participation, the major safety net for poor children.

I want to know what is happening out there. I would think colleagues would want to know, but sometimes we do not want to know what we do not want to know.

For the fourth or fifth time, this amendment has been dropped, and I have come to the floor to express my opposition to the dropping of this amendment. The majority party found $4 billion more than the administration requested, I am sorry, but is unwilling to do an honest policy evaluation of the welfare bill, its effect on children, the poverty of children, and whether we can do better for poor children. That is a misplaced priority.

When we come back next year—we will be moving into the period of time of reauthorization of this welfare bill—one of my commitments as a Senator from Minnesota is to do everything I can to focus the Senate, Democrats and Republicans, on an honest policy evaluation of what is happening to poor women and poor children in our country.

I can think of better uses for some of this money in the Pentagon budgets as opposed to new weapons systems, for example. I can see putting more into child care. I can see putting more into education. I can see putting more into expanded health care coverage. I can see putting more into affordable housing. I can see putting more into making sure there is long-term care so elderly people are able to stay at home and live at home with dignity as opposed to being forced into nursing homes. I can see some other priorities.

The Hate Crimes Prevention Act, which was passed by the Senate as an amendment, was taken out of the conference. In the United States of America, surely we as a people no longer accept the proposition that a citizen can be killed or injured because of his or her race, national origin, religion, gender, disability and, yes, sexual orientation.

Not that long ago, James Byrd was dragged to death by the most vicious of racists, and he was killed for only one reason: He was black.

It was less than a year ago that two men were killed and three others were injured in Pittsburgh when a gunman shot them down for only one reason: They were white.

It was only a few months before that when a man went on a shooting spree in Chicago aiming at people for one reason and one reason alone, and that was because they were either black, Asian or Jewish.

Let's not forget Matthew Shepard who was killed in Wyoming for one reason and one reason only: He was gay.

The amendment we adopted in the Senate with 57 votes and was taken out of this conference report would have permitted Federal intervention in serious violent crimes. In addition, the crimes that would have been covered would have included gender, disability, and sexual orientation.

There is not one Senator who can say that Matthew Shepard was not murdered because of hate. By failing to keep this amendment in this conference report, we have communicated a message that says we still tolerate these hate crimes; we are not willing to take strong action.

The majority party took that amendment out of this conference report. The majority party took the hate crimes amendment out of this conference report, and I think we have communicated a terrible message to the country.

Hate crimes are a kind of terrorism. They are not just meant to intimidate the victim but all those who belong to the group and make all of the people victims. They are meant to instill fear. They are meant to communicate the idea that one group of people has supremacy over others. They are meant to dehumanize people. They say not just to the victim but to all those who are like the victim: You are vulnerable and you could be next because you are gay, lesbian, transgender, or bisexual; you could be next because of your disability; you could be next because of your religion; you could be next because of the color of your skin; you could be next because of your national origin. And they took this amendment out of this conference report. I believe that is shameful, and that is another reason I am going to vote against this conference report.

Mr. President, I have 30 minutes reserved. How much time do I have left?

The PRESIDING OFFICER. The Senator has 15 minutes 47 seconds.

STATE DEPARTMENT AUTHORIZATION

Mr. WELLSTONE. I say to my colleague from Alabama, I will take a couple more minutes to speak on one other related issue, not so much to this conference report.

While I am on the floor of the Senate, I express my disappointment—I have to do this with a little bit of a twinkle in my eye—at the eleventh hour attempt by some of my colleagues to ram through—and this is not, I say to the Senator from Virginia, in this conference report; this is separate—an ill-conceived, unjust, and unbalanced ''bankruptcy reform'' through the Senate by co-opting an unrelated conference report, although I am not surprised.

The fact that the House and the Senate Republican leadership is willing to trample the traditions of the Senate in their rush to pass this legislation speaks to the tremendous clout and the financial resources of the financial services industry.

Make no mistake about it, that is why I say I have to have a twinkle in my eye. This is a tactic straight out of ''Invasion of the Body Snatchers.'' Listen to this. House and Senate Republicans have taken a secretly negotiated bankruptcy bill—I am sorry; I do no damage to the truth when I say this—and they have stuffed it into a hollowed-out husk of the State Department authorization bill. Not one provision of the original State Department bill remains.

Of course, the State Department authorization is the last of many targets. The majority leader has talked about doing this on an appropriations bill, on a crop insurance bill, on the electronic signature bill, on the Violence Against Women Act. So desperate are we to serve the big banks and the credit card companies that no bill has been safe from this controversial baggage.

Colleagues, there is no question that this is a significantly worse bill than the one that passed the Senate. In fact, there is no pretending that this bill is designed to curb real abuse of the bankruptcy code.

Does the bill take on wealthy debtors who file frivolous claims and shield their assets in multimillion-dollar mansions? No. Let me repeat that—no. It guts the cap on the homestead exemption which was adopted by the Senate. Nor does this bill contain another amendment adopted by the Senate, that Senator SCHUMER worked on, that would prevent violators of the Fair Access to Clinic Entrances Act—which protects women's health clinics—from using the bankruptcy system to walk away from their punishment.

Indeed, colleagues, this legislation would deny a fresh start to low- and moderate-income families who file bankruptcy out of desperation. It has an arbitrary test making it very hard for people to go to chapter 7. But at the same time, this legislation has no balance, does not hold the credit card industry accountable, does not hold the financial institutions accountable. It has now been stuffed into a hollowed-out State Department bill, and it is going to come over to the Senate, I suppose, sometime around Wednesday.

I just want to say—I could go into all of the detail, but I will not—should the majority leader follow through on this strategy, I announce I will use my procedural rights as a Senator, of course, as any other Senator would, to slow down this conference report. The conference report would be hard to stop, but we could take at least a couple of days of the Senate's precious remaining time to consider the ramifications of this legislation on working families.

And finally——

Mr. WARNER. Mr. President, could I ask my distinguished colleague, on my time—I was momentarily off the floor due to the unfolding crisis in regard to one of our Navy's ships in the Middle East. He made reference to the hate crimes legislation.

Mr. WELLSTONE. That is correct.

Mr. WARNER. At an appropriate time, I would like to give to my distinguished friend and colleague from Minnesota, and also to inform the Senate precisely, my role as chairman of the conference and what I did in that context. So at the appropriate time, I would like to do that. And perhaps the Senator would like to make a reply to what I have to say. Indeed, perhaps my distinguished friend and colleague, the ranking member, would like to make a comment. But I think that should be made a part of the RECORD.

Mr. WELLSTONE. I would be pleased to hear from my colleague from Virginia.

To expedite matters, included with my statement about this so-called bankruptcy reform bill I just will include a letter from the White House. This is from John Podesta, announcing that the President will veto this bankruptcy bill that has been stuffed into a hollowed-out State Department authorization bill. The President just makes it clear that none of the fundamental problems with this piece of legislation has been addressed and that he fully intends to veto this. I thank the White House for their very strong support. The President is doing the right thing.

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

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

THE WHITE HOUSE,
Washington, October 12, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I understand that the House will take up today the conference report on H.R. 2415, which apparently incorporates the text of S. 3186, a recently filed version of bankruptcy legislation. if this bankruptcy legislation is sent to the President, he will veto it.

Over the last few months, this Administration has engaged in a good faith effort to reach agreement on a number of outstanding issues in the bankruptcy legislation. The President firmly believes that Americans would benefit from reform legislation that would stem abuse of the bankruptcy system by, and encourage responsibility of, debtors and creditors alike. With this goal in mind, we have pursued negotiations with bill proponents on a few key issues, notwithstanding the President's deep concern that the bill fails to address some creditor abuses and disadvantages all debtors to an extent unnecessary to stem abuses by a few.

An agreement was reached in those negotiations on an essential issue—limiting homestead exemptions—with compromises made on both sides. Unfortunately, H.R. 2415 fails to incorporate that agreement, instead reverting to a provision that the Administration has repeatedly said was fundamentally flawed. The central premise of this legislation is that we must ask debtors, who truly have the capacity to repay a portion of their debts, to do so. This would benefit not only their creditors but also all other debtors through lower credit costs. Unlimited homestead exemptions allow debtors who own lavish homes to shield their mansions from their creditors, while moderate-income debtors, especially those who rent, must live frugally under a rigid repayment plan for five to seven years. This loophole for the wealthy is fundamentally unfair and must be closed. The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.

Moreover, the President has made clear that bankruptcy legislation must require accountability and responsibility from those who unlawfully bar access to legal health services. Yet the conference report fails to address this concern. Far too often, we have seen doctors, health professionals and their patients victimized by those who espouse and practice violence. Congress and the States have established remedies for those who suffer as a result of these tactics. However, we are increasingly seeing the use of the bankruptcy system as a strategic tool by those who seek to promote clinic violence while shielding themselves from personal liability and responsibility. It is critical that we shut down this abusive use of our bankruptcy system and prevent endless litigation that threatens the court-ordered remedies due to victims of clinic violence. The U.S. Senate was right in voting 80–17 to adopt an amendment that would effectively close down any potential for this abuse of the Bankruptcy Code. We fail to understand why the bill's proponents refuse to include this provision and shut down the use of bankruptcy to avoid responsibility for clinic violence.

I repeat President Clinton's desire to see balanced bankruptcy reform legislation enacted this year. The President wants to sign legislation that addresses these known abuses, without tilting the playing field against those debtors who turn to bankruptcy genuinely in need of a fresh start. He will veto H.R. 2415 because it gets the balance wrong.

Sincerely,

JOHN PODESTA,
Chief of Staff to the President.

Mr. WELLSTONE. I thank the Chair and yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Under the previous order——

Mr. WARNER. Mr. President, I ask unanimous consent that I be allowed, as the manager, on my time, to address this issue for such time as I believe may be necessary.

Mr. LEVIN. Reserving the right to object, and I will not object, I just want to, while the Senator from Alabama is on the floor, alert him that this will delay his place. He has been very patient here.

Mr. WARNER. I know he has been patient, but this is important. It will be put in the RECORD. I shall probably not take more than 3 or 4 minutes.

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

Mr. WARNER. Mr. President, the annual Armed Forces bill should really become almost an omnibus bill because so many amendments can be attached under the rules of the Senate, which I support. I do not criticize any Member exercising his or her rights under the rules of the Senate to put on bills, subject to a vote, such legislation as they deem appropriate.

There are other rules that preclude that in certain areas, but in this instance we had a freestanding, amendable piece of legislation on the floor. Senator KENNEDY courteously informed me, the ranking member, and others that he was going to raise the issue of what is generically referred to as the hate crimes legislation. Senator HATCH likewise said he had a version and he was going to put it before the Senate. Both Senators brought those bills. Both bills passed. Both bills went to conference as a part of the Senate bill.

My decision, as chairman of the conference, was made to drop those pieces of legislation—both of them; Senator KENNEDY's bill, Senator HATCH's bill—because I looked upon it as my duty to get this bill passed and enacted into law. That is my principal responsibility as chairman of the Armed Services Committee, working with my ranking member and other members of the committee.

I have been here 22 years. I understand Senators quite well. I respect their rights, and I know when they speak with sincerity. I was advised, not by one, not by two, but by many Senators on both sides of this issue, of the gravity of the issue and the seriousness of the issue. It was made clear to me that if this legislation—either Senator KENNEDY's bill or Senator HATCH's bill—were left in the conference report, in all likelihood we would have a series of filibusters. And given the very short period of time which is remaining in this session—even though we have been active as a committee and got the bill timely to the Senate; even though we were on the floor for weeks intermittently, having to have it laid aside—we are here in the final hours of this session of this Congress. If we do not act on this bill tonight, and if we do not pass this bill tonight, it is questionable whether the leadership will find additional time for consideration. And, as we say, it may be that pieces of it would be put into some appropriations bills or a CR or something—some parts—but much of it could well be lost, unless this conference report is enacted. So I made the decision. I take full responsibility for the decision of urging the conferees to drop this legislation.

My distinguished colleague, the ranking member of the committee, I presume, will address the Senate in a moment on this point. Exercising his rights in a very courteous way, he said he wished for me to convene the full Committee on Armed Services and have a vote: That we did. By a narrow margin, my recommendation was sustained by the full committee, I might add, in a bipartisan exchange of votes.

So that is the history as to why this legislation was dropped, I say to my

colleague from Minnesota. I take responsibility. I believed it was necessary that this bill should be passed. On this day when the world is in such a tragic situation, whether it is the violence in the Middle East or the attack on an American ship, all of America expects Congress to do its duty on behalf of the men and women of the Armed Forces, and this is the most important piece of legislation done every year.

So I do not regret for a minute the decision I had to make in the face of representations, fairly and honestly made to me, by colleagues on both sides, as to the tactics that would be used if this bill would be brought up in a conference report before the Senate with either pieces of that legislation contained in the bill.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, on the hate crimes legislation issue, my good friend from Virginia has accurately presented the facts. There are some additional facts, though, which should also be brought to bear.

I can't remember a time, although there may have been one, when the Senate has adopted language, as we did by a vote of 57–42, and when the House of Representatives has adopted language, as they did by 30 or 40 votes—when I say ''adopted language'' in the House, let me be clear, what the House of Representatives did was even more precise than adopt the hate crimes language; they instructed their conferees to agree to our hate crimes language by 30 or 40 votes—I cannot remember a time when one body has adopted language and the other body has instructed their conferees to yield to the first body's language where that language has then been dropped in conference.

I am not saying that has never happened because I haven't checked the records to be sure. I can say I can never remember it happening. Think about it. We had a big debate on this issue. We adopted Senator KENNEDY's hate crimes language by a vote of 57–42 in this body. Then the House had a debate, instructing their conferees to agree to our language, and somehow or other it is dropped in conference.

Let it be clear as to what happened. The House conferees would not accept our language, despite the instruction from the House of Representatives. Then we were faced with the question, Do we then give it up, despite the vote in the Senate?

There was a vote among Senate conferees. Ten Republicans and one Democrat voted basically to give it up, which was the 11-vote majority. Eight Democrats and one Republican voted not to give it up; let us maintain this fight; let us bring this language back in the conference report. If someone wants to filibuster a conference report, they have that right. But this legislation is too important. This is the hate crimes bill that this body adopted. It is simply too important a subject to be dropped because of the threat of a filibuster after being adopted in the Senate and having the House telling their folks to yield to us. If we refused to adopt important legislation around here whenever there was the threat of a filibuster, we would never adopt anything important. The civil rights legislation of the 1960s was adopted after weeks of debate, a filibuster that lasted weeks, with numerous cloture votes, because it was important legislation.

Let me say this about our chairman: He is absolutely correct that he felt that his responsibility was such that he had to bring a bill to the floor. He made the judgment, as he indicated, and it was a good faith judgment. I may disagree with him, which I do, but I don't in any way disagree with the fact that the chairman made a good faith judgment that it was necessary to drop this language because the House would not accept it. And even though I disagree with it and think we should have put this language in here and let someone filibuster, nonetheless, I surely agree that as always he acts in the best of faith.

Mr. WARNER. Mr. President, may I express to my colleague my respect for his acknowledging the fact that my judgment was predicated on sound facts.

Mr. WELLSTONE. Mr. President, the Senator from Virginia was gracious enough to say I may want to respond. Other colleagues want to speak, and I believe the exchange between my two colleagues covered the ground and spoke to the question I raised. If I had spoken, I would have said what Senator LEVIN said. I just wouldn't have said it as well. I appreciate the forthrightness of the Senator from Virginia, his directness and, as always, his intellectual honesty.

Mr. WARNER. I thank my colleague. I only say to him, the fervor with which he addresses issues and pursues his goals in the Senate for this cause, be it hate crimes in favor, I think he will recognize that that same fervor is matched by others who have a different point of view very often. Therein lies the issue which I had to take responsibility to resolve, and this bill was of paramount interest to anything else before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I apologize to my good friend from Minnesota. I assumed he had yielded the floor. Has the Senator yielded?

Mr. WELLSTONE. I yield back my time.

Mr. LEVIN. I thank him for his contribution to this debate, so many debates of this body.

I am going to be briefer than I had actually planned to because our good friends from Alabama and Kansas have been waiting for some time. I do want to spend a couple more minutes.

One of the items in this conference report which should be noted is the fact that we have agreed to the language in the Senate bill that would replace the Army's School of the Americas with a new Western Hemisphere Institute for Security Cooperation. This new institute is going to provide professional education and training to military personnel, law enforcement personnel, and civilian officials of Western Hemisphere countries in areas such as leadership development, counterdrug operations, peace support operations, disaster relief, and human rights.

The legislation specifies that the curriculum of this institution include mandatory instruction for each student of a minimum of 8 hours of instruction on human rights, the rule of law, on due process, on civilian control of the military, and the role of the military in a democratic society. In a very significant addition, we have a Board of Visitors, which includes, among others, four Members of Congress and six members from academia, the religious community, and the human rights community, to review the institute's curriculum and its instruction. The Board of Visitors will submit an annual report to the Secretary of Defense, and the Secretary of Defense, after consultation with the Secretary of State, will submit an annual report to Congress on the operation of the institute.

I am hoping that this will be a positive, new chapter and that some of the controversial history of the School of the Americas can now be, in fact, in the history books and that we can turn to a new approach in terms of our relationship with the leadership, both civilian and military, in the democratic countries of the Western Hemisphere.

We have some important beliefs that we want to share with others in democratic societies about civilian control of the military and human rights. These and other subjects, such as due process, are vital to us and, we believe, vital to the success of any democratic institution. They have been under challenge, under stress in too many countries in the Western Hemisphere. They have been too often violated. We have a positive role to play in this area. This provision, particularly now with the kind of Board of Visitors we are going to have that includes members of the religious community, human rights communities, and Members of Congress, I think is now going to make it possible for us to have a new Western Hemisphere Institute which is going to have a proud record of achievement.

Second, the bill contains an amendment that I offered to prohibit DOD

from selling to the general public any armor-piercing ammunition or armor-piercing components that may have been declared excess to the Department's needs. This prohibition was enacted on a one-year basis in last year's Defense Appropriations Act, and Senator DURBIN has introduced a bill in the Senate to make the ban permanent. There is no possible justification for selling armor-piercing ammunition to the general public, and I am pleased that we have taken this step toward enacting the ban into permanent law.

Third, the conferees rejected House language that would have effectively restricted the bidding when DoD privatizes its utility to the sole utility authorized by a state government to operate in that particular area. The conference agreement requires competitive bidding, with a level playing field for all bidders, when DoD privatizes these assets, and allows DoD to determine the rates they will pay after privatization as a matter of contract rather than by state regulation. The conference agreement also protects people on military installations by requiring DoD to enforce prevailing health and safety standards.

Mr. President, this is a good bill as far as it goes. But I am deeply disappointed, however, by the failure of the conference to include several important provisions that were added in the Senate.

First, I am disappointed that conferees refused to include title XV of the Senate bill—the Kennedy hate crimes legislation—in the conference report despite the clear support of a majority of both Houses for this legislation.

Hate crimes are a special threat in a society founded on ''liberty and justice for all.'' Too many acts of violent bigotry in recent years have put our nation's commitment to fairness to all our citizens in jeopardy. When Matthew Shepard, a gay student was severely beaten and left for dead or James Byrd, Jr., was dragged to his death behind a pick-up truck, it was not only destructive of the victims and their families, but threatens more broadly to others, and to the victims' communities, and to our American ideals.

When a member of the Aryan Nations walked into a Jewish Community Center day school and fired more than 70 rounds from his Uzi submachine gun, and then killed a Filipino-American federal worker because he was considered a ''target of opportunity,'' it not only affected the families of the victims and their communities, but the broad group of which they were a part of.

The conferees had an opportunity to address this problem and send a message that America is an all-inclusive nation—one that does not tolerate acts of violence based on bigotry and discrimination. Sadly, we failed to do so.

Despite a 232–192 vote in the House of Representatives instructing the conferees to adopt the Senate provision, the House majority refused. And then despite a 57–42 vote in the Senate to make the hate crimes legislation part of the bill, the Senate conferees voted 11–9 to drop the legislation.

Mr. President, this issue will not go away. If this Congress will not pass legislation addressing the acts of hatred and violence that terrorize Americans every day, I am confident that another Congress will, and I will continue to work toward that objective.

The Senate bill also included landmark legislation authored by Senator CLELAND that would have permitted our men and women in uniform to extend the benefits of the GI bill to family members in appropriate circumstances, and would have addressed an inequity toward disabled veterans by eliminating the requirement that disability pay be deducted dollar-for-dollar from retirement pay. I am disappointed that we were unable to find a way to include these important provisions.

Overall, however, this is a bill which should become law. Once again, I want to thank our chairman, Senator WARNER, all of the members of the Senate Armed Services Committee, and the staff on both sides of the aisle, for their long hours of hard work on this legislation. I hope the Senate will join us in passing this bill and sending it to the President for signature.

I thank my good friend, the chairman of the committee, for his fine leadership, and all the members of the committee and our staffs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I join with my colleagues in expressing my support for the Defense authorization bill. I salute Senator WARNER and Senator LEVIN, the ranking member, for the work they have given in creating a bill that strengthens our Nation's defenses and allows us to be more efficient and innovative as we move forward into the future. I wish we could have done more, but irregardless, we will in the future. I must give Senator WARNER credit. Under his leadership, for the last 2 years, we have produced a defense budget with real increases in defense spending. A defense spending increase that has outpaced the inflation rate.

For 15 consecutive years, we had a net reduction in the defense budget. As a result, we have some real problems today, as the Joint Chiefs of Staff told us 2 weeks ago in a very important Armed Services Committee hearing. We need to focus on the It is also important for us, all of us who care about the men and women in uniform, to pause and remember the men and women of this Nation who risk their lives daily, including the five who were killed in a dastardly attack by terrorists in the Middle East today. Unfortunately, this is the kind of world we live in. I wish it weren't so.

This is a $310 billion bill. In fact, it is $4 billion above what the President requested. It is above what the Joint Chiefs, who are appointed by the President, said they needed to maintain an adequate force, although they told us after the budget had been written they really needed a lot more over a sustained period of time.

Two weeks ago, in the Armed Services Committee, which I am honored to be a member of, we had the Chairman of the Joint Chiefs of Staff, General Shelton, and the Chiefs for each of the service branches—Army, Navy, Air Force, and Marines. They were asked by Senator WARNER: Tell us the truth, what is the situation in with the military?

Each one of these men were appointees of this administration, but under oath they came forward and told the truth. That is, they testified that they have thankfully restored and maintained the readiness of two Army divisions that had fallen to the lowest readiness rating possible last fall. In other words, the Chiefs in the past were forced to take resources from other areas to maintain readiness. I believe Senator ROBERTS, who will speak in a minute, used the phrase, ''The point of the spear then is OK, but it is the shaft that is wrong.'' That is what they agreed to. At least three of the five used the phrase, ''We are mortgaging our future.''

What did they mean by that? They meant that this Nation has been robbing research and development, recapitalization, new equipment, and the kinds of things we need to maintain the greatest military in the world. But to maintain that, you have to continue to invest in those requirements. We are not doing that. The Chiefs stated it plain and simple, and I emplore anybody who doubts it to read the transcript of that hearing. They agreed with the phrase that one Senator used, quoting the Clinton Assistant Secretary of Defense, that the defense budget is in a death spiral. What he meant by that was that when you spend more and more money to try to maintain equipment that is worn out, you are pouring money down a bottomless pit. What we should have done, and what we have not done these past 8 years when we have had good economic times, is increase this defense budget. We could have recapitalized and replaced wornout equipment. But we haven't been doing that. As a result, we will face a future readiness crisis.

The Secretary of Defense, Bill Cohen, testified earlier this year that this Nation has been living off Ronald Reagan's military buildup of the 1980s. He said we are going to be facing a crisis

in the years to come. That is testimony by the Secretary of Defense and this administration has not listened to that warning. They are going to let this burden fall on the American people in the immediate future. The Secretary of Defense says it, the Chairman of the Joint Chiefs of Staff says that, and the chairman of our committee who has been involved in these issues for so many years says that. It has been complicated, as they testified, with our excessive and unusually high number of deployments of our men and women around the world. This wears out equipment, it drains additional resources, and it tires our men and women in uniform. In addition, it separates them from their families for extraordinary periods of time.

We have a real problem because we have a peace dividend. Oh, they say, President Bush cut the Defense Department when he was in there. Well, of course, he did. We had a legitimate peace dividend. The Berlin wall fell. We had a tremendous change as a result of the will of President Reagan and President Bush to maintain an unwavering stand against the Soviet Union. Consequently, we were able to save a lot of money.

So, yes, he was cutting; yes, we wanted to reduce manpower and reduce any costs we could, and use those savings to strengthen this country. But he didn't pretend to have it go on forever.

So that is where we are. I have to say that we have not yet faced up to the challenges of our future. I am reminded by the gulf war and our soldiers taking on the Iraqis. Our fighting men and women did an outstanding job. At that time, I heard the Senator from Minnesota, Mr. WELLSTONE, say we needed more preschool teachers and we needed more guidance counselors, and anything else you can think of that he would spend money on, but when we committed those men and women in the desert, what did they use? They used the finest equipment the world had ever seen. We were able to put missiles in the windows of buildings and our tanks were able to destroy the enemy's before they new it.

Our forces were able to defeat the enemy and devastate them with minimum loss of life on our side. That is what we want to do. We do not want to get into a war in which this Nation is not able to carry out its just national interests and suffer a huge loss of life. We want to be able to carry out our just national interests effectively. We do not want to over extend ourselves and become engaged in conflicts all over the world. But we need to be ready to execute to defend our legitimate national interests. We can't do that if we don't spend some money on it.

We are heading to a time where we can't live off the Reagan buildup anymore. We are going to be at a time where we will have to do something about it. We will be at a time when we need to improve our cruise missiles and our smart bombs and during the gulf war, we had superiority in the Middle East. We avoid wars by being strong.

Senator STEVENS, chairman of the Appropriations Committee, understood these issues and fought for them. When the conflict occurred, we prevailed at minimum loss of life to American citizens.

I agree with Senator WARNER. This bill does not need to be jeopardized by adding such measures as hate crimes legislation, that should have come out of Judiciary on a law enforcement bill, rather than on a Defense bill. This type of ploy only adds to the complication on these matters.

I think we are making a solid step forward. It would have been better if the Commander in Chief had told us we needed more money and challenged us to find more. It is hard for Congress to find more money when the President says, as Commander in Chief, he doesn't need it. Nevertheless, we spent $4 billion more than he asked for, which is hard to do. But the core function of Government ultimately is to defend our national sovereignty. We have a leadership role in this world, whether we want to have it or not. We have the ability to lead this world into the greatest century in the history of mankind. We can avoid wars if we remain strong. If we have competent leadership, we can maintain peace. We need a steady, mature funding of defense so that we are always above and ahead of our competitors. We do not want to go into a war on a level playing field. If we do have to go to war, we must have the resources available to prevail at a minimum loss of life.

All of this could create a more stable world order, and promote peace. Goodness knows, the events in the last few days are enough to make an impact and to see what happens in Belgrade, to see what happens in the Middle East, to see what happens now with an attack on our warship. Doesn't that tell us we live in a very dangerous world? The history of the world hasn't changed. There will always be struggles, fights, and wars, it seems. But if we are prepared, if we lead, and if we have a strong military that allows us to speak softly but carry a big stick, we can do great things. We can fulfill our destiny at this point in time; that is, to lead this world into a peaceful future.

I will just say this: We need to maintain the ability to act unilaterally when we need to. This Nation cannot allow some multinational group to decide for us how to use the power that we have. Of course we want the support and friendship of every nation in the world, but we don't need to be in a position where we have to have NATO votes to tell us whether or not we can deploy our forces. We don't need to have the U.N. voting with a single veto in the security council stopping us from deploying either. Would that be wiser than the leadership within the United States? Not at this point in time. I believe we can help the world. We need to maintain our independence. We need to maintain a strong national defense.

If I haven't used my time, I will yield it back and thank the chairman for giving me this opportunity.

Once again, I thank Senator WARNER and Senator LEVIN for their leadership and bringing a bill that I believe will help preserve this Nation's strength in the future.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, as chairman of the committee, I thank the Senator from Alabama for his service on the Senate Armed Services Committee. He has only recently joined the committee. But his voice and his wisdom are brought to bear on many key issues. His attendance at the hearings is among the highest. I thank him for the time that he has been working for our committee. We very much value his judgment and his wisdom as we deal with these tough issues.

Mr. SESSIONS. I thank the chairman. I am honored to serve with him.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. WARNER. Mr. President, I would be happy to yield to my colleague, the chairman of the Appropriations Committee, and the chairman of the Subcommittee on Military Construction.

At this time, may I say, Mr. Chairman, it is essential that the chairman of the Appropriations Committee, and most specifically the chairman of the Subcommittee on Military Construction, and the chairman of the Armed Services Committee, and, indeed, our two ranking members—Senator BYRD, is on the Armed Services Committee, as well as the Appropriations Committee—our ability to work together as a team is essential. In my many years on their committee, I can recall where the relationships between the chairman and the various committees was somewhat strained. I say to Senator STEVENS that he has been an exemplary and wonderful working partner on our two bills in tandem on behalf of the men and women of the Armed Forces. I thank him.

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

Mr. WARNER. Mr. President, I yield all of my time, or such time as our distinguished colleague and a very valuable member of the Armed Services Committee may wish to take

Mr. ROBERTS. Mr. President, I believe the regular order is that I have the time. But I ask unanimous consent that the distinguished chairman of the Appropriations Committee be recognized prior to my remarks at this time,

and I would be delighted to have him speak, or I will yield to the distinguished chairman, whatever is his preference.

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

Mr. STEVENS. Mr. President, I thank both Senators. I am delighted that I was able to be here at the time Senator SESSIONS made his remarks. I thank him for his kind remarks about my service, and I am delighted that he is on the Armed Services Committee because I like very much what he said.

I had intended to make a statement on the Defense bill. But I have been engaged this week in sort of herding turtles around this place. If it is agreeable to my friend from Virginia, I will make my statement concerning the Defense bill next week and ask it be printed in the permanent record as part of this RECORD.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I yield to my distinguished friend and colleague from Oklahoma for a unanimous consent request.

Mr. INHOFE. Mr. President, I ask unanimous consent I be recognized at the conclusion of the remarks of the Senator from Kansas.

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

Mr. ROBERTS. Mr. President, there has been some discussion on the floor in reference to this bill, the Defense authorization bill, on the merits of including a hate crimes provision. I am struck by the fact that we have just witnessed an international terrorist hate crime with the attack on the U.S.S. *Cole*, leaving, according to my notes, 5 dead and 36 wounded, 12 missing. All of our U.S. military are on alert in terms of force protection. Our intelligence services are working full time to make sure that we have the proper force protection as they do their duty. In fact, I think that is a hate crime to which this particular bill speaks.

I associate myself with the remarks of the distinguished chairman. While Members on both sides have strong feelings about the hate crimes bill, in no way should this defense authorizations bill be further held up or impeded.

I express my sincere condolences, as my colleagues have, to the families and friends of the crewmembers of the U.S.S. *Cole* who were killed and injured today in the Port of Aden in Yemen. They died or they were injured in the services of this Nation, and we all feel their sacrifice. The apparent—I say ''apparent''; I think we all know it was—terrorist attack on the U.S. ship was brutal, it was unprovoked, it was an act of terrorism. All the information is not yet available to determine the source and the motivation of the attack. The Government of Yemen has said they are certainly not involved, so we have to reserve judgment on the response, if this is a terrorist strike.

No matter what the cause of the explosion, this again points out the risks that our service men and women face every day. We have to be ready every day. There is no strategic response to terrorism in regard to the service they provide to our Nation.

We must never forget that we ask the members of the military to be on the front line of U.S. diplomacy, and, unfortunately, they are the obvious targets of terrorist groups.

I have the privilege of being the chairman of the Emerging Threats and Capabilities Subcommittee on the Armed Services Committee. As has been indicated by Senator LEVIN and others, we have the responsibility to make sure we are ready and we have the proper resources to combat terrorism.

I can make a solemn promise to the families involved and to our military: We are going to continue to do our very best budgetwise and our very best in regard to legislation and policy to assure the force protection that we must have to protect our troops.

I rise to add my compliments to the chairman and the distinguished ranking member, Senator LEVIN, of the Armed Services Committee on a job that I think is well done. Through their hard work and their perseverance over the last legislative year, and in particular in regard to the conference with our colleagues in the House, we are presenting to the Senate a bill that will make significant progress.

Senator SESSIONS has made what I consider to be an excellent speech on the state of military readiness, the problems and the challenges we face. I see the distinguished chairman of the Readiness Subcommittee, the Armed Services Committee, Senator INHOFE, who does a splendid job in that regard. He has been sounding the alarm for years in regard to the readiness problems we face. We will make significant progress toward stopping what I call the readiness drain now facing our military. It is not enough, but this bill does actually lay down a marker that the Congress is very serious, that the committee is very serious about its commitment to reversing the damaging readiness cuts. We owe the men and women of the Armed Forces nothing less.

Over time, the last several years, we have authorized significant increases in pay. We have certainly done a better job in regard to the retirement system. We reformed that. As the distinguished chairman and the ranking member have pointed out, under the health care banner, we are now providing health care for the military retired. That is an obligation we must keep.

As I have indicated, I have the privilege to serve as the chairman of the Emerging Threats and Capabilities Subcommittee. I am very proud of our accomplishments this year in the subcommittee. I thank the distinguished Senator from New Mexico, Mr. BINGAMAN, for his assistance, as well as all the members of the subcommittee, working in a bipartisan fashion to produce this work product.

Behind the success was the hard work of our staff. I have always said that there are no self-made men or women in public office today. It is your friends who make you what you are. I put staff in that category. We are only as good as our staff in terms of the work product we are able to pass. I take this opportunity to thank them. They are not expecting this, but I want to take this opportunity to present: The head of our Emerging Threats and Capabilities ''posse,'' if I can refer to us in that vein, and who I consider to be the iron lady and the iron fist of the science and technology world, Ms. Pam Ferrell; Mr. Military Transformation, who did an outstanding job, Mr. Chuck Alsap; the strong duo dealing with counterterrorism, the very subject we are dealing with today, even as I speak, as the 250 members of the U.S.S. *Cole* try to right the ship and save the ship, is Mr. Ed Edens and Mr. Joe Sixeas; the guy, the young man or the staffer that the drug cartels probably fear as much as anybody, Mr. Cord Sterling; our cyber warrior, Mr. Eric Thommes; and our tough negotiator in dealing with the Russian programs, the counterthreat reduction programs, an investment for us, and we think an investment for the Russians, as well, Miss Mary Alice Hayward; and the cleanup hitter, Miss Susan Ross.

I thank each and every one of them for their hard work, their professionalism, and the work product we were able to produce.

There are many successes for this year I want to address, but time is an issue. I know the Senators from Oklahoma and Iowa want to make some remarks, but there are four areas I would like to highlight of which I am especially proud.

First, we have two educational programs designed to increase research and the number of technically trained Americans. We have a technology personnel gap. I do not know what the acronym is for that. We hear about gaps in the past in terms of arguments in regard to the military. But, boy, this is a gap that is real and it is a gap that must be filled.

We have authorized $15 million to establish what is called an Information Security Scholarship Program for the Secretary of Defense to award grants to institutions of higher education to establish or improve programs in information security and to provide scholarships to persons who would pursue a degree in information assurance in exchange for a commitment of service

within the Department of Defense. That is a breakthrough.

Senator WARNER gave his personal leadership to this. As a matter of fact, it is his initiative. I like to think I had something to do with it, as well as all members of the committee in a bipartisan fashion.

We have also authorized $5 million to establish something called an Institute for Defense Computer Security and Information Protection. This institute will conduct research in technology development in the area of information assurance and to facilitate the exchange of information with regard to cyber threats, technology tools, and other relevant issues.

Again I go back to the technology personnel gap. This will assist us to really close that gap. As a matter of fact, when we asked the experts in our subcommittee, What keeps you up at night? they mentioned a lot of things, but they mentioned two things of priority interest. No. 1 is the possibility of the use of biological weaponry by some state-supported terrorist or non-state-supported terrorist. The second thing they worry about is cyber attacks, information warfare. So we think this institute is long overdue. We have authorized $5 million. That is going to get it started.

The second thing I would like to mention is that we ensure that the Department of Defense will focus real coordination in their responsibilities to combat terrorism activities through a single office. We had four people before the subcommittee testifying in regard to DOD responsibilities and the challenge they face in regard to terrorism, so I asked the witnesses: Would you sit in order of your authority. Nobody knew where to sit—No. 1, 2, 3, 4—because they didn't know. We had so many people within the DOD who shared partial responsibility for this that we did not find one person in charge. So that is what we are going to have after this bill passes.

We made a suggestion on the Senate side; we really singled it out and put it in a particular person's area of responsibility. The House came back and said let's let the Secretary of Defense decide that. But I will tell you again, we are going to ensure the Department of Defense is focused in regard to their responsibilities to combat terrorism through one single office.

We included a provision that would designate one Assistant Secretary of Defense as the principal civilian advisor to the Secretary for Department of Defense activities for combating terrorism—one guy in charge, one lady in charge, one person in charge. This provision ensures there is a single individual within the Department responsible for providing focused and comprehensive and well-funded DOD antiterrorism policy.

I have said that about three times now, but three times I want to say how important that is. I think it is a real step forward.

The third area is to reduce the risk of the expansion of weapons of mass destruction and to help provide opportunities to Russian scientists outside of their weapons development. We authorized over $1 billion for nonproliferation and threat reduction programs for the Departments of Defense and Energy to assist nations of the former Soviet Union in preventing the expansion of their weapons of mass destruction and dissemination of their scientific expertise. This is a program really started by Senator Nunn and Senator LUGAR. Conferees included several initiatives to obtain greater Russian commitment to these programs—these programs are not without controversy—and the necessary U.S. access to ensure these programs do achieve their threat reduction goals.

We authorized $443.4 million for the Department of Defense Cooperative Threat Reduction Program for fiscal year 2001 to reduce the threat posed by the former Soviet Union weapons of mass destruction. So, let's see, there is $443.4 and $1 billion for the nonproliferation and threat reduction programs. That is quite an investment to assist the Russians, to work together with the Russians to reduce that kind of capability.

Last, I would like to say to help the military continue to put a solid effort in the invaluable area of science and technology and to ensure we are ready to address the emerging threats, we added $209 million for the Defense Science and Technology Program; that is the S&T programs, the science and technology programs. We focused on revolutionary technologies to meet the emerging threats. And we required the services to undertake a comprehensive planning process to identify long-term technological needs in consultation with the warfighting and the acquisition communities, and to ensure that the services' programs in regard to science and technology are appropriately designed to support these needs.

I could list some other significant accomplishments in the joint warfighting area, in the continued focus on helping our military communities prepare for the possibility that they may have to handle the consequences of a terrorist attack on our homeland.

We all know about the U.S.S. *Cole*. That threat exists in regard to our domestic situation as well and in several other key areas where we have jurisdiction. But I am going to let that go. I will probably put something in the RECORD at a later date in regard to what I think we have done in meeting our responsibilities in that area.

Again, I thank the chairman, Senator WARNER, who has labored long and hard. We did this several months ago. We have been in conference for 2 or 3 or 4 months. In the rush to complete our business, we had all sorts of things pop up out of the woodwork, almost a gauntlet to get this bill done. I thank Senator WARNER, Senator LEVIN, all members of the committee for their leadership, their guidance, their help during the development of this year's Defense bill.

There is no more important bill. Our first obligation as Members of this body is to do what we can in behalf of our national security. Today's events certainly prove that is the case. That has been spoken to by the distinguished chairman.

I think it is a good bill. We need to get it passed, and it needs a big vote. It needs a big, solid vote for the responsibility we have to our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LEVIN. Mr. President, if I may interject, I thank Senator INHOFE for the work he has done on Vieques. I ask unanimous consent that, following the remarks of Senator INHOFE, Senator HARKIN be recognized for up to 10 minutes and Senator ROBB then be recognized for up to 10 minutes.

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

Mr. INHOFE. Mr. President, I join in the remarks that were made by the Senator from Kansas about the U.S.S. *Cole*, the tragedy that took place. We are all so saddened to hear about that. It was a complete surprise to all of us. Also, his comments about our chairman—our chairman, the Senator from Virginia, has done just an incredible job of leading the way and getting this bill done.

I see this bill we are about to vote on as turning the corner. After 7 years of neglecting our military, we are actually starting to improve some things. We have some things in this bill that I think are long overdue. In our readiness funding, the conferees add more than $888 million to the primary readiness accounts. That included areas of neglect: $125 million to the war reserves and training munitions. We have places where they actually do not have enough bullets, enough ammunition to train with; $222 million for spare parts—that is not nearly enough, but there is a trend going up in the right direction now.

I go around as chairman of the Readiness Subcommittee of the Senate Armed Services Committee to quite a few of the places around the country and around the world and find the cannibalization rates, getting spare parts out of engines. I have seen them open up a new, crated F–100 engine just to pull off spare parts. That becomes very labor intensive. As a result of that, we are having terrible retention rates.

We hear about the pilots, but we don't hear about the mechanics and

some of the other MOS, military occupational specialties, where we really are having a crisis.

This bill also goes a long way to try to get us back into opening up the live range on the island of Vieques.

Mr. ROBERTS. Mr. President, will my distinguished colleague yield for a question?

Mr. INHOFE. Certainly.

Mr. ROBERTS. Mr. President, I ask the Senator if he is familiar with the statement made by the Under Secretary of Defense for Acquisition and Technology—this is somebody who appeared before his subcommittee and mine—Secretary Jacques Gansler?

Mr. INHOFE. Yes, he has appeared before our committee on three occasions I can recall.

Mr. ROBERTS. He made a recent statement in regard to the very issue the Senator from Oklahoma is pointing out. I think it will be helpful if I read this, if the Senator from Oklahoma will permit me. This is somebody from the administration. He stated this:

> We are trapped in a death spiral.

I do not think one could make it any more plain than that.

> We are trapped in a death spiral. The requirement to maintain our aging equipment is costing us more each year in repair costs, down time, and maintenance tempo. But we must keep this equipment in repair to maintain readiness. It drains our resources—resources we should apply to modernization of the traditional systems and development of new systems.

Then the Secretary went on to say:

> So we stretch out our replacement schedules to ridiculous lengths and reduce the quantities of new equipment we purchase, raising the cost and still further delaying modernization.

I do not think one can be any plainer than that. So the Senator's remarks are backed up not only from what we hear in testimony but also from the many bases at home and overseas. I thank my distinguished colleague for all the effort he makes from his personal time and other duties to go to bases all over the world. He checks with the enlisted; he checks with the NCOs; he checks with the officers; and he checks with the commanders and shows them his candor and integrity. We talked about this at great length.

In terms of readiness, there is no other person in the Congress of the United States or, for that matter, whom I know in this city who knows better the readiness problems we have, and it is backed up by this statement by a Secretary of the administration. We owe the Senator from Oklahoma a debt of gratitude.

Mr. INHOFE. Mr. President, I appreciate very much getting that into the RECORD because that testimony came out in our committee meetings. The Senator from Kansas is right. Sometimes when you sit in a committee meeting in Washington, everything is filtered. You do not really get the truth you find in the field.

This bill is going to put $449 million in real property and maintenance. The RPM accounts are accounts that are mandatory that we have to get down, and yet I have been down to Fort Bragg during a rainstorm. Go into the barracks and one will see our soldiers are actually covering up their equipment with their bodies to keep it from rusting. It is a crisis. We are addressing that crisis with this bill. It is a start. We should be doing more than we do with this particular bill.

Mr. WARNER. Will the Senator yield on my time?

Mr. INHOFE. I yield to the chairman.

Mr. WARNER. Mr. President, I wish to express not only my appreciation but that of the whole committee, on both sides of the aisle, for the amount of travel the Senator has done. I heard the Senator talk about how he made these inspection trips. He spent a great deal of his time traveling to our military bases in the continental United States and abroad. There is no one who pulls harder on their oar than the Senator from Oklahoma.

I especially credit him with trying to resolve in a very fair and balanced manner the diversity of positions regarding the Vieques issue. The President had his views, the Government of Puerto Rico had its views, colleagues in the Senate had their views, and the Senator worked his way through that problem, and I know in this bill we have a fair and good solution to that difficult problem. I thank him.

Mr. INHOFE. I thank the chairman. Also I thank the ranking member, Senator LEVIN, who was very helpful on this whole issue. I believe we addressed it properly in this bill.

If we let an agreement go that had a financial motivation for the 9,000 residents of the island of Vieques to vote to kick out the Navy forever and lose that as a range, that had to be changed. This bill does that. We changed it so that the western land is not going to the Governor of Puerto Rico but to the people of Vieques.

A lot of people do not realize that Vieques is like a municipality in Puerto Rico, and the people of Vieques are very fond of the Navy. I am the first one to admit the Navy had some PR problems, but I say to our chairman, they have worked very hard, and I see a change in attitude there.

I was recently in Vieques meeting with a group of people. I left firmly convinced that if we have this referendum and if the referendum has a motivation for them to vote right—and that is to accept the Navy and the live firing range—then I believe they are going to do it.

The other day, I was on a talk show and someone called in. Actually, it was someone who was on the other side of this issue. They said: How would you like to have a live range in your State of Oklahoma?

I said: Let me tell you about Fort Sill.

Mr. WARNER. Mr. President, I know the answer to that question. It is the same thing with the State of Virginia. Less than 30 miles from this Chamber is a live-fire range for the U.S. Marine Corps.

Mr. INHOFE. That is exactly right. My concern has been, I hope and I will go on record right now and I am already on record saying, if we have this referendum, this will be the last time that we should allow a referendum to take place on closing a live range. When one stops and thinks about the domino effect this will have on other places, such as Capo Teulada in Sardinia or Cape Wrath in northern Scotland, it would be a real crisis if we lose those, and yet they logically ask the question—I have seen it in print in Scotland: Wait a minute, if they do not allow the training to take place on land they own, why should we let them come here to our country and bomb it?

Mr. WARNER. I thank my colleague.

Mr. INHOFE. The western land now will go not to the politicians in Puerto Rico but to the residents of the island of Vieques, and in the event something should happen that they should vote to reject the Navy, then it is not going to go into some developer's hands where someone is going to stand to get rich over this.

We have done a good job——

Mr. ROBB. Mr. President, will the Senator from Oklahoma yield for a very brief comment?

Mr. INHOFE. Yes, I yield to the Senator from Virginia.

Mr. ROBB. Mr. President, I add my voice to that of my senior colleague in thanking our colleague from Oklahoma for the way he has worked on this particular problem. For a number of months, this seemed to be one of those intractable problems that was probably not going to be resolved.

I know the very strong feelings the Senator from Oklahoma has and brought to bear on this question in particular. We may disagree on other matters, but on this question in particular, he struck just the right balance, represented the long-term interests of the United States in a way that allowed us to come to closure on an issue that might not have closed at all and certainly would have created all kinds of difficulty for the United States in our long-term relations in the hemisphere with the Commonwealth of Puerto Rico and others.

I add my voice to others in thanking the chairman of the Readiness Subcommittee for his very important and tireless work on this issue.

Mr. INHOFE. Mr. President, I thank the Senator from Virginia, who is the ranking member on the Readiness Subcommittee, for the contributions he

has made. The Senator from Virginia is in the same position I am in, having live ranges in his home State.

I can recall going out on one of the carriers before one of the deployments from the east coast to the Persian Gulf. They have this integrated training on the island of Vieques. They have F–14s and F–18s doing air work; they have the Marine expeditionary, with which the Senator is familiar, since he was a marine, doing their work, and at the same time they have live Navy fire. They say they can get that training elsewhere but not at the same type of place. The analogy was called to my attention by someone who was on one of the deploying battle groups. It is like you have the very best quarterbacks, the very best offensive line, and the very best defensive line. If one is training over here, one is training over here, and one is training over here, but they never train together. On the day of the big game, of course, they lose. The integrated training is necessary.

I believe the language in this bill is going to offer the self-determination of the people of Vieques to support the Navy live range, and I have every expectation that is exactly what is going to happen. American lives are at stake.

I want to make one last comment. I have mentioned several times we should have probably gone further with this bill. I have been concerned about our state of readiness, and we outlined some of these things in the real property and maintenance accounts and others.

But I was reading, the day before yesterday, in the Wall Street Journal, an editorial by Mark Helprin. Mark Helprin is a contributing editor to the Journal but is also a senior fellow of the Claremont Institute. He talks about the crisis that we are going to have to take care of, and that we should not be talking about the fact that we right now, today, are better equipped than we have been. We are not better equipped than we have been before. He goes on to talk about the fact that in Kosovo, 37,000 aerial sorties were required to destroy what Gen. Wesley Clark claimed were 93 tanks and 53 armored fighting vehicles. That is approximately 8 percent and 7 percent, respectively, of which Milosevic actually had.

He goes on to say:

> Twenty percent of carrier-deployed F–14s do not fly, serving as a source of spare parts instead. Forty percent of Army helicopters are rated insufficient to their tasks. Half of the Army's gas masks do not work.

It goes on and on.

I ask unanimous consent that this entire editorial be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. INHOFE. Lastly, let me just say I am glad that defense has become prominent in this Presidential election. We have had a degradation in what has happened to our defense. We have great troops, but right now we are operating at roughly one-half the force strength we were during the Persian Gulf war. And that can be quantified.

So often when people stand up politically and say we are stronger now than we were, or as strong as we were back during the Persian Gulf war, that just isn't true. We are approximately 60 percent of where we were in terms of force strength. That can be quantified.

I am talking about 60 percent of the Army divisions, 60 percent of the tactical air wings, 60 percent of the ships floating around, going from a 600-ship Navy to a 300-ship Navy. It is true some of that was from the previous administration. The Bush administration wanted to go down from 600 to 450 ships. But now we are far below that.

I think this administration has done a bad job the last 8 years. We are going to have to turn that around and do a massive rebuilding in the next administration. I think we are probably going to do it. I think we are going to see our Defense authorization committees of the House and the Senate do that. As well the Appropriations Committees are primed and ready, as is evidenced by the bill we are discussing today that we are going to pass. We are going to turn that corner and start rebuilding America's defense again.

With that, I yield the floor.

EXHIBIT NO. 1

[From the Wall Street Journal, Oct. 10, 2000]

MR. CLINTON'S ARMY

(By Mark Helprin)

Many people have come to believe that thinking about war is akin to fomenting it, preparing for it is as unjustifiable as starting it, and fighting it is only unnecessarily prolonging it. History suggests that as a consequence of these beliefs they will bear heavy responsibility for the defeat of American arms on a battlefield and in a theater of war as yet unknown. Theirs are the kind of illusions that lead to a nation recoiling in shock and frustration, to the terrible depression of its spirits, the gratuitous encouragement of its enemies, and the violent deaths of thousands or tens of thousands, or more, of those who not long before were its children.

They will bear this responsibility along with contemporaries who are so enamored of the particulars of their well-being that they have made the government a kindly nurse of households, a concierge and cook, never mind a resurgent Saddam Hussein or China's rapid development of nuclear weapons. They will bear it along with the partisans of feminist and homosexual groups who see the military as a tool for social transformation. And they will bear it with a generation of politicians who have been guilty of willful neglect merely for the sake of office.

ABJECT LIE

So many fatuous toadies have been put in place in the military that they will undoubtedly pop up like toast to defend Vice President Gore's statement that ''if our servicemen and women should be called on to risk their lives for the sake of our freedoms and ideals, they will do so with the best training and technology the world's richest country can put at their service.'' This is an abject lie.

To throw light on the vice president's assertion that all is well, consider that in Kosovo 37,000 aerial sorties were required to destroy what Gen. Wesley Clark claimed were 93 tanks, 53 armored fighting vehicles, and 389 artillery pieces; that these comprised, respectively, 8%, 7%, and 4% of such targets, leaving the Yugoslav army virtually intact; and that impeccable sources in the Pentagon state that Yugoslav use of decoys put the actual number of destroyed tanks, for example, in the single digits.

To achieve with several hundred sorties of $50-million airplanes the singular splendor of destroying a Yugo, the United States went without carries in the Western Pacific during a crisis in Korea, and the Air Force tasked 40% of its intelligence, surveillance, and reconnaissance assets, and 95% of its regular and 65% of its airborne tanker force, in what the chief of staff called a heavier strain than either the Gulf War or Vietnam.

One reason for the ''inefficiency'' of Operation Allied Force is that this very kind of farce is funded by cannibalizing operations and maintenance accounts. Such a thing would not by itself be enough to depress the services as they are now depressed. That has taken eight years of magnificent neglect. Case in point: The U.S. Navy now focuses on action in the littorals, and must deal with a burgeoning inventory of increasingly capable Third World coastal submarines that find refuge in marine layers and take comfort from the Navy's near century of inapplicable blue-water antisubmarine warfare. But our budget for surface-ship torpedo defense will shortly dip from not even $5 million, to nothing in 2001.

The reduction of the military budget to two-thirds of what it was (in constant dollars) in 1985, and almost as great a cut in force levels, combined with systematic demoralization, scores of ''operations other than war,'' and the synergistic breakdown that so often accompanies empires in decline and bodies wracked by disease, have produced a tidal wave of anecdotes and statistics. Twenty percent of carrier-deployed F–14s do not fly, serving as a source of spare parts instead. Forty percent of Army helicopters are rated insufficient to their tasks. Half of the Army's gas masks do not work. Due to reduced flying time and training opportunities within just a few years of Bill Clinton's first inauguration, 84% of F–15 pilots had to be waived through 38 categories of flight training. The pilot of the Osprey in the December 1999 crash that killed 19 Marines had only 80 hours in the aircraft, and the pilot who sliced the cables of the Italian aerial tram in 1998, killing 20, had not flown a low-altitude training flight for seven months. It goes on and on, and as the sorry state of the military becomes known, the administration responds by doing what it does best.

In the manner of Gen. Clark presenting as a success the—exaggerated—claim of having destroyed 8% of the Yugoslav tank forces in 78 days of bombing, the administration moved to ''restructure'' the six armored and mechanized divisions by shrinking force levels 15% and armor 22%, while expanding the divisional battle sector by 250%, the idea being that by removing 3,000 men and 115 tanks and Bradley Fighting Vehicles while vastly expanding the area in which it would have to fight, a division would somehow be made more effective.

The two failed Army divisions cited by George W. Bush in his acceptance speech were returned to readiness with speed inversely proportional to the time it takes the White House to produce a subpoenaed document, perhaps because, according to the Army, ''new planning considerations have enabled division commanders to make a more accurate assessment,'' and ''the timelines for deployment . . . have been adjusted to better enable them to meet contingency requirements.'' In 1995, brigade officials told the General Accounting Office that they felt pressured to falsify readiness ratings, and that the rubric ''needs practice'' was applied irrespective of whether a unit scored 99% or 1% of the minimum passing grade.

But there is more. Mainly by coincidence but partly by design, several broader measures exist. The Army rates its echelons. In 1994, two-thirds of these were judged fully ready for war. By 1999, not one of them was. More than half the Army's specialty schools have received the lowest ratings, as did more than half its combat training centers (although the chaplains are doing very well). These training centers serve as an instrument that illuminates the character of all the units that pass through them. By examining their ratings it is possible to get a comprehensive view of the Army's true state.

I have obtained National Training Center trend data that are the careful measure of unit performance in 60 areas over three years. Of 200 evaluations, only two were satisfactory. This 99% negative performance, stunning as it is, is echoed in the preliminary findings of a RAND study that, according to sources within the Army, more than 90% of the time rates mission capability at the battalion and the brigade levels as insufficient. RAND has voluminous data and doesn't want to talk about it until all the t's are crossed, long after the election.

If Gov. Bush becomes president, the armies his father sent to the Gulf will not be available to him, not after eight years of degradation at the hands of Bill Clinton. Given that their parlous condition is an invitation to enemies of the United States and, therefore, Mr. Bush might need them, and because the years of the locust are always paid for in blood, he should take this issue and with it hammer upon the doors of the White House at dawn.

In the Second World War, Marine Brig. Gen. Robert L. Denig said, with homely elegance, ''This is a people's war. The people want to know, need to know, and have a right to know, what is going on.'' Nothing could be truer, and the vice president of the United States does not speak the truth when he characterizes as he does those forces that for two terms his administrations have mercilessly run down. The American military does not deserve this. It is not a cash cow for balancing the budget, a butler-and-travel service for the president, an instrument of sexual equality, or a gendarmerie on the model of a French Foreign Legion with a broader mandate and worse food.

CAESAR'S LEGIONS

If we are, in effect, the enemies of our own fighting men, what will happen when they go into the field? The military must be redeemed. Should Gov. Bush win in November he should bring forward and promote soldiers and civilians who understand military essentials and the absolute necessity of readiness and training, people both colorful and drab, but who would, all of them, understand that these words of Gen. George S. Patton are the order of the day:

''In a former geological era when I was a boy studying latin, I had occasion to translate one of Caesar's remarks which as nearly as I can remember read something like this:

'''In the winter time, Caesar so trained his legions in all that became soldiers and so habituated them in the proper performance of their duties, that when in the spring he committed them to battle against the Gauls, it was not necessary to give them orders, for they knew what to do and how to do it.'

''This quotation expresses very exactly the goal we are seeking in this division. I know that we shall attain it and when we do, May God have mercy on our enemies; they will need it.''

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Iowa.

Mr. HARKIN. Mr. President, this conference report contains a number of provisions of great importance to our troops and our veterans. First, I am very glad that one of the top priorities of this conference report is improving the military health care system. The expansion of TRICARE, the military health care system, to Medicare-eligible retirees provides a permanent comprehensive health care benefit to military retirees, regardless of age. All military retirees and their families will now be able to remain in the TRICARE health program for life.

At least as important, military retirees will now have complete prescription drug coverage. With this new benefit, there is an even stronger case for Congress passing a Medicare prescription drug plan for all seniors this year before we go home.

I am also pleased that this bill provides our troops a significant pay raise as well as supplementary benefits for troops on food stamps and increased WIC nutritional support for troops overseas. These are issues on which I have worked for several years on the Defense Appropriations Subcommittee.

I am especially pleased that we have overcome significant opposition among the House majority to provide compensation to some of those who were harmed by dangerous conditions at our nuclear weapons plants. I am sure that by now all my colleagues are aware that many of our citizens were exposed to radioactive and other hazardous materials at nuclear weapons production plants in the United States. While working to protect our national security, thousands of workers were subjected to severe hazards, sometimes without their knowledge or consent.

I would like to address in more detail another provision that is important for former workers at our nuclear weapons facilities. The dangers at these plants thrived in the darkness of Government secrecy. Public oversight was especially weak at a factory for assembling and disassembling nuclear weapons at the Iowa Army Ammunition Plant in Middletown, IA. I first found out about the nuclear weapons work there from a constituent letter from a former worker, Robert Anderson. He was concerned that his non-Hodgkins lymphoma was caused by exposures at the plant. But when I asked the Department of Energy about the plant, at first they denied that any nuclear weapons work took place there. The constituent's story was only confirmed when my staff saw a promotional video from the contractor at the site that mentioned the nuclear weapons work.

The nuclear weapons production plants were run not by the Defense Department but by the Atomic Energy Commission, which has since been made part of the Department of Energy. The Department of Energy has since acknowledged what happened, and is now actively trying to help the current and former workers in Iowa and elsewhere by reviewing records, helping them get medical testing and care, and seeking compensation.

I compliment Secretary Richardson for his foresight and for taking this matter very seriously and making sure that the Department of Energy is forthcoming in regard to getting testing and care and compensation.

I was pleased this past January to host Energy Secretary Richardson at a meeting with former workers and community members near the plant in Iowa. The Department specifically acknowledges that the Iowa Army Ammunition Plant assembled and disassembled nuclear weapons from 1947–1975. And their work has helped uncover potential health concerns at the plant, such as explosions around depleted uranium that created clouds of radioactive dust, and workers' exposure to high explosives that literally turned their skin yellow.

And while the Department of Energy is investigating what happened and seeking solutions, the Army is stuck, still mired in a nonsensical policy. It is the policy of the Department of Defense to ''neither confirm nor deny'' the presence of nuclear weapons were assembled in Iowa without admitting that there were nuclear weapons in Iowa. So they write vaguely about ''AEC activities,'' but don't say what those activities were.

There have been no nuclear weapons at the Iowa site since 1975, but it is well known that weapons were there before that. The DOE says the weapons were there. A promotional video of the Army contractor at the site even says the weapons were there. But the Army can't say it.

What this does is, it send the wrong signal to the former workers. These workers swore oaths never to reveal what they did at the plant. And many of them are still reluctant to talk. They are worried that their cancers or other health problems may be caused by their work at the plant. But they feel that they can't even tell their doctors or site cleanup crews they worked there or what the tasks were they did.

They don't want to violate the oaths of secrecy they took. One worker at the Iowa plant said recently: There's still stuff buried out there that we don't know where it is. And we know people who do know, but they will not say anything yet because they are still afraid of repercussions. Instead of helping these workers speak out, the Army has forced them to keep their silence.

I am pleased that the conference report includes a provision I offered to help these workers. It is narrowly targeted to require the Defense Department, in consultation with the Energy Department, to review their classification and security policies to ensure they do not prevent or discourage workers at nuclear weapons facilities from discussing possible exposures with their health care providers and other appropriate officials. The provision specifically recognizes that this must be done within national security constraints. It also directs the Department to contact people who may have been exposed to radioactive or hazardous substances at former Defense Department nuclear weapons facilities, including the Iowa plant. The Department is to notify them of any exposures and of how they can discuss the exposures with their health care providers and other appropriate officials without violating security or classification procedures.

I thank the chairman and the ranking member of the conference committee for joining with me in a colloquy to clarify that this provision applies to all workers at such facilities, and not just DOD personnel.

I am pleased we are passing this provision today. I thank the managers of the bill for including this provision and for the fine work they have done on all aspects of this bill.

Lastly, I am very concerned about the recent upsurge of violence in the Middle East. I strongly support the efforts of President Clinton and U.N. Secretary General Kofi Annan to negotiate a cease-fire. This cycle of killings and destruction must end so there can be a return to the negotiating table to achieve a comprehensive and lasting peace agreement in the Middle East.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank Senator HARKIN for his wonderful commitment to the workers, particularly in his State, but really the workers in America. He noticed something in our bill which inadvertently could have left out some workers we wanted to cover and he wanted to cover.

We worked out the colloquy with Senator HARKIN which will be made a part of the RECORD. I thank Senator HARKIN for his intrepid effort on behalf of the workers of America and Iowa. It has really paid off.

Mr. WARNER. Mr. President, I join my colleague. The three of us signed the colloquy. I thank the Senator. He does look after his people.

Mr. HARKIN. If I might reciprocate, I thank the chairman and Senator LEVIN, the ranking member, for including this in the bill. These were hard workers. They were good people. They work for a contract employer, not the Department of Defense. With this change, it makes it clear they are covered also. I thank them both.

Mr. WARNER. I thank the Senator.

While I have the floor, Mr. President, I would like to advise Senators that there is an effort being made to try and get the vote on first, presumably, a point of order that will be raised and then, following that, on final passage. We hope to begin to move to those votes possibly as early as 6 o'clock. So we are condensing down the period of time prior to the vote that Senators wish to speak.

Of course, we can arrange for such time after the votes as Senators desire. This is to accommodate both sides of the aisle and many Senators. I thank my colleagues for working with me to achieve these goals. We now have in place two Senators ready to speak, then I will consult with our leadership.

Mr. LEVIN. Mr. President, if the Senator from Virginia will yield for an additional minute, I ask unanimous consent that Senator ALLARD be recognized immediately after Senator ROBB for up to 5 minutes, and then that Senator BYRD be recognized immediately after Senator ALLARD. I will talk to Senator BYRD about the time situation in which we find ourselves.

Mr. WARNER. Senator BYRD is a member of our committee and he has a key piece of legislation in here. It is my hope that we can have Senators speak briefly so that we can get on to the issue by Senator KERREY.

Mr. LEVIN. I will speak with Senator BYRD about the amount of time.

Mr. WARNER. And Senator ROBB, our valued colleague, a member of the committee, is about to address his issues.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, the defense authorization bill before us today has historic qualities. It represents another year of real growth in our commitment to national defense and the readiness of the men and women who serve this Nation in uniform. It represents our reinvigorated and growing national consensus on the importance of American military power, and our military's continuing relevance to world peace, stability, and prosperity. Friends and allies around the world will see in this bill America's commitment to leadership and our willingness to keep our military the most powerful ever and equal to the challenge.

This bill continues to chip away at the quality of life issues that make service in today's military a greater sacrifice than it needs to be. This bill raises pay, improves housing, authorizes additional bonuses to improve retention, and improves medical care for servicemembers and their families.

I am particularly proud that this bill at last acknowledges the promise of lifetime health care made to America's thousands of military retirees and their families. The program put in place by this bill sets the conditions for keeping our promise, but we should have no illusion that this fulfills our debt. The devil, as usual, is in the details and there is much work ahead ensuring that the system we create is up to the requirements of this benefit and accomplishes its purpose. In a respect our real work lies before us, now that we are over the political and budgetary hurdles of keeping the promise.

This bill, thankfully but modestly, also increases our procurement, readiness, and research and development accounts. Anyone reading this bill will see our clear intent to deal with our daunting maintenance challenges. Anyone reading this bill will see our clear intent to modernize our tactical aircraft. Anyone reading this bill will see our clear intent to increase shipbuilding rates necessary to sustain a globally capable 300-ship Navy. Anyone reading this bill will see our clear intent to accelerate research and development to bring forward the next generation of aircraft—manned and unmanned, ships, and combat vehicles necessary to our future readiness and security.

Unfortunately, the rush, early this year, to massive tax cuts and political fears over new spending worked against us in making the kinds of real and significant increases necessary to address the challenges to our readiness today and tomorrow.

There is no doubt that significant increases in the defense top line are ahead. But regrettably, we have missed an opportunity to apply additional resources this year to some of our more chronic military requirements such as aviation spare parts and ship depot maintenance.

Equally regrettable, we fail again, in my judgement, to take on the issue of excess infrastructure.

One of the best ways we can help pay for current readiness is through reducing the DOD's large ''tail'' of infrastructure and support, which is taking away critical funding for the teeth—our warfighting troops and equipment that will fight the next year.

And the best place to reduce tail is to cut more bases.

I am encouraged by the Armed Services Committee chairman's commitment to making additional BRAC legislation his first priority for our next session. It is time to get over the history of this issue and get on with supporting defense establishment requirements.

Mr. President, there are very exciting days ahead for America's Armed Forces. The benefits of a strong national economy with projected budget surpluses provide a historic opportunity across the range of national priorities—from paying off our national debt to tax relief. But we also enjoy a historic opportunity to address today's military challenges and reach deeply into the future assuring our continued peace and prosperity.

At the same time, we must be careful and have the courage to make tough choices where necessary ensuring that we get the most for our defense dollars. We must not become embroiled in an arms race with ourselves. We are the best already, we need only stay ahead of our greatest threats.

Mr. President, for the last couple years one of our greatest readiness challenges has been recruiting and retention. I believe a young American today should see not only a tremendous opportunity to join the best military in the world, but an opportunity to join a military that will get the resources it needs to stay trained and ready. And, more importantly, a military that will get even better.

In addition, Mr. President, I rise to talk about events earlier today.

The explosion and loss of life this morning aboard the U.S.S. *Cole* is deeply disturbing and has affected all of us. The U.S.S. *Cole*, her crew, and their families are homeported in Norfolk, VA, and are proud members of Virginia's Navy family. Our prayers go out to those sailors killed and injured or missing. Our prayers go out to the courageous crew members right now dealing with the aftermath of this attack, and our prayers go out to the families of the U.S.S. *Cole* who live, as Navy families always have, with quiet courage, with this kind of danger, and in the face of this kind of tragedy.

I can confidently report that the extended Navy family in Virginia and around the country is coming together in this tragic moment to support and comfort the families of the U.S.S. *Cole*. The resources of this Nation will be there for them in this time of great sorrow and need.

The U.S. Navy sails into harm's way every day around the world protecting America and her interests. Today's attack is a painful reminder that the world is still a dangerous and uncertain place. America's young men and women in uniform are truly on freedom's frontier. As the CNO reminded us this afternoon, the U.S.S. *Cole* is one of 101 warships that are currently deployed.

We stand ready to provide the Navy whatever support is necessary at this painful time. We are doing everything we can to ensure the rapid evacuation of our casualties, to ensure the security of the crew and ship, to determine who is responsible for this attack, and to take appropriate action in response.

Even in the best of conditions, service in the U.S. Navy, afloat or ashore, is inherently dangerous, difficult work. Ships and aircraft at sea in all types of weather, during the day and during the night, are, over the long haul, as hazardous as any conditions we ever ask Americans to serve under. We owe these men and women and their families the best possible leadership, a reasonable quality of life, modern ships, aircraft and equipment, and realistic training. We owe them a fighting chance to serve in harm's way and to come home safe and proud.

The Navy is appropriately treating this as a suspected terrorist attack and has responded with antiterror-capable Marine security forces, in addition to the medical support flowing to the aid of the ship and her crew. If we determine that this was a terrorist attack, we should respond in a manner that guarantees that anyone or any state that might use terror against our military or civilians understands that they will pay a heavy price for misjudging either our capability or our will.

The U.S. Navy provides an indispensable contribution to world peace and stability. This incident cannot deter us from our commitment to defend our interests wherever they are, anyplace in the world. America will never retreat from our responsibilities, and we will take steps to bring to justice those responsible for this tragic loss of American life.

In this time of shock and sorrow, American resolve is called upon once again. We will meet this challenge.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I join with my colleague from Virginia in his expression of concern about the crew and members of the U.S.S. Cole. It still shows that we do live in a dangerous world, and our fighting men and women are exposed to danger every day they do their job.

Mr. WARNER. Mr. President, I would like to also make reference to the remarks of my colleague from Virginia. He and I have a very special responsibility in this tragedy. We will undoubtedly, working together on that, do what we can on behalf of the families, particularly, in this instance.

Mr. ROBB. I thank my senior colleague from Virginia. We will be doing everything we can to respond to this tragedy.

Mr. WARNER. The Senator is aware of the availability at 6 o'clock of the briefing on this matter?

Mr. ROBB. Mr. President, I say to the senior Senator, I am and I have already availed myself of other briefings today.

Mr. WARNER. Thank you.

Mr. ALLARD. Mr. President, before I begin my statement regarding the conference report, I want to say that my heart goes out to the families of the crewman of the U.S.S. *Cole* in the Aden Gulf who were killed, injured, or are missing. Let it be said, that if this was a terrorist attack, the United States shall not allow this to stand without a strong response by the United States and no matter where these terrorists go, they will be found and they will be held accountable.

Now to the conference report, I want to thank Chairman WARNER for allowing me the opportunity to speak in strong support of this essential Defense authorization conference report which provides the needed resources for our men and women in the armed services. I believe this bill is a fitting tribute for those who served, are serving, and will serve in armed services in the future.

The Fiscal Year 2001 Defense Authorization Act conference report has been a bipartisan effort and for the second year in a row we have reversed the downward trend in defense spending by increasing this year's funding by $4.6 billion over the President's request, for a funding level of $309.9 billion.

As the Strategic Subcommittee chairman, I would like to point out a few key provisions in the subcommittee's jurisdiction, plus a few of keen interest to myself.

As has been the pattern over the last several years, we had to increase the funding for our ballistic missile and space programs. This bill increases the ballistic missile defense programs by $391.8 million, a very important increase of $78 million for military space research and development programs, an increase of $91.2 million for strategic nuclear delivery vehicle modernization, and $80.5 million increase for military intelligence programs.

Regarding a few specific items—an increase of $85.0 million the Airborne Laser Program which requires the Air Force to stay on the budgetary path for a 2003 lethal demonstration and a 2008 deployment; an increase of $10 million for the Space Based Laser Program; a $129 million increase for National Missile Defense risk reduction; an increase of $80 million for Navy Theater Wide; an extra $8 million for the Arrow System Improvement Program; and for the Tactical High Energy Program an increase of $15 million.

Beyond the budget items, there four very important legislative provisions I would like to point out.

First, the Secretary of Defense is required to conduct comprehensive review of our nuclear posture—the first major review since 1994. Second, the Secretary of Defense, in consultation with the Secretary of Energy, must develop a long range plan for the sustainment and modernization of the U.S. strategic nuclear forces. We are concerned that the Department does not have a long term vision beyond their current modernization efforts.

Third, in 2002, the Space-Based Infrared System Low or the SBIRS Low program will be transferred from the Air

Force to the Ballistic Missile Defense Organization. And fourth, in order to assess an emerging threat, a commission has been established to assess the threats to the United States from an electromagnetic pulse attack.

This conference report also authorizes the activities at the Department of Energy in regards to their defense activities. In order to ensure that America's nuclear weapon stockpile is safe and reliable and that our nuclear waste is managed responsibly, we have authorized $13 billion for Atomic Energy Defense activities at the Department of Energy.

However, unfortunately, DOE has had a few problem areas in keeping and protecting our nation's most valued nuclear secrets. That is why we established in the fiscal year 2000 authorization bill the National Nuclear Security Administration or the NNSA and this year's bill provides a total of $6.4 billion for the NNSA. This total includes $4.8 billion for weapons activities, $877.5 million for defense nonproliferation activities, and $695 million for naval reactors activities.

A priority for me is the timely and efficient cleanup and closure of formerly used DOE weapons facilities, such as Rocky Flats in my State of Colorado. This bill moves the cleanup and closure of these forward with strong funding lines and some key legislative provisions. For example, DOE believed it would be best if they moved all the security and safeguards funding into one line and into one office at the DOE Washington, DC, headquarters. The problem is that this would have taken the responsibility away from the people who are responsible for the safeguards and security at each individual site, plus would have removed the needed flexibility to manage the sites effectively. For instance, once the material requiring security are removed from Rocky Flats, the savings from the reduction of these security needs would then be used to accelerate the cleanup and closure at the site. That is one of the reasons why we have a provision which would keep the funding and responsibility at each Environmental Management site.

In regards to the workers at Department of Energy sites, we provide employee incentives for retention and separation of federal employees at closure project facilities. These incentives are needed in order to mitigate the anticipated high attrition rate of certain federal employees with critical skills.

Another key provision which is very important not just for the workers I know at Rocky Flats, but for workers throughout the DOE sites in the United States is the establishment of an employee compensation initiative for DOE employees who were injured, due to exposure to radiation, beryllium, or silica, as a result of their employment at DOE sites. These workers performed a unique, important, but sometimes thankless task, of producing and testing our nuclear weapons arsenal.

Finally, I would like to mention a few important highlights of the conference report outside of the Strategic Subcommittee. In last year's authorization bill, we enacted a much needed and deserved pay raise for our military personnel. This year's bill continues that progress with a 3.7-percent pay raise beginning January 1, 2001. Along with the last year's pay raise, we also made major retirement reforms, including a Thrift Savings Plan for our service personnel. After many delays at the Pentagon, this year's bill directs the Department to implement the Thrift Savings Plan, in order to allow our military to prepare for life after their military service is complete.

Let me finish with a provision that by no small measure is the most expensive but couldn't be more deserving for those who have served. Beyond the many changes we have made in the pharmacy benefit and extension of benefits for active duty family members, we provide a permanent comprehensive health care benefit for Medicare eligible military retirees. This has been a priority for this committee and Congress and I believe we are doing the right thing for our military retirees who have served and protected this Nation.

I want to thank Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Strategic Subcommittee has oversight and to congratulate him and Senator LEVIN in the bipartisan way this bill was developed and ask that all Senators strongly support the Defense Authorization Conference Report. I also want to congratulate the chairman in the way he shepherded this conference report down the long arduous road this bill saw.

One of Congress' main responsibilities is to provide for the common defense of the United States and I am proud of what this bill provides for men and women in uniform. I see this bill as a tribute to the dedication and hard work of these young men and women. I ask for a strong vote on this bill in order to get that much needed and well deserved resources to our military personnel.

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

Mr. BYRD. Mr. President, consideration of the annual Defense Authorization conference report is generally an occasion for celebration and congratulation in the Senate as we reflect on the strength and superiority of America's armed forces. The report that we are considering today is indeed a solid achievement in our efforts to keep this nation on the right track as we work to bolster America's military readiness and national security.

Unfortunately, the circumstances under which we are taking up this report offer no cause to celebrate. The United States today is mourning the loss of at least five American sailors, a death toll likely to rise, and the injury of dozens more in an apparent terrorist attack on the destroyer U.S.S. *Cole* in Aden, Yemen. At the same time, the Gaza Strip and the West Bank are in chaos as the escalating violence between the Israelis and the Palestinians threatens to erupt into all-out war.

Our thoughts and our prayers are with the crew of the *Cole* and their families, and with the entire Navy family. The attack on the *Cole* was a vile and contemptible act. We must leave no stone unturned in working to determine the origins of this attack, to bring those responsible to justice, and to redouble our efforts to protect our forces overseas. And we must renew our calls to the Palestinian and Israeli leaders to quell the violence in the Middle East, to stop the fighting between the two sides from spiraling out of control. Too many lives have been lost already in this latest round of violence, too many children have been sacrificed to the disputes of their governments. It is time for the Israelis and Palestinians to each accept responsibility for their actions, to stop the fighting, and to resume talking.

These grave crises are a stark reminder of the importance of maintaining a strong and ready U.S. military, and the FY 2001 Defense Authorization conference report that we considering today does a good job in meeting that goal. Like the Defense Appropriations conference report that was passed earlier this year, this authorization measure provides needed funding increases and policy directives to meet the changing nature of our national security challenges and to respond to crises affecting our national security as they arise.

With the current focus on the readiness of America's military, this is a timely package that makes a clear statement about the Senate's commitment to our men and women in uniform. There is no question that this is a big bill, topping out at $309.9 billion—$4.6 billion over the President's budget request. It is a broad and complex measure, affecting virtually every facet of our nation's military forces and readiness capabilities. It has not been an easy task to finalize the conference and reach this point. Many controversial issues had to be confronted and resolved along the way. Conferees began their work before the August recess, and have labored intensely over the past several weeks to complete the conference. I commend our Chairman, Senator WARNER, and Ranking Member, Senator LEVIN, for their guidance, skill, and leadership during the conference. While not every Senator may

agree with every provision of this conference report, all Senators can be assured, thanks to the leadership of Senators WARNER and LEVIN, that the conferees never lost sight of the essential purpose of this legislation, which is to provide for America's national security and military readiness.

I am particularly pleased that the authorizers concurred with the appropriators in funding a 3.7 percent pay raise for military personnel. We can never adequately compensate our men and women in uniform for their dedication and service to this nation, but we must always strive to provide the best pay and benefits package that we can. In that regard, I also welcome the comprehensive package of improved health benefits for Medicare-eligible military retirees, although I understand the concern that has been raised over the cost of the so-called ''TRICARE for life'' provision that was included in this conference report. The cost of health care for aging Americans, be they military or civilian retirees, is an issue that this nation is going to have to confront, and that Congress will have to provide for in future budgets. I have no doubt that whatever we do, as we have seen in this measure, the price tag will be steep.

I am also pleased that the conferees agreed to accept the provision that I offered on behalf of myself, Senator WARNER and Senator LEVIN establishing a United States-China Security Review Commission to monitor and assess the national security implications of the U.S.-China trade relationship. In the wake of the recent enactment of legislation to extend Permanent Normal Trade Relations to China, this Commission can play a key role in assuring that an enhanced economic relationship between the United States and China does not undermine our national security interests.

The purpose of the U.S. China Security Review Commission is to determine whether China, which is working hard to gain entry to the World Trade Organization, or WTO, and to extend its economic dominance throughout the hemisphere, will use its enhanced trade status within the WTO and income from increased international trade to compromise the national security of the United States. Given the circumstances—including the fact that the Chinese Central Committee just this week approved an economic plan that calls for doubling China's economy over the next decade—this is a timely and serious issue to address.

Mr. President, we have good reason to be wary. I think it is significant that even before the President signed the PNTR legislation into law, the Chinese started waffling on promises they had made to secure entry to the World Trade Organization. I note that the President's top trade negotiator was dispatched to Beijing this week, shortly after the PNTR signing ceremony, to attempt to nail down China's commitment to reduce tariffs on imports and open markets to foreign companies.

Let me read from an item in Wednesday's New York Times, entitled ''Clinton Warns China to Abide by Trade Rules.''

I will read from the article.

> Mr. Clinton sent Charlene Barshefsky, the United States trade representative, on her mission on the same day that he signed into law the legislation to grant China permanent normal trade relations, the culmination of 14 years of negotiations and a protracted struggle on Capital Hill.
>
> But even as administration officials and bipartisan Congressional leaders gathered on the White House lawn to hail what they called China's integration into the world economy, American officials acknowledged that China was slipping on pledges to open its markets that it had made as part of its efforts to join the World Trade Organization.

I wish I could say I was surprised by China's apparent backing away from its WTO commitments, but I was not. I predicted this. China's record on trade agreements is abysmal. Since 1992, six trade agreements have been made, and broken, by China. In addition to its record of broken promises on trade agreements, China also has a history of weapons proliferation, religious repression, poor labor protections, and aggressive foreign policy postures. Is this the kind of behavior we want to reward with permanent normal trade relations?

I opposed PNTR for China, and I have grave reservations over the impact of China's membership in the WTO. We are entering uncharted waters in our economic relationship with China, and it is absolutely essential that we do so with our eyes open. We gave away our only means to bring the issue of trade with China before the Congress on an annual basis when we passed PNTR.

I believe there were 13 Senators who had their eyes open when they voted on that matter and they voted against it. I was one of the 13.

This U.S.-China Security Review Commission will restore a vital measure of scrutiny to the economic relationship between the United States and China. It is a fundamental safeguard, and I am glad that we are moving forward with it.

It is not a trade commission. It is a national security commission.

Let's have some group that will advise the Congress as to what impact the trade engaged in by China with the United States might have on our national security. We are not depending upon the administration. We are not depending upon the executive branch. We have a commission that will advise the Congress so that we will know, we will have some idea as to what the impact on national security is of this permanent normal trade relations legislation.

So it is a fundamental safeguard, and I am glad that we are moving forward with it.

Once again, we stand at a time when tensions throughout the world are high. In the span of only a few days, we have ricocheted from the euphoria of democracy—this is the way of making China a democratic nation. We will have great influence upon China. It is laughable that we, the people of 212 years, will have influence upon the people of 5,000 years. No. We have ricocheted from the euphoria of democracy sweeping through Yugoslavia, to the despair of escalating violence in the Mideast, to the horrific images of dead and injured American soldiers on the U.S.S. *Cole*, the victims of an apparent anti-American terrorist attack. We are reminded that peace remains an elusive goal, and that America must remain vigilant.

The first order of business is to ensure that the United States maintains the finest, the best equipped, the best protected, and the best managed military in the world; a military force—but we will have to make it all of these things—a military force suited for the emerging challenges of the 21st century. This conference report goes a long way to meet that test. It is a good package.

I urge its adoption, and I again commend Senators WARNER and LEVIN for having led the way for others of the conferees to the final development of this package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me thank our dear friend from West Virginia for his nice remarks about the chairman and myself. I am wondering if we could line up some speakers. We have Senator REED of Rhode Island and Senator CLELAND on our side who need some time on the conference report before we get down to the point of order. I have not had a chance to talk to Senator HOLLINGS on that issue. But I am wondering if we could set up a line of speakers with Senator REED for 5 minutes on our side.

Mr. WARNER. Mr. President, I want to make sure I hear because I have Senator DOMENICI and Senator GRAMM of Texas.

I, first, want to thank our very valued Member, Senator BYRD, of the committee. I was privileged to join him on the legislation on the China Commission. I can't tell you how our committee benefits from his work and wisdom that he has given us through the many years.

I thank the Senator.

Mr. BYRD. Mr. President, the distinguished Senator from Virginia was a sterling and very steadfast advocate of this legislation. I am deeply in debt to him for his leadership in the committee, and also to my friend, Mr.

LEVIN, for his support of this commission.

Mr. WARNER. We thank the Senator.

Mr. LEVIN. Mr. President, let me join our chairman in commending Senator BYRD for the way in which he worked so hard for this commission, and for the valuable function this commission is going to perform for all of us. Whichever side of that debate we were on in terms of PNTR, and however we voted on it, this commission is going to be very helpful to all of us.

I thank my friend from West Virginia.

Mr. WARNER. Mr. President, Senator LEVIN and I will endeavor to see what we can do to convenience the Senate and keep this bill moving.

Our esteemed colleague, Senator KERREY, has his time reserved. We want to have several others before we get to his issue, if that is agreeable. Senator REED has been waiting, Senator GRAMM, and Senator DOMENICI.

Mr. LEVIN. Senator CLELAND.

Mr. WARNER. Senator CLELAND, a member of the Armed Services Committee.

Let's alternate between sides.

Mr. LEVIN. Senator REED, who has been waiting the longest, wishes 5 minutes.

Mr. WARNER. Senator DOMENICI, on my time for another 5 minutes.

Mr. LEVIN. And back to Senator CLELAND for 10 minutes.

Mr. WARNER. Then we go to Senator GRAMM, who has his time under the unanimous-consent agreement.

It would be our hope the Senator will consume less than the allocated amount under the unanimous consent.

Mr. GRAMM. I was hoping our distinguished chairman would consume less than allocated on the budget but he consumed 10 times as much.

Mr. WARNER. We will have the opportunity, Mr. President, to have a few words on that subject.

Mr. LEVIN. If the chairman will yield, it is my understanding under the existing unanimous-consent agreement after the 2 hours under your control, either used or yielded back, 2½ hours under my control, either used or yielded back, the 1 hour under the control of Senator GRAMM of Texas, either used or yielded back, and Senator WELLSTONE, I believe, has already utilized his time, at that point we then turn to the point of order, and Senator KERREY would be recognized for that purpose.

Mr. WARNER. That is correct. For those who are following this, you will make a point of order, at which time I will seek recognition to have that point of order waived.

Mr. LEVIN. We jointly ask unanimous consent the order of speakers be followed for such length of time that we outlined.

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

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to express my support for the fiscal year 2001 Defense authorization conference report.

I believe this bill contains many excellent provisions which will ensure that our military remains the finest in the world.

As to personnel benefits, this bill also takes great steps to improve health care, pay and benefits for armed services personnel.

For the second year in a row, Congress approved a pay raise for military personnel. This year's 3.7 percent pay raise will go into effect on January 1, 2001.

This bill directs the Secretary of Defense to implement the Thrift Savings Plan for active and reserve service members.

Many Members of Congress have been outraged to learn that a number of active duty service members qualify for food stamps. This bill addresses that issue by directing the Secretary of Defense to implement a program which provides additional special pay of up to $500 per month for those service members who qualify for food stamps.

This bill also eliminates co-payments for active duty family members for health care received under TRICARE Prime. In addition, Congress extended TRICARE Prime to families of service members assigned to remote locations.

For military retirees, this bill goes far to fulfill the promise made to our military retirees when they enlisted that they would be given lifetime healthcare.

Congress approved a permanent comprehensive health care benefit for Medicare-eligible retirees which effectively makes all military retirees eligible for health care within TRICARE.

Under this plan, military retirees and family members may keep their Medicare coverage and use Tricare as a Medicare supplement to pay costs not covered by Medicare.

This provision can save military retirees thousands of dollars in out-of-pocket costs.

Congress also expanded the comprehensive retail and national mail order pharmacy to benefit all Medicare eligible retirees and their eligible family members, without enrollment fees.

On submarines, this bill also provides significant resources for the Navy's submarine fleet, a military asset very close to the hearts of the residents of my home state Rhode Island:

Authorizes funding for the construction of the third *Virginia* class submarine, the U.S.S. *Hawaii*;

Authorizes a block buy of submarines from FY03–06 which will greatly increase the efficiency and lower the cost of our next generation of submarines.

In transforming for future threats, the Navy will soon be faced with a decision on whether to refuel old *Los Angeles* class submarines or convert four Trident submarines which are scheduled to be retired to special operations boats. I believe that this decision must be made very carefully and so I am pleased that this report contains language directing a study of the advantages of Trident conversion over refueling.

I am also pleased that significant funding has been authorized for countermine measures. I believe this is a necessary program that has been woefully underfunded in recent years.

As to Army transformation, in October 1999, senior Army leaders announced a new vision to enable the Army to better meet the diverse, complex demands of the 21st century.

At present, in some instances the Army faces strategic deployment challenges that inhibits its ability to negotiate rapidly the transitions from peacetime operations in one part of the world to small-scale contingencies in another.

Army heavy forces have no peer in the world, but they are a challenge to deploy.

The Army has the world's finest light infantry, but it lacks adequate lethality, survivability, and mobility once in theater.

The Army Transformation Strategy will result in an Objective Force that is more responsible, deployable, agile, versatile, lethal, survivable and sustainable than the present force.

A force with these capabilities will allow the Army to place a combat capable brigade anywhere in the world, regardless of ports or airfields, in 96 hours.

It will put a division on the ground in 120 hours. And it will put 5 divisions in theater in 30 days.

This bill supports the Army Transformation efforts by authorizing an additional $750 million for the initiative, of which $600 million is for procurement requirements and $150 million for R&D requirements.

On impact aid, I am also pleased that the conference report contains language I authored to address the considerable financial strain on school districts educating military children with severe disabilities and help military families get the best education for their children with severe disabilities.

As many of my colleagues are aware, military personnel with children with severe disabilities often request and receive compassionate-post assignments to a few districts known for their special education programs.

The cost of providing such education is disproportionately high for these communities. In fact, for some of these children, the cost is upwards of $50,000 to $100,000 a year (as compared to an average per pupil expenditure of $6,900).

In my home state, Middletown, Portsmouth, and Newport are districts

with many military children with disabilities. This year, Middletown alone is providing education to 66 high need military children with disabilities at a total cost of nearly $1 million.

This experience, however, is not unique to Rhode Island. In fact, districts ranging from San Diego and Travis Unified in California to Fort Sam Houston Independence in Texas also face considerable financial strain in their endeavor to educate military children with disabilities.

Section 363 of the conference report, Impact Aid for Children with Severe Disabilities, requires a report containing information on military children with severe disabilities, and authorizes funding to ease the strain on local communities providing education to high numbers of such children.

Mr. President, this critical program will help ensure that military families get the best education for their children with disabilities, while providing needed relief to school districts, and I am very pleased that it has been adopted.

I look forward to working with my fellow committee members, the Department of Defense, impact aid organizations, military personnel, and affected communities to press for funding for this program next year.

Under the Montgomery G.I. bill, Mr. President, I would now like to turn to some items that I regret have not been included in the conference report.

First, I would like to mention the expansion of Montgomery G.I. bill benefits that have been advocated for years by our colleague, Senator CLELAND.

One of the most innovative provisions he proposed would have allowed service members to transfer Montgomery G.I. bill benefits to family members.

I believe this transferability would have been an effective tool for recruiting new members and retaining trained and skilled service members.

This provision would have had a negligible impact on the budget: The provision was not written as an entitlement, but rather would have been implemented at the discretion of the service Secretaries.

However, this provision, which was included in the Senate bill, was ultimately eliminated from the conference report because it was too expensive.

Yet while this provision was considered too expensive, in conference, majority leaders created and approved a greatly expanded entitlement for retirees which will cost $60 billion over ten years.

I am disappointed that we were not able to include both of these worthy items in this conference report and I will continue to work with Senator CLELAND to ensure it is included next year.

As for hate crimes, Mr. President, I would like to express my extreme disappointment regarding the stripping of the hate crimes legislation from the Department of Defense (DOD) authorization conference report.

Fifty-seven United States Senators voted to add this important legislation to the DOD authorization bill, 232 Members of the House of Representatives instructed the conferees to keep the hate crimes legislation in the DOD authorization bill, and both the President and Vice-President have expressed unwavering support for this legislation.

Although some argue that hate crimes legislation has nothing to do with authorizing our nation's defense programs, a majority of the Senate added it to the DOD authorization bill because we were never given the opportunity by the Republican leadership to vote on it as a stand alone bill.

I support this legislation because it sends a message that society finds crimes motivated by bias especially heinous and worthy of punishment.

Hate crime laws recognize that a violent act committed against someone just because of who they are, is intended to intimidate and frighten people other than the immediate victim. While a hate crime might be targeted at one person, it is really directed at an entire community.

Considering the intent behind a person's action in committing a crime is not a new development. Deeply ingrained in our nation's laws is the recognition that intentions count when it comes to crime. That's why premeditated murder is punished more severely than manslaughter.

Hate crime laws express society's judgment that a violent act motivated by bigotry deserves greater punishment than a random crime committed under the same circumstances.

The Local Law Enforcement Act does not trample on our nation's ideals of free speech and equal justice under the law.

The Supreme Court has held constitutional state legislation that enhances penalties for hate crimes, respecting findings that hate crimes often provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest. The Court affirmed that it is reasonable to have greater punishments for crimes that cause greater individual or societal harm.

Hate crimes are very real offenses, combinations of uncontrollable bigotry and vicious acts of personal injury. These crimes not only inflict physical wounds, but wreak mental and emotional devastation by attacking a person's identity.

People who hurt or kill someone because that person represents a certain community, deserve harsher penalties.

Dr. Martin Luther King, Jr., said that he hoped that one day all people will be judged by the content of their character.

A majority of the U.S. Senate, a majority of the House of Representatives and the President and Vice President believe this to be the case. Our nation's hate crime laws should be extended so that we—that all people can have the freedom to be themselves without fear of being attacked for who or what they are.

Mr. President, I regret that we were not able to accomplish all that we set out to do with this conference report.

However, I believe that it is ultimately a solid legislative effort that will help our military and I urge my colleagues to support it.

Mr. President, I commend Chairman WARNER and the ranking member, Senator LEVIN, for their great work in bringing to the floor a comprehensive and critically needed reauthorization of our defense programs. This is legislation which recognizes the extraordinary sacrifices of our military personnel around the globe—sacrifices which were certainly highlighted today in the gulf.

One part of this legislation is an enhancement of personnel benefits, both pay and health care. There is a sentiment which I subscribe to, frankly, as a veteran and as an American, that we cannot reward our service men and women enough for what they do each day. There is a very practical consideration, and that is the limits of our budget.

This legislation does many good things, but it raises an important question. It raises the question of whether we are reaching the limits of resources that we can effectively devote to personnel concerns, not only in terms of overall economic strategies in the country but also in terms of the inherently limited defense dollars because dollars we commit to personnel force cannot be used for operations, cannot be used for modernization, cannot be used for a host of programs that give us the qualitative education, and give our service men and women serving today the tools to do this very critical job. That question keeps emerging in the context of this legislation. For those personnel enhancements, certainly no one deserves more recognition or reward than our men and women in uniform.

Let me speak about several other topics included within this legislation. First, I am pleased to see that submarines have been recognized. This is a very valuable aspect of our national security. This legislation would authorize funding for the construction of a third *Virginia* class submarine, the U.S.S. *Hawaii*, and authorize a block buy program of submarines for fiscal years 2003 to 2006. It is more efficient, a better way to spend our dollars to get the quality submarines we need. It also recognizes the requirements to augment our submarine fleet by either new construction or by refueling existing 688 attack submarines.

This legislation, I am pleased to say, contains legislation language that directs a study of conversion of Trident over refueling, conversion of certain submarines over refueling, and that type of study is inherently positive and useful for future deliberations.

What is happening to our services today as we speak is a profound transformation based upon new threats, a transformation based upon new political realities in the post-cold-war world. It is a transformation we have to undertake with each service. I believe this legislation lays out some good guidelines for the transformation.

With respect to the Army, it does support the Chief of Staffs' commitment to forming five to six new interim Army brigades that would be more mobile, better able to be positioned around the world. It also sets up testing requirements that will ensure these new concepts are thoroughly tested.

With respect to the Air Force, it recognizes what has already been done in terms of organizing 10 aerospace expeditionary forces in providing resources and certainly support for that.

With respect to the Navy, it recognizes and, again, as evidenced today, the Navy now has responsibilities close in shore, along the littorals. They have to be prepared to meet the hostile fleet at sea. But more often they are called upon to be close in, supporting operations, supporting political and diplomatic issues. That, too, is recognized here.

So we have legislation that is comprehensive, legislation that recognizes the need to reward our service men and women, legislation that recognizes the need to transform our military services because of our new world, and legislation that I think goes a long way in building those vital programs, such as submarines, but there are others, that are critical to our future national security.

There are several regrets, though, and one regret is that included within the Senate version of the legislation was the hate crimes bill—important legislation that could match our ideals with our legislative intent. We all profess, indeed, would say stoutly and without reservation, our abhorrence for hate crimes, the need to condemn them. Unfortunately, this language which was included in the Senate version, and which the House also favorably supported for at least an instruction of the conferees, could not be included in the final version of the legislation. I regret that.

What it means is that we have to return next January with a commitment to pass this legislation. Hopefully we can pass it standing alone; hopefully, if that is not the case, on some legislative vehicle. But this legislation is necessary. Certainly I will be supporting this legislation because it will make us more capable, it will help us modernize our forces, and will reward those forces who are serving so valiantly.

The PRESIDING OFFICER. The Senator from New Mexico is next to be recognized under the unanimous consent agreement.

Mr. DOMENICI. I believe I have 5 minutes.

Mr. President, I rise today to support for the Defense Authorization Conference Report of 2001. The conferees have worked very hard to achieve consensus or reach compromises on the provisions found in this year's report.

The conference report contains many positive things for ensuring America's continued military dominance; in addition, it also includes several authorizations for defense activities in the state of New Mexico. I thank the Chairman and Ranking Minority Member for their contributions.

I would like to specifically address what has been achieved in this bill with respect to laser programs and directed energy technologies. I strongly believe that lasers, like THEL and Airborne Laser, will offer offensive and defensive military means far beyond our current capabilities. These programs deserve our full support. At the same time, we need better coordination of our nation's efforts in lasers and other directed energy technologies.

I am pleased the Committee accepted my amendment that requires the Secretary of Defense to implement the High Energy Laser Master Plan and authorizes up to $30 million for these vital technologies. This amendment also requires selection of a site for the Joint Technology Office (JTO) by the Secretary of Defense. The JTO will perform a critical role in achieving better coordination and execution of our nation's laser programs. The bill also underscores the vital role of the High Energy Laser Test Facility at White Sands Missile Range and the importance of DoD's close coordination with other federal agencies, academia and industry in creating a stable foundation for further progress in these technologies.

Although my original legislation encompassed all directed energy technologies, including microwaves, in this defense-wide effort, the conferees would not support this position. Instead, the legislation will require the Pentagon to take a hard look at integrating all other directed energy technologies into the current structure for High Energy Laser programs. From my perspective this would be a logical next step in the Pentagon's efforts to streamline and better coordinate its research programs. This would also accelerate progress and maximize efficiencies for these related technology areas.

The conferees also addressed shortfalls in some specific ongoing laser weapons programs. They authorized $85 million to restore the most of the Airborne Laser (ABL) program funding. The Air Force's ABL program is the only missile defense system currently contemplated that would strike and kill missiles in their boost phase.

In addition, the conferees reached a reasonable compromise on the control of funding for Airborne Laser after the Air Force radically cut that program's budget. The Air Force will retain funding control for ABL; however, it must have the Ballistic Missile Defense Organization's (BMDO) approval before making any changes to any aspect of the program, including its budget.

The Tactical High Energy Laser (THEL) was authorized at $15 million for FY2001. THEL represents one of the first weapons systems being tested that utilizes high energy lasers for the purposes of missile defense. I led the charge to obtain an additional $5.7 million in FY00 funding for continued testing of this weapon system this year. Since the passage of the Senate bill earlier this year, THEL has shown that lasers can provide effective, speed of light defenses against Katyusha rockets. In the coming months, THEL will be tested against other targets and will provide us additional insights into the lethality of this particular type of system.

I am committed to addressing the shortfalls in the science and technology funding to ensure more rapid development and fielding of high energy laser weapons. However, I am also committed to expanding these efforts to all directed energy technologies. While I appreciate the Committee's attention to these vital programs, more must be done to ensure the directed energy science and technology is fully streamlined and sufficiently funded. These technologies can assist in countering some of the most prevalent threats confronting us.

This long-awaited conference report will have a positive impact on the day-to-day concerns confronting our military. For example, quality of life received much needed attention. I applaud the 3.7 percent pay raise for military personnel and the comprehensive health care for Medicare-eligible military retirees. The conference report also retained the extension of the TRICARE Prime benefit to families of service members assigned to remote locations and the elimination of co-payments for services received under TRICARE Prime.

This legislation contains landmark provisions with respect to healthcare for our military retirees. Many complicated and situation-specific problems currently exist with the health care programs for active and retired military members as well as for veterans. It will take more than one year of fixes to find the right combination of policies and ensure that the funding for military health care is not forced to compete with other defense priorities.

These will aid in addressing the health care crisis within our military and provide proof of our desire to keep our promise. I applaud the conferees for enacting sweeping reform to a broken system.

Military Construction and family housing is authorized at $8.8 billion, an increase of $788 million over the Administration's request. I am pleased that projects critical to the operational effectiveness and well being of the service members and military families residing in New Mexico were addressed in this bill. These are not glamourous projects. These authorizations will replace critical crumbling infrastructure, such as repair of the Bonito pipeline between La Luz and Holloman Air Force Base.

Five additional Weapons of Mass Destruction Civil Support Teams were included at a cost of $15.7 million. This will provide us with a total of 32 Civil Support Teams by the end of fiscal year 2001. These teams are comprised of full-time National Guard personnel trained and equipped to deploy and assess suspected nuclear, biological, chemical, or radiological events in support of local first responders. One such team is currently being trained and fielded in New Mexico, ensuring that New Mexico constituents and its vital assets have better protection against such attacks.

The bill authorizes a total of $13 billion for Atomic Energy Defense activities of the Department of Energy. A total of $6.4 billion of this funding is for the National Nuclear Security Administration.

Over $1.0 billion is authorized for the nonproliferation and threat reduction programs of the Departments of Defense and Energy. These programs continue to make great strides in the critical process of securing weapons of mass destruction and retaining scientific expertise in the former Soviet Union. To further ensure that these threat reduction programs achieve their goals, the committee has also included several initiatives to obtain greater commitment and necessary access from Russia.

Earlier this year I introduced a bill to improve the structure and signal a meaningful U.S. commitment to DOE's nuclear cities initiative. I strongly believe that without significant restructuring in nuclear weapons production complex of Russia the progress in strategic arms reductions could readily be reversed. Further, the proliferation threat of underemployed and underpaid Russian weapons scientists could create a direct, negative impact on international security. I thank the Committee for focusing efforts on this issue.

While I am pleased with the authorization levels to support stockpile stewardship and nonproliferation, I am dismayed that the conferees took it upon themselves to adopt additional provisions on polygraphs. These new requirements will entail polygraphs for an estimated 5,000 additional persons working in our nuclear complex. I find it astounding—especially in light of the findings in the Baker/Hamilton Report—that the conferees included these provisions. That report stated unequivocally that ''(t)he current negative climate is incompatible with the performance of good science. A perfect security system at a national laboratory is of no use if the laboratory can no longer generate the cutting-edge technology that needs to be protected . . .''

There is little evidence that polygraphs administered as a screening technique is an effective use of security resources. The Conferees apparently view mass polygraphs of everyone at the Labs as a silver bullet that will ensure no future security breaches. That is a naive view of security that fails to recognize that polygraphs are simply one tool among many, that must be wisely and judiciously used to ensure a strong security culture that will allow science to thrive. Otherwise, the silver bullet of mass polygraph will end up killing the labs, not protecting them.

In sum, security is a moot point if our national laboratories fail to achieve scientific advances worth protecting. The Baker/Hamilton Report clearly indicated that we should avoid further ''made in Washington'' rules that frustrate scientific pursuits and only serve to further demoralize laboratory personnel. I believe these provisions will only make a bad situation worse.

Finally, $38.9 billion is provided for the defense research, development, test and evaluation programs—an increase of $1.1 billion over the President's budget. This funding will focus on the revolutionary technologies to address emerging threats and ensure that America's military remains dominant in the future.

In years past I have repeatedly emphasized the need to stop the ebbing tide and end the lengthy decline in defense budgets. We must not tire in our efforts to maintain a strong, ready and professional military. Quality of life is central to recruitment and retention. Combat readiness of our armed forces must never be at risk. And we must ensure that we are developing and leveraging new technologies to the maximum extent. Our soldiers, sailors, airmen and marines require the means necessary to respond to international uncertainty and address different and diffuse security threats. We must not fail them or U.S. citizens in rising to this challenge.

One of the most dangerous things confronting the United States of America is the current situation of morale at the three nuclear laboratories of the United States. These are the three labs that for three generations we have sent the greatest scientists in America, the best young scientists who wanted to go because it was a great place to work. We used to get the top graduate Ph.D.s from Texas A&M in physics. They would cherish going to one of the nuclear laboratories for 10 or 12 years. From MIT, from Harvard, from Cal Tech, everywhere.

We were being told about a current report available to this committee, while it was in conference, the committee that produced this bill, called a Baker-Hamilton report, named after Senator Baker and Representative Hamilton. It is about 6 weeks old. They were asked to check the current situation in our laboratories. They are more worried about the morale of the scientists there than any other single thing. They have concluded that the recruitment of young, bright scientists is off in excess of 50 percent because of the constant bombardment of those laboratories over the last 18 months with references to security, some of which has been corrected.

They also concluded that a laboratory which is perfectly secure but cannot maintain the highest degree of science in the world is not a very good laboratory. They maintain that we should do less polygraphs, not more, be more targeted, and more efficient and more effective.

Guess what the bill does. This bill permits 5,000 additional laboratory employees. This may even permit them to go down to a janitor, I don't know, and submit polygraph tests to them. And believe it or not, they provide a waiver for the Secretary of Energy. Then they say you cannot use the waiver if, in fact, the reason for it is that the laboratory is having morale problems and cannot keep its personnel to stay alive. That is paraphrasing.

I read the exact words: This amendment would prohibit the Secretary from using the waiver to maintain the scientific viability of a DOE laboratory. That is the precise reason you should be able to use a waiver, the viability of the laboratories.

Frankly, I am not at all sure everyone who signed this conference report and produced the bill that they really think is a great bill knows that provision is in there.

I say to my good friend, the chairman of the committee, I worked hard and fast and side by side with the Senator from Virginia to get a new law to create a new, semiautonomous agency with which he helped so much. It is now known as the National Nuclear Safety Administration, headed by a great general whom you know, General Gordon. If you asked him, Can these laboratories work under these kinds of conditions? he would tell you: Please don't do that. He would say: Please don't do that. That is the wrong thing to do.

Frankly, all I am asking is that the Senate take heed of what I am saying. I am not asking for anything more. I am not even asking the distinguished chairman for anything today. I only hope he is listening and next year, early on, when the Senator from New Mexico tries to change this provision consistent with the Baker-Hamilton report—and almost everybody who has looked at our National Laboratories since the Wen Ho Lee case would agree, too—I hope the distinguished chairman and the chairman's staff will consider, early in the year of the next Congress, something that will fix this provision; 5,000 additional polygraph employees is not the way to go with the laboratories in the position they are in now.

There is no evidence that polygraphs of the type they are talking about have anything to do with security, veracity, or anything else. I know the people who work there. It is somewhat of an insult to consider the average employee, some of whom have been there 30 years, has to be subject to a polygraph because security has gone awry in the laboratories.

I really wish I had had a chance to present this issue. I think it is exactly the kind of thing we should not be doing. I am going to do everything I can, starting next year with the first legislation that is around, to change this. In the meantime, I am glad the Secretary does not have to go next month and start immediately imposing these polygraphs. He has a little bit of time. I hope he squeezes the time so next year we can fix it. That is all I have on this subject.

I say to the distinguished chairman, thank you for yielding me time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on my time I thank my colleague for bringing this to our attention. I commend him for the fervor with which he has taken the interest of these very vital laboratories, some of which are in his State, and spent inordinate amounts of time in his Senate career trying to strengthen them and look after the employees. I know how difficult it was for him to work through the complicated case which was recently disposed of.

I worked with the Senator in the creation of this new entity in the Department of Energy. I am about to get some new documents. Once I get them, I want to show them to you and we may find a little time to amplify this record. But I am advised, subject to the documents coming, we did take into consideration the concerns the Senator has expressed, and we do have a letter from the individual primarily responsible for security saying they could work with this proposal, this language.

Until I get that letter, I will withhold. But I may ask unanimous consent to have documents printed in the RECORD, should I get them in my possession, after showing them to my good friend and colleague, the Senator from New Mexico.

Mr. LOTT. I know the Senator from Georgia is prepared to speak. Will he allow me to intervene for a moment? I do not want to take away from time that may be reserved, so I yield myself such time from my leader time as is necessary.

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

Mr. LOTT. Mr. President, I will be brief. I want to commend Senator WARNER for the effort he and his staff have put into this bill. I am hoping we can wrap up the debate and get to the votes that are going to be required on the point of order and final passage before too late in the evening.

This has been a long time coming. It has been a laborious process. Senator WARNER stuck with it. Obviously, he had help from his colleague on the other side of the Capitol, the gentleman from South Carolina, Congressman SPENCE. He worked with Senator LEVIN, the ranking member. But this is a monumental achievement.

There are some people who have the idea we do not need the Defense authorization bill if we have already done the Department of Defense appropriations bill and military construction appropriations bill, but we need this bill because it authorizes important programs; it authorizes important changes in the law; it authorizes the money that we need. I want to touch on a few of those very briefly.

The funding level for new budget authority for the Department of Defense in this bill is $309.9 billion, which is $4.6 billion above the President's budget request. It is an increase over what was requested for procurement, for research, development, test and evaluation, and operations and maintenance. It also has a 3.7-percent pay raise for our military personnel effective January 1, 2001.

Last year, when we had a pay raise for our military men and women, the word I got from the rank-and-file troops, and also from the Joint Chiefs, including specifically the Chairman of the Joint Chiefs, was that it absolutely transformed the attitude of our military men and women who were leaving and were not ''reuping,'' as the saying goes in the military, because they really wondered if we appreciated them and knew they were there. At least by improving their pay, by dealing with their retirement benefits, and now in this bill, another pay raise, and dealing with this question of health care, it is going to have a good effect on morale. Obviously, we want the morale to be good. We want quality of life in the barracks. We want the ships and tanks and everything we need. But if we do not begin with decent living arrangements for our military men and women, then all is lost.

This bill comes at a critical time. Just today we see what the risks are—the U.S.S. *Cole,* built in my hometown of Pascagoula—I believe I was there when it was commissioned—300 sailors on the ship, and now we see 3 dozen or more of them are killed or injured and others are missing. Yet this is one of the most sophisticated ships in the world. But it shows once again, if we have kamikazes who are willing to put it all on the line, to get killed, to do damage, they can do damage to our equipment and to our men and women. This is no time to nitpick this bill and turn away from it.

There are those who say we should not be starting these new programs or make them permanent. But for our military men and women, active duty and retirees, and for their families, we need to address this health care question. For our military people to be told, at 65, you are off, you are off this program, go there and get on Medicare or find some other arrangement, is wrong. When we talked to our military personnel and our retirees and we said: what is really the thing that you want the most in helping you deal with your health care needs, they cited the pharmaceutical problem, the need for pharmacy benefits, either mail order or, in this bill, through retail.

This is a major achievement. I have already had military retirees and veterans call my office literally in tears to say thanks for what we are doing here. Maybe it was not done exactly the prettiest way, or in the way it should have been done early on, but this is a major achievement. I do not want to be the one to explain to some veteran, because of a procedural issue or a point of order, that we don't address this need of our military men and women and their families and our retirees. I am not going to explain that. I am going to vote for this bill, and I am going to do it proudly.

Then there is another provision that objections have been raised about, and that is the Department of Energy employees who were injured due to exposure to radiation and other problems at our DOE facilities and nuclear facilities. Again, there may need to be more work on it. Maybe it should have been handled in a different way. But who wants to tell these people who have been injured by our Government operation, ''There is no program for you.'' Not me. I do not think we should walk away from this at this point.

This is a reasonable compromise. Both the retirement and the DOE program that was added as we went along, and expanded, while it may present certain difficulties for some of our people, in the end it is the right thing to do. Also, it is attached to a bill that we need desperately—a good bill, a bill that has been a long time coming.

I thank all those involved. There are so many parts of it I could refer to that

are important, but I didn't want us to get to final passage without me saying we should do this bill—we should defeat the point of order, and we should pass this bill. It is the right thing for the defense of our country, for our veterans, and the right thing for people who have been injured and haven't been properly compensated. We can fine tune the program as we learn more about the extent of the damages and how much they are injured and the proper way to deal with it, but for now I urge my colleagues, vote for this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished majority leader. This bill had a long and tortuous course through the Senate, but he stood by our side, not only me, as chairman, but the members of the committee from both sides of the aisle, and the Democratic leader likewise.

I see the presence of the distinguished Senator from Nevada. On those days when we were on again and off the next, you stood by. Last year, you were the first one to cosponsor the bill on the pay raise, the first one this year to cosponsor the bill on the medical benefits. While you are no longer a member of our committee, having once been one, you have stood with us throughout this whole process. I thank you.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. WARNER. I inquire how much time our distinguished colleague and very valuable member of the committee, without whose wit and function I doubt we could function, requires.

Mr. CLELAND. I thank the Senator. Two minutes.

Mr. CLELAND. Mr. President, I come before the Senate to remind Members that the news today reminds us why we need a Defense authorization bill; why we need pay increases for our military men and women abroad; why we need our Armed Forces to be strong; why we need to take care of our military retirees, especially in terms of their health care needs; why we need a defense of this country at all.

Our young men and women are in 121 nations around the globe, and they stand on watch in defense of this country. In doing so, they voluntarily, every one of them, place themselves in harm's way. We saw the cost today of that terrible price that is exacted from time to time on our service men and women. All of us have in our hearts and in our thoughts and in our prayers the families of those service men and women on board the U.S.S. *Cole* as they struggle with taking care of their dead, their wounded, and their missing.

This year's Department of Defense authorization conference report represents months of hard work and compromise on behalf of our Nation's military, as has been discussed. I thank Chairman WARNER and ranking member CARL LEVIN for their leadership throughout this entire process this year and for their support particularly of my initiatives to enhance the GI bill. Stephen Ambrose, the historian, particularly of the greatest generation of World War II, said the GI bill is probably the finest piece of legislation ever devised by the Federal Government.

I thank Senator HUTCHINSON, chairman of the Personnel Subcommittee, with whom I have worked closely this year on issues pertaining to the quality of life of our service men and women.

This conference report has been a long time coming, as has been discussed. We began the authorization process earlier this year. Here we are in the closing days of this session of the Congress and finally debating the conference report for the DOD authorization bill.

The extended time we have taken on this year's bill has been worthwhile, though. It represents our continued effort in the Senate to build upon a firm foundation by providing a substantial increase in funding for the U.S. military, and Lord knows we need it.

Last year was the first step in addressing some of the pressing needs of those who defend our Nation by providing pay increases—and by the way, with last year's pay increase and this year's 3.7-percent pay increase, we will have provided just in the last 2 years the biggest pay increase in a generation.

This bill not only provides pay increases but reform of the military retirement pay system, targeted bonuses, critical investments in spare parts, and continued support for the next generation of weapons systems.

We have taken an even bigger step this year throughout this process. We have talked with our men and women in uniform. This year I have been to Kosovo. I personally have been to Japan and the Korean peninsula. I talked with our men and women in uniform serving around the world. I consulted with the leadership of the services. We have taken yet another step to fulfill the promises to support those who put on the uniform and carry our flag every day.

Our people, as we now know, and are so painfully reminded today, face dangers every day in what seems the most routine of tasks. Our hearts do go out to the sailors and families of those serving, especially on the U.S.S. *Cole*, tonight in the Middle East. Those sacrifices are just a recent reminder of what our men and women face every day.

This year we continue the support of the modernization of our Armed Forces by funding the next generation of weapons systems, such as Joint Strike Fighter providing critical funding for the F–22 aircraft. We have authorized additions to some of our most trusted aircraft systems by increasing the funding for C–130s made in my home State of Georgia and funding additional JSTARS aircraft, without which we could not conduct modern warfare.

Also included in this bill is increased funding to support the Army's plan to transform itself into a leaner, more mobile fighting force. We have authorized funding of $222 million for our spare parts accounts and over $407 million for equipment maintenance accounts to address such critical readiness issues.

This year, as with last year, we have increased funding in support for the most critical weapon in our arsenal—our military men and women. It is their hard work and selfless service that make America's military the strongest force in the world.

This year, we provided that 3.7-percent pay increase to all military personnel. We have eliminated TRICARE copayments for our military families and extended TRICARE Remote to active duty family members assigned to remote locations who do not have access to military treatment facilities.

We have authorized almost $9 billion for military construction and provided improvements to family housing, which is much needed. We have included full implementation of a thrift savings plan for service members.

We have also authorized those military families eligible for food stamps to qualify for an extra $500 a month. Most importantly, this year, we have taken an enormous step by providing health care access for our military retirees. Since my election to the Senate, I have heard from military retirees in Georgia and across the Nation regarding health care benefits. When they were asked to serve their country, they did not turn their backs on our country. Time and again, we have heard their call for keeping this country's promises to them.

This year, we are living up to that promise. In this conference report, we have authorized the Warner-Hutchinson provisions granting TRICARE for seniors as a lifetime benefit for our retirees over the age of 65. For the first time, we are granting health care insurance for military retirees over 65. Though in the beginning this was a 2-year pilot program to be fully implemented and fully funded in the outyears, we worked to make this benefit permanent.

Additionally, I worked with my colleagues to provide a prescription drug benefit, prescription drugs being the biggest out-of-pocket expense for military retirees, for our Medicare-eligible retirees. This is the first prescription drug benefit to be offered by the Federal Government.

Our military retirees have earned these benefits, and I am proud to support both of these vital provisions.

One quality of life issue I have been working on during the past 2 years has been educational benefits. I was pleased that two provisions of my educational initiative are included in the conference report: authorizing the services to pay 100 percent of tuition assistance for going to school while in the military and allowing VEAP participants to buy into the Montgomery GI bill. However, we have to do more. I will continue to work to address the quality-of-life issues, especially educational benefits. I still believe we must make the GI bill more family friendly. We must work to offer a transferability option to our military families, as recommended by the congressionally mandated Principi Commission.

I note this conference report is subject to a budget point of order. There are important concerns about the increases in mandatory spending that are included in the legislation. However, this spending which is mainly for health care benefits is needed and justified. Therefore, I will not support the budget point of order and will support final adoption of this conference report.

In the next congressional session, we have to continue to work hard to establish meaningful benefits for service members who serve our great Nation by taking additional steps along the road to maintaining the finest military in the world. We must honor the soldiers, sailors, airmen, and marines who serve this country. They deserve it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Virginia.

Mr. WARNER. Mr. President, I again thank our distinguished colleague from Georgia. His knowledge of the military and his real love and deep respect for them to this day is an invaluable contribution to our committee. I thank him for his hard work and his extensive travel to military bases and installations in the United States, as well as abroad.

Mr. LEVIN. If I could just ask my friend from Virginia to yield, let me join in his thanks to our good friend from Georgia for the really not only invaluable but unique contribution based on his experience, as well as his judgment, on so many issues that come before us.

It is hard to imagine the committee without the Senator. I just want to add my thanks.

Mr. WARNER. Mr. President, we should add to that—Senator LEVIN and I—how hard the Senator fought with respect to amendments on the GI bill for portability of the benefits, enabling the service person to have a quantity of those benefits—whatever fraction might be agreed on in law—to be passed on to a spouse or a child. I supported that and fought that battle with you, I say to the Senator. We did not win. We lost in conference. But, I say to the Senator, we will start that next year.

Now I would like to refer to the UC agreement which is governing this debate. I will read from it: That following the debate just outlined—that is basically what we have had to date—Senator BOB KERREY be recognized to make a point of order, and that the motion to waive the Budget Act be limited to 2 hours, equally divided in the usual form.

It also states: I further ask unanimous consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

The one remaining thing is, I intend to fairly—and I am sure my colleague from Michigan does as well—deal with Senator PHIL GRAMM, who unavoidably had to leave the floor. But let us proceed now under this order with the recognition of our colleague, Senator KERREY.

Mr. LEVIN. Mr. President, I do not know if that is a unanimous consent request or not.

Mr. WARNER. No, I didn't put it in the form of a UC.

Mr. LEVIN. If my good friend from Nebraska would yield for one moment for me to comment on that, the situation we are in is the following: We were to use all of the time on the conference report prior to turning to the point of order. We were to either use it or yield it back. We have not done that yet. Yet the Senator from Virginia is suggesting we turn to the point of order.

Mr. WARNER. Mr. President, the Senator raises a correct point. But I want to protect Senator GRAMM of Texas.

Mr. LEVIN. If I could just finish my thought, I fully agree with the determination to protect the Senator from Texas. On the other hand, I do not know where that leaves us in terms of this unanimous consent agreement. And if I could complete my thought, everyone reasonably wants to have some idea as to when the votes will begin, and to a large extent that is going to depend upon Senator GRAMM's decision of how much time he wants to use of his time.

I want to, as a factual matter, see if my good friend from Virginia has the same understanding. Both of us have time remaining, I believe, on our time.

The 2 hours under the control of the chairman, how much of that time, if I may ask the Chair, is remaining?

The PRESIDING OFFICER. Fourteen minutes is remaining under the control of the Senator from Virginia.

Mr. LEVIN. How much time do I have remaining?

The PRESIDING OFFICER. Fifty-nine minutes.

Mr. LEVIN. Is that time now still remaining under the approach we are taking, if we turn to——

Mr. WARNER. Mr. President, it would be, because I have not yielded back time on the UC. I was just trying to keep this thing moving in an informal way, protecting our colleague from Texas. I would be willing to yield back my 14 minutes. I presume the Senator would be willing to yield back his 59. Because the two of us have time under the debate of the motion of the Senator from Nebraska. So I think we are adequately protected. That would move this forward and shorten the time between now and the vote.

Mr. LEVIN. Mr. President, I would concur in that approach that we yield back the remainder of our time on the conference report. I understand Senator WELLSTONE has yielded back the remainder of his time. That would leave 1 hour under the control of Senator GRAMM. We would then modify the unanimous consent agreement so that hour, in effect, would be placed into this second tier of debates.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, I want to clarify, I am not certain at what juncture Senator GRAMM would be recognized. Again, he is unavoidably away from the floor. But we could proceed, presumably under Senator KERREY's motion and my motion that I would make, and really have the vote on that, and then Senator GRAMM could be recognized if he can't be recognized beforehand.

So I am prepared to yield back 14 minutes. As I understand it, the Senator from Michigan yields back 59 minutes. Let's have action on that.

The PRESIDING OFFICER. Would the Senator from Virginia restate his unanimous consent request?

Mr. WARNER. The unanimous consent request is that I yield back my 14 minutes remaining under the existing unanimous consent agreement, and the Senator from Michigan yields back 59 minutes, with the understanding that the UC agreement which provides 1 hour under the control of Senator GRAMM remain intact.

Mr. LEVIN. I have no objection to that. I think that is a good course.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska.

Mr. KERREY. Mr. President, I make a point of order the pending Defense authorization conference report violates section 302(f) of the Congressional Budget Act of 1974.

Mr. WARNER. Mr. President, I move to waive the relevant provisions of the Budget Act with respect to the conference report to accompany H.R. 4205, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, the 106th Congress appears to be heading towards an ending which will be regarded by many as an orgy of spending. Over the past 12 years when I was approached by citizens who sought additional spending I would invariably reference the spending caps contained in the Budget Act as a way to encourage restraint. But this year, the total spending contained in thirteen FY2001 appropriations bills will be $100 billion over the original spending caps. By drastically increasing the spending baseline, we are adding more than $1 trillion in additional spending over the next ten years. This additional spending is in excess of one dollar of every ten dollars in total U.S. Gross Domestic Product which we propose to collect in taxes and spend. This will be done with nary a debate about the wisdom of our actions.

In addition, there are active discussions under way about spending more to ''fix'' the changes we made in the 1997 Balanced Budget Act, to cut taxes, and to create a prescription drug benefit for seniors. Before we go any further, we need to step back and take a look at the choices we are making about the budget surplus.

The Defense authorization conference report is our first opportunity to do so. Contained in this bill is an authorization that drastically expands the health care entitlement of military retirees over the age of 65—a provision that costs more than was allocated to the Armed Services Committee under current law. The cost of this provision violates our budget rules because it mandates $60 billion in new mandatory spending beyond what is authorized in our budget resolution. Because this provision violates the Budget Act, at least 60 Senators must vote to ignore the budget resolution. While fully I expect 60 Senators will vote to do just that, I hope the debate this afternoon provides us with a better perspective on what we are about to do with the people's money.

The provision we are debating about increases health care spending on 1.2 million military retirees and will cost, according to CBO, $60 billion over the next 10 years. But this number is deceiving. By 2010, the annual cost will be nearly $10 billion. I think we have a duty to ask ourselves what problem are we attempting to solve at an eventual annual cost of $10 billion? The provision in the conference report would allow military retirees to remain in TriCare when they turn 65 and would allow these retirees to continue to receive health care provided by the Department of Defense. Currently, when military retirees turn 65, they must transition from a more generous health insurance program called TRICARE to a less generous program called Medicare where co-payments and deductibles are higher. By changing the law, we will in essence be providing a subsidy for military retiree health insurance coverage that contains no deductibles or co-payments and a generous prescription drug benefit. Imagine the cost if we did the same for all Medicare beneficiaries.

I oppose the provision both for policy and budgetary reasons. First, the rhetoric in support of this spending exaggerates the promise that was made to the men and women who volunteered and served in our Armed Forces. Worse, it undermines and reduces the value of the motivation of millions who volunteered with no expectation or desire of being repaid with taxpayer-financed benefits. Our motivation was that it was our duty, and that the service would be good for the nation and for us. In my case, I got a bargain and I do not like the feeling I get when I hear former comrades-in-arms claim they are entitled to some benefit on account of their service.

A second objection to this provision is that it is in essence an admission that Medicare is an inadequate program whose coverage is unacceptably poor. Military retirees are not the only former employees in America who must transition from health care provided in the work place to Medicare. You could probably find millions of current Medicare beneficiaries who would stand in line to have their co-payments and deductibles paid as this provision will do for military retirees. If we grant this benefit to military retirees, how soon do you think it will be before non-military retirees will be asking Congress to do the same for them?

My third objection is based upon considering the source of the money we will use to pay this subsidy. The source of the money will, of course, be individual and corporate income taxes. Please don't tell me the government is paying for this. That is a euphemism used by politicians and military retirees alike to hide the truth: we will be collecting individual income taxes from millions of working families who cannot afford to buy health insurance in order to subsidize the purchase of Medigap coverage for millions who could afford to pay their premiums.

Unfortunately—as is often the case—beneficiaries of this income transfer are better organized and better informed than those who will be paying the bills. As a consequence, there will likely be 60 votes to waive the budget point of order. I doubt there would be 60 votes if the transfer of funds was in the opposite direction: from those who have health insurance to those who do not.

My final objection is that the extension of this benefit conflicts with the need we have to invest in our current forces: their salaries, their training, their equipment, and their benefits. Every dollar we commit to increased spending on the mandatory side of our budget—which currently represents two-thirds of total spending—comes at the expense of appropriated spending, defense and non-defense alike.

It is very possible that this business of breaking the budget caps may become a habit. If that's the case, then the conflict between mandatory and discretionary spending may become moot. That's the good news. The bad news is, if this happens we will have spent our way back into fiscal deficits.

Under the budget law that governs our spending, we should be spending no more than $540 billion on defense and non-defense appropriations. The budget resolution enacted by Congress earlier this year allowed for $600 billion in spending. The appropriations bills we are trying to finish will contain at least $40 billion more.

Most Members of Congress are aware—even if most Americans are not—that we cannot do this under the law. To appropriate $640 billion, 60 Senators will have to vote to waive our own budget act to lift the spending caps or to waive the imposition of $100 billion sequester of all defense and non-defense appropriated accounts.

My fear is that we will likely take this action as a consequence of our desire to get out of town quickly. We will have minimal debate and will hope that the American people do not notice what we have done until after the election. However, if we were to have an actual debate on this issue, I believe there would be at least two positive outcomes beyond informing the American people of what we are doing. First, domestic spending levels dictated by our budget act are too low. Second, in less than ten years, the pressure of mandatory spending, even presuming lower interest costs, will become enormous.

Mr. President, I do not expect to win this vote given the margin of victory when it was considered in the Senate earlier this year. Therefore, I will not take more of my colleague's time with further arguments against this provision. Instead, I want to present a case for increasing defense and non-defense spending, but against the willy-nilly process which will lead to the greatest expansion of domestic spending since Lyndon Johnson was President. After I make this case, I will briefly describe the looming problem of mandatory spending.

The good news on spending is that a synergistic combination of federal fiscal discipline and economic growth has shrunk domestic spending as a percentage of total U.S. income to its lowest levels since the middle 1970s. Ten years

ago, total Federal spending consumed 22 percent of U.S. GDP. This year, federal spending will be 18 percent of our GDP. According to CBO, if current law is unchanged, total spending will fall to 16 percent in ten years, the lowest percentage of our income since the Eisenhower administration.

In current dollars, each 10 percent of GDP represents nearly $1 trillion. It is a tremendous amount of money that causes the people of most other nations on this earth to shake their heads and wonder at our good fortune. Leaving $4 trillion in the economy over the next 10 years for private sector purchases and investments adds a lot of constructive steam to our economy. This fact gets too little attention when we are debating how to sustain our current economic recovery.

Mr. President, this is why we need to stop and to consider what we are doing before we quietly agree to spend $1 trillion beyond the original discretionary spending caps. We would be better-served if we made this decision to increase the caps with a coherent and holistic debate about how to invest the surplus. A spending strategy that would increase the productivity of our work force by increasing the percentage of college graduates, and by increasing the number of high school graduates who have the necessary technical training to succeed in the American economy. A thoughtful debate on our spending strategy would no doubt also lead to higher spending levels on early childhood education and adult education. A thoughtful debate on our spending strategy would no doubt recognize the need to invest in our nonhuman infrastructure of roads, research, sewer and water. And a thoughtful debate on our spending strategy would no doubt contain safeguards to make certain that we do not throw good money after bad.

Instead, we are going to commit ourselves to dramatic increases in discretionary and mandatory spending without any unifying motivation beyond the desire to satisfy short term political considerations. To be clear, Mr. President, I do not believe most of these considerations are bad or unseemly. Most can be justified. But we need a larger purpose than just trying to get out of town.

On the mandatory side of the spending equation we have allowed the heady talk of surpluses as far as the eye can see to prevent us from seeing the wave of baby boomers that will begin to become eligible for taxpayer subsidized health and retirement benefits in less than 9 years. In less time than our most senior colleagues have served in the Senate, the ratio of American workers being taxed to pay the benefits for those who are eligible will shrink from 3 workers per retiree to 2 workers per retiree. If we continue to vote for more and more spending—as a percentage of our income—on Americans over the age of 65 and less and less on Americans under the age of 18 we will create two terrible problems: workers who do not have the skills to earn the money needed to support their families and a collective working population whose total income is smaller than needed to avoid higher payroll taxes.

And yet that is exactly what we are doing with this provision in the Defense authorization conference. We obligate another $60 billion of tax revenue to reduce the burden of buying Medigap insurance. Just this year, a majority of the Senate has voted for a prescription drug benefit, an end to the Social Security earnings test, a decrease in the income tax of Social Security income, and this military retiree provision. Together, these mandatory spending items will cost the American taxpayer more than $500 billion over the next ten years.

These spending levels may in fact be justified and affordable. However, they could also end up squeezing our domestic spending further as a percent of GDP. Because entitlement spending programs are locked into law, because those who favor these benefits are well organized and easily provoked come election time, they tend to be protected from spending cuts forever.

I ask my colleagues to consider how many votes there would be for a proposal to waive the budget act in order to spend $60 billion more on our children to improve the quality of their health, their education, their lives. How many votes would there be for such a proposition? Less than 60, I assure you.

Mr. President, I regret the proposed expansion of tax payer subsidization of military retirees' health benefits will not take place in the context of a more thorough debate of current and future Federal spending. In my view, it would be far less likely that this entitlement expansion would occur if we understood how it will add to the problems created by rapidly growing mandatory spending that begins again just as the full cost of this new benefit kicks in. And it would be far more likely that if we did vote for such an expansion we and the American people would understand the future consequences of our actions.

Mr. President, let me say, I regret this may be my last speech on the Senate floor and that it be a speech against extending additional benefits to my fellow veterans or, stated another way, which I think needs to be thought about as we do this, asking other taxpayers to pay some things that I currently pay for myself by asking them to subsidize me even more for the service.

I am military retired, let me fully disclose to my colleagues. I will benefit from this provision regardless of what my income is, regardless of what my need is. I say to you, I am personally offended by some of the rhetoric around this. I did not volunteer for the U.S. Navy in order to get anything. And you take away the most important value that I have from my service: I served; I volunteered. You did not have to buy that. You did not have to give me a health care benefit.

If you want to give me a health care benefit, give it to me, but please do not say you owe it to me. You may decide it is necessary, but I got more from my service than my country got from me. I am the one who benefited from my service. And I am much less likely to benefit if all of a sudden I become a mercenary. You would owe me money because what this bill does is it says that when our veterans reach age 65, Medicare is not good enough; Medicare will not be good enough for the 1.3 million veterans over the age of 65 who are military retirees; it is not good enough.

We are going to buy their Medigap insurance. Oh, no, Medigap isn't good enough. It has to have a prescription benefit in it. That is what this does. It asks one group of taxpayers to pay the Medigap insurance for another group of Americans who say Medicare is not good enough.

Look, I know it is a hot issue. I have received lots of phone calls already from people who say: Gee, KERREY is down here trying to stop this.

I do not expect to get more than 40 votes. I hope there aren't 60 votes to waive the Budget Act. I say to my colleagues, nothing would send a better signal from this Congress right now than for us to say that we will not waive the Budget Act—that we will not waive the Budget Act.

We are not getting much leadership down at the other end of Pennsylvania Avenue. And there is a spending orgy going on. We are going to have another vote to waive the Budget Act on appropriations. The cap, prior to the budget resolution, was $540 billion. The budget resolution raises it to $600 billion. We all sort of privately know it is going to be $640 billion or $645 billion. That is $100 billion over the previous cap. That is $1 trillion over 10 years. There is a meeting going on amongst Senate Democrats on the Finance Committee, talking to Secretary Summers about a tax cut package. There are lots of discussions going on about putting more money back in, as a consequence of the BBA of 1997, for health care providers.

I do not know what it all adds up to, but I will tell you, I have never been in a situation where I took a phone call from somebody who said: Senator, this only costs $60 billion over 10 years—it only costs $60 billion over 10 years. That is what I am getting from people right now.

So I think we would send a very important signal, right now, saying that we will not waive the Budget Act, we

will not waive the Budget Act that has created the fiscal discipline that enabled us to get to where we are today. I think it would send a very important signal. I understand that you would have to take this thing back to conference tell the House Members we are coming back next week anyway. Isn't it worth $60 billion to spend a little more time to get this thing right?

Let me get into the substance of this. I think it is important for us to send a signal that we will not waive the Budget Act to spend only $60 billion over the next 10 years.

Let me make the case against the provision. First of all, I reiterate, you don't owe me any additional benefits. This Nation doesn't owe me anything. I will make that case, and I will make it repeatedly because I have heard an awful lot of rhetoric here that implies that I am a mercenary.

I am a better person because of my service. I learned from my service. I believe I am a part of a nation as a consequence of my service. I wasn't just in the Navy; I was in the U.S. Navy. It has enriched me. It has benefited me. You didn't have to pay me to get me to do it. I did it as a consequence of believing that it was my duty. I thought I was going to be the one who came out ahead, and I have.

Please, in the rhetoric you are using to describe why this is necessary, don't tell me it was a promise. I am one of the beneficiaries of this language, and I wasn't promised any benefit when I signed up. If you want to give it to me, fine, but please don't tell me that you owe it to me.

Secondly, it is important for us to do some sort of evaluation of need. The last time I checked, I didn't see an awful lot of military retirees out there foraging in the alley for food. We need to do some sort of evaluation of need. Remember, we are taking $60 billion over the next 10 years from one group of Americans, and we are going to pay for the Medigap insurance, including a prescription drug benefit, for another group of Americans.

I don't know how many Americans we are going to tax who are out there right now saying, I don't have enough income to pay for my health insurance, but there are a number who are. They are sitting out there, hard-working families, paying their bills, who are an important part of our country as well, who are an important part of our society.

We are not saying to them, you are entitled to Medigap insurance. We are not saying to them, you are entitled to a prescription drug benefit. What you are entitled to is to pay somebody else's bills. Remember, the Government doesn't pay for anything. All we do is collect the money and pay the bills for somebody else. We are obligating $60 billion over 10. In the tenth year, this thing is knocking on the door of being $10 billion a year at the very moment—which is my third point—at the very moment when we have this unprecedented baby boom generation that begins to retire.

I know this surplus goes as far as the eye can see. I understand that it has gotten more difficult to say no to people as a consequence of that; the fiscal discipline is lucid. But we are not going to change this demographic boom that is heading our way. It is not going to be altered. There aren't enough H–1B visas we can issue to immigrate our way out of this problem. We aren't going to have three people working who we tax to pay the retirement and health care benefits of those who aren't working. We are only going to have two. We are going to have two workers per retiree. You don't get to pick Warren Buffet and Bill Gates to tax. You tax an average.

As a consequence of taxing that average, we are going to have a very difficult time paying the bills. Everybody who has examined this says that is the case. It is true that right now, under the previous CBO evaluation, we have stabilized the cost of mandatory programs, but not for long. We are going to be right back off to the races again starting in 2009. Our Federal Government, unless we exhibit some restraint, is going to become an ATM machine. We are going to be collecting money from one group of taxpayers and shipping it on to another group of taxpayers.

The reason it is a problem can be seen in the way our authorizers had to deal with this. They didn't want this money to come out of Defense appropriations. They didn't want it to come out of readiness accounts. They didn't want it to come out of our ability to be able to recruit, to train, and equip our forces. No. They want to protect that. So they push it all over into mandatory.

Well, you can only push it so far. I am sure the chairman of the Budget Committee will say at some point you have a limited amount of money you can extract from the U.S. economy. If you have a limited amount of money and you have mandatory programs going, it is going to eventually put pressure on appropriated accounts. The paradox, in my view—not shared by all—is that we probably are underinvesting right now in things that will increase productivity and will increase the strength of our economy. It is a paradox because we are going to be taxing the very people in whom we are underinvesting because we don't have a sufficient amount of resources in the appropriated accounts.

As I said, on the basis of policy, I think on the basis of fiscal discipline, on several other bases I could talk about, this sounds good. Again, I understand the pressure. Nobody organizes better than Americans over the age of 65 in order to get something they think they are entitled to. In a relatively short period of time, I have generated well over 75 phone calls, including one misguided human being who said he was going to do everything in his power to make sure that my Medal of Honor was taken away from me. Well, more power to him; have at it. It is not likely. I am not offended by that. It is just an indication of the intensity of people's feelings, to which they are entitled. They don't tell us where we are going to get the money. The Government is going to pay for it; that is as far as they will go. Let the Government pay for it.

The Government—I say again, for emphasis—doesn't pay for anything. It collects. It taxes one group of people in order to pay the benefits for another. That is what we are doing. You have a very difficult time, either on the basis of promise or on the basis of need, making the case that this group of Americans needs to have us pay their Medigap insurance, including a prescription drug benefit.

I hope my colleagues, at this moment when we seem to have lost our fiscal discipline, will come to the floor and say: I might have, under normal circumstances, liked to be able to help these military retirees, but we have to stand up and say, no, we are going down a road where, when the smoke clears, we are going to find ourselves looking pretty foolish for having spent all the money or committed all the money that we have done.

I hope my colleagues, even those who might say they like this benefit, will not vote to waive the Budget Act. The Budget Act has given us the discipline that enabled us to get this far. To sort of willy-nilly come down here and say, fine, my phone is ringing off the hook, I will not be able to stand up to that, I have to say, yes. The Budget Act allowed us to turn to our citizens and say, we have to be disciplined. It gave me, for 12 years, a method by which I could say, look, I support what you are doing, but we don't have the money. We have to say no sometimes to things we want to spend money on.

I hope my colleagues will come to the floor and muster the will to vote no on waiving this Budget Act.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I know there are moments in the life of a Senator that they will never forget. This is one I will not forget. I don't have a better friend in the Senate than my good friend from Nebraska. I don't know of any Senator—well, perhaps Senator INOUYE, of course—who has more rightfully earned the respect of this body and, more specifically, the men and women of the Armed Forces for his courageous acts in the field of battle in Vietnam. I was privileged to be in the Navy Secretariat with our recently departed, beloved former Senator Chafee,

who was then Secretary when the Medal of Honor was awarded my good friend.

I have to say to my friend that, yes, in law, it is not clear about their entitlement, but in every other respect—sometimes the law is silent—these people were, time and time again, told they would have for life their health care.

I want to draw a distinction which was not clear in the Senator's otherwise very able presentation. He talked about his service, indeed my service, which was very insignificant compared to his, but we both served in the Navy at different times. I think I have some faint recollection of this, but it was long ago; I won't rest my laurels on that.

You went in initially not with the idea of becoming a careerist, and there may have been a point in your career when you did think about staying for 20 years.

The people who are entitled under this legislation are the ones who devoted their careers—a minimum of 20 years and often more years of service—to the military. It is not those like myself who served for briefer periods in World War II and brief periods in Korea. This legislation doesn't cover them. It would not cover you, regardless of your injuries which entitled you to other medical care that you received that was service connected. My point is, the person who goes in for one hitch as an enlisted man, one tour as an officer, they are not the beneficiaries under this. It is that class of individuals who, together with their families, have dedicated a career, who have moved, who responded to the call to go overseas many times, in most instances. That is what this legislation is for. I would like to have the Senator comment on that.

Mr. KERREY. I am pleased to, Mr. President. First of all, I am a retired Naval officer for medical reasons. The Senator is quite right; there is a difference between the reason I signed up, how I did it as a reserve officer, and somebody who signs up for 20 years. No question, that is true. I don't mean to imply there isn't a difference; there is a significant difference. When I hear people describing what this benefit does, that we are only talking about people who are in 20 years, the rhetoric is far afield on this.

I feel like I can't go home and talk to friends and neighbors and say I am getting one more thing from my Government here. I am just telling you that I don't feel as if this country owes me anything. I want my colleagues, especially those who didn't have any military service, to know that. I have gotten more out of it than my Nation got. You say, well, somebody who has been in 20 years should be promised health care. There are employees we promised health care to. I say this to the Senator from Virginia: Medicare is health care. What do you say to somebody who has been in the workforce who says, ''My employer promised me health care, and I get to be 65 and I have to have Medicare.'' Do we say we are going to pick that up as well? That will be the next thing knocking on our door.

Mr. WARNER. It should be knocking on our door.

Mr. KERREY. Are we going to pay the Medigap insurance for every single Medicare beneficiary?

Mr. WARNER. It is the obligation of the Congress to fix Medicare and, indeed, I know of initiative——

Mr. KERREY. I don't disagree, but to fix Medicare by saying there will not be copayments or deductibles, I don't think there is anybody on the floor who would argue that eliminating copayments and deductibles is the way to save money in health care. Quite the opposite. The argument on the other side of the aisle—joined by me in 1997—is we should go in the opposite direction. This eliminates copayments and deductibles.

Mr. WARNER. It was intentionally devised that way. When I made reference to the nonmilitary people in this country who are not, of course, eligible because of absence of a career in military service, Congress should be addressing that issue. I know of initiatives time and again to try to do that. Regrettably, it will probably not be done in the waning days of this Congress, but we have an obligation to these people. Do you realize if we had not made this program permanent, we would be casting on these individuals—most of whom are over 65 to 70, and some are medically retired—they would be forced to make a decision to drop their private insurance, which they had to go out and buy? They have to make other decisions because they would not be certain that Congress at some future date would make it permanent. So that is why we had to go down this road.

I will yield in a moment. First, I want to show my good friend something that I found. I went out and did some research on this because I have spent endless hours trying to figure out the facts. I have found this recruiting poster for the U.S. Army. Can the Senator read it from there?

Mr. KERREY. I can imagine.

Mr. WARNER. ''Superb health care. Health care is provided to you and your family members while you are in the Army, and for the rest of your life if you serve a minimum of 20 years of active Federal service.'' This is an actual official recruiting document. I daresay there are many others like it from World War II to this date. If you are a young man or a young woman enlisting today and this is printed by the U.S. Army, you believe it.

Mr. KERREY. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. KERREY. It will take 30 seconds to respond. On that basis, my Government owes me a lot of travel. They promised me I was going to see the world. All I saw was Vietnam, right? So I go to OCS for, they told me 16 weeks; it was 18 weeks. Guess what they said. ''We lied to you. Big deal.'' We have a lot of promises we have to keep if we are going to fulfill every promise made at every recruiting office in the United States. Come on, this is about deciding how much we can afford. There is a limit. I know the chairman understands there is a limit. There is a point beyond which one can't go. Are we going to do long-term care? Are we going to promise to pay for that? There are lots of things we can pay for and say we have an obligation.

The question before us is, Are we going to waive the Budget Act? This Defense conference authorization requires $60 billion worth of spending beyond the budget resolution. That is the question, not do you like what this is. You may like this particular provision. But I am telling you, with just a couple of days left in this Congress, we are on a spending orgy. I am having people saying to me: Don't worry about waiving the budget resolution on appropriations; don't worry about waiving the budget resolution on Defense authorization; don't worry, we have to get out of town. Well, we are going to get out of town having done an awful lot of damage if we take that attitude.

Mr. DOMENICI. Does the Senator from Nebraska have any time to yield me?

Mr. WARNER. Mr. President, first, if I might reply, I respect the Senator from Nebraska. I associate myself with his remarks that the military did more for him than he gave to the military. That is certainly true in my case. I don't think it is true in his. I think he served with the greatest distinction, and this country is everlastingly in the Senator's personal debt. Certainly, for this humble soul, the military did more for me than I did for it. I have said that on the floor a dozen times.

There is living proof of promises made. I have shown you the difficulty facing the aged people over 65 and into their seventies who have to make a decision depending on the vote about to be taken in this Senate. They were made to commit one way or another by their Nation. I think they are deserving, having given their careers, families, spouses, whatever. I urge that Members of the Senate join me in waiving this Budget Act.

I yield the floor.

Mr. DOMENICI. Will the Senator from Nebraska yield briefly?

Mr. KERREY. I yield.

Mr. DOMENICI. First, I will be as quick as I can because I understand

Senator GRAMM wants to comment at more length than I. Let me say to the Senator from Nebraska, when you came to the Senate, I had already been here a while. I didn't know anything about you. I didn't know you were a Medal of Honor recipient of the United States. I know you don't like to hear this, but I want to tell you that what you are doing tonight shows that you have something about you that is intuitively or instinctively courageous because what you are down here doing is not so easy for many Senators because, obviously, there is going to be a lot of guff for what you have proposed tonight, asking that we not waive the Budget Act.

I wish to also say to everyone that neither of us—including Senator GRAMM—are saying we should not do what we are doing tonight for our veterans. What we are saying is, with 2 days left in the session, neither the House nor the Senate having any detailed hearings, nor the Medicare people having detailed hearings on this, we come out of a conference with an agreement and propose a little item that over a decade will cost $60 billion.

That may be something veterans are entitled to, but I believe we are all thinking that there is no end to American prosperity and to American surpluses. I think we have come to the conclusion that they will be here forever and they are in quantities beyond anything we can imagine—and whatever goes in the waning moments goes. I think I can support this; I just don't believe we ought to do it now, with 2 days left, without sufficient hearings on the effect on the rest of Government. I might say, without trying to figure out who we are going to give prescription drugs to under Medicare, who are also people who are hurting very much and who think Medicare should have covered them better—there are millions of those people.

I believe the Budget Act singularly permitted the Congress to get its deficit under control. There are benefits from that. Every single American, every single veteran, and everyone in this country participates in a prosperity movement, with low interest rates and things people thought they would never acquire because when we used to stand up and say, ''Don't waive the Budget Act,'' nobody waived it. In fact, I didn't check tonight to see how many years had gone by when neither Senator DOMENICI, nor Senator GRAMM, nor Senator KERREY, nor whomever would say that violates the Budget Act to see if you could get 61 votes. That is why the decade of the 1990s became the decade of discipline.

Do you know the Government of the United States, on average, for the decade of the 1990s grew 3.3 percent, the most formidable in terms of small growth in the last 50 years? There is no reason other than that as to why this deficit has come down the way it has and prosperity has grown the way it has.

I believe next year is a year to look at the big picture, to fit this into all of the other things we have to do. But I don't believe we ought to waive a Budget Act which has protected our people, protected our veterans, and protected the cost of military equipment because of inflation coming down.

Those are all great big benefits that we don't quite understand, but they are very important.

Again, tonight by insisting that we comply with the Budget Act, you are showing me a degree of courage that makes me understand who you are.

I yield the floor.

Mr. LEVIN. Will the Senator yield for 1 minute for a question of the chairman of the Budget Committee?

Mr. GRAMM. Yes.

Mr. LEVIN. While the good chairman is here, I ask a factual question: What is the estimate as to how much the appropriations bill that we are about to vote on in the next few days will go over the discretionary ceiling in the budget resolution?

Mr. DOMENICI. I don't know.

Mr. LEVIN. We predict it is $40 billion for 1 year.

Mr. DOMENICI. No. I don't. If you say that is the case, I disagree.

Mr. LEVIN. I say it is not the case. We have heard the figure. Is it clear that there will be a point of order that will lie against one of these appropriations bills coming up?

Mr. DOMENICI. Surely.

Mr. LEVIN. For exceeding the caps of the budget resolution.

Mr. DOMENICI. That is correct.

Mr. LEVIN. Mr. President, at some point there will be a vote on a waiver of the Budget Act for that purpose—I don't want to estimate the number of billions because I am not privy to it—but for a significant amount of money. I want to put that in this context. This is not going to be the last time this year that there is going to be a vote on whether to waive the Budget Act because the ceiling is exceeded.

I fully agree with Senator DOMENICI. I couldn't agree more in terms of what his comment was about Senator KERREY's instincts. As always, he seems to me honest and open. That is what this point of order is going to force. Even though I will vote for waiving the Budget Act—I am going to vote that way on this point of order—I must say that I think it is very important that this point of order be made. It is so important that if Senator KERREY had not made it, I was going to make it, because I think the Senate has got to understand what we are doing. I think we are doing the right thing. But we are not going to be doing it quietly in a closed way, which is hidden. We are going to be doing it openly or we are not going to do it at all. Maybe there will not be enough votes to do it at all.

But the important point that Senator KERREY and others are making, it seems to me, No. 1, is in their judgment we should not do it. That is the matter of disagreement. But where I think there is agreement is when we do it and when we consider it, we should not be burying it in some bill that nobody knows about. That is why this point of order is valuable, in my judgment.

I thank the Senator for his comments.

One other point: That the size of this item is a 10-year item. The question I asked the Senator from New Mexico, chairman of the Budget Committee, was approximately how much will the appropriations bills for just 1 year go above the budget ceiling and discretionary spending. It is that figure which perhaps by the end of the evening I can try to get an estimate of from the staff of the Appropriations Committee. But it will be a significant amount. We are going to have to vote on it. I hope we vote on that explicitly. I hope we vote on that in that final appropriations bill just as openly as we are going to vote on this. I hope it is not just going to be buried in the final appropriations bill and fly through here without a conscious decision on whether or not to waive the Budget Act. Otherwise, there is no fiscal discipline at all. If it is not done openly, there will be even less fiscal discipline.

I want my comments to go against my time, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am stunned that we are talking about fiscal discipline and asking whether a bill is over the budget when we have a bill before us where we set out funds in the budget knowing that this was a problem that needed to be dealt with. We set out $400 million in the budget to try to begin to deal with this problem. The bill before us creates a brand new program never debated anywhere and which no Member of this Senate can really explain how it will work. It has never been tested anywhere. It will cost $59.9 billion.

Let me quote from Senator WARNER's letter and his initial cost estimate, which is now out of date because additional benefits were added to this bill. But let me quote from his letter of September 27. ''The cost of this proposal is scored by the Congressional Budget Office at $42.4 billion in mandatory spending over 10 years.'' That has now risen to $59.9 billion. ''In addition, the Treasury would accept a $200 billion liability that would be amortized over 70 years.''

Not only is this bill a budget buster—it will win the blue ribbon in Congress

this year. There will be no bill in this Congress that will approach this bill in terms of fiscal irresponsibility and lack of financial discipline. And all of this was done not in a committee, not in a public debate, but by a group of conferees who got together in closed sessions. The House entered that conference with a program that cost $945 million. The Senate went into the conference with a program that cost $466 million. They came out of conference with a program that cost $60 billion, and committed us to a 70-year debt of $200 billion.

I believe there is no parallel in the history of appropriations and authorizations in America to the bill before us in terms of a bill which has never been debated and a program that has never been discussed.

Let me make a couple of points.

First of all, it is obvious that all of us here tonight should praise our dear colleague, Senator KERREY, who is retiring. You can get a lot of praise around here by dying or retiring. Given the choice between the two, he has chosen the right one.

Let me say that many people have congratulated Senator KERREY for his physical courage. I don't know much about that type of courage. So far as I know, nobody has ever shot at me. Nor do I have any reason to believe I would have been shot at. I don't know much about that kind of courage.

But there is a different kind of courage that I know a little bit about. It is a courage that has to do with standing up to peer group pressure. There is something very human about the fact that somewhere around the first or second grade we start caring terribly about what people around us think. It is something we never escape from until they lower us in the grave. One would think grown men and women, Members of the Senate, the greatest deliberative body in the history of the world, would be immune to it. But as my colleagues know, we are not immune to it. We want to be loved. We want to be accepted by our colleagues. You don't get love by opposing this giant expenditure of money. You don't get appreciated by your colleagues by standing up to it. Senator KERREY is getting a lot of praise tonight. My guess is when the votes are counted, we may have three votes to sustain this point of order. But I don't know. I wasn't there when Senator KERREY won the Congressional Medal of Honor, but I was there when he stood up in this Congress and pointed out to America and to this Congress that the largest federal entitlement programs tax young working people who are just starting out, and give that money to seniors, many of whom have built up retirement savings over a lifetime.

And it's being done because older people vote and younger people don't vote. We are digging a hole in Medicare and Social Security that can destroy America and that will destroy our prosperity if we don't do something about it.

The Senator from Nebraska has been a leader in that and I want to say I appreciate it. I believe America does, but America is not embodied in the way it can speak and, since it hasn't been elected, it couldn't speak on the floor of the Senate anyway. On behalf of working people in my State and my country, I thank you, BOB KERREY. I'm sorry you are retiring. I want to thank you for what you have said and what you have stood up for.

Now, let me try to put all this in perspective. First of all, I agree with Senator WARNER's poster. I hope my colleagues will forgive me because I want to give a little bit of history to establish my bona fides on this issue, if I can.

First, my dad was a career soldier. He joined the Army on his 15th birthday in his brother's clothes. He was in the Army for 28 years, 7 months, and 27 days. He believed when he joined the Army that part of what the Government had committed to him was that if he served for 20 or more years, they were going to take care of him and his family and their health care needs. I am proud to say—and I say it with certainty because I know; I was born in the same hospital my dad died in, and it was a military hospital at Ft. Benning, GA—the Government never, ever took that benefit away from my dad.

We are here today for two reasons. We are here in part because the policies of our Government changed. They changed in a remarkable way, and it is an interesting thing how benefits are lost. They changed because Medicare was going broke. So our government made everybody join Medicare, including men and women in the Armed Services. This problem came about because people who retired from the service qualified for two medical programs: One, by paying Medicare taxes; and two, by serving 20 or more years. The military health care benefit was a right not to Medigap insurance or any of the things we are talking about today, it was a right to go to a military hospital on a space-available basis and get military medicine.

What happened—which was terribly wrong, in my opinion—is that, in the midst of a period of very tight budgets, the military gave retirees their military health benefit until they turned 65 when they became qualified for Medicare. As they got close to their 65th birthday—I know this because I have a brother who is a career soldier. I don't know whether he likes military medicine because they know his name—''Colonel.'' He goes to a regular hospital and they call him ''Mister'' although, obviously, they don't know who he is. They don't know anything about him. So I don't know whether it is that or whether he just is comfortable with having been a career soldier and having served in the Army for some 27 years—the point is, as he gets closer to 65, under the current system he will get a sheet when he goes in, and members of the staff know this, he will get a referral sheet. And they will say, ''Colonel, you are going to turn 65 in August. So these are the medical areas that we are aware of that are relevant to you, and these are private practitioners in Dallas, Texas, that you can go to under Medicare.''

Here is a person who got military medicine on active duty for 27 years, and then he retired and continued to get it up to the day he was 65, but because he earned two benefits, they shoved him out the door when he turned 65.

My disagreement with Senator WARNER is not about that recruiting poster. I believe that poster is true. And I believe the benefit is owed. Where we split company is on what we are doing here tonight.

Let me explain. Just to complete the history, because I felt that I had some personal knowledge about this problem, I was the leader in Congress in putting together a test program called Medicare Subvention. The idea was simple. A lot of simple ideas don't work. It is not clear how well this one is working. In some ways, I think it is working well although costs are up because utilization is up. But the basic idea was simple. Let's pick ten facilities in America that have big retirement populations near them and let people stay in military medicine and let Medicare pay what they would pay had they gone to the private sector. We are in the midst of a test of that program right now.

Earlier this year, while Medicare Subvention was still being tested, this bill came up, and while we were debating military retiree health care, a proposal was made to spend $92 billion. Senator DOMENICI will remember that. That proposal failed. And it should have. I voted against it.

During that debate, Senator WARNER offered a 2-year program to build on the test that we had underway. Senator WARNER's program cost $466 million. I supported it. In fact, I think all the rest of us supported it. I am not sure Senator KERREY did, but I think Senator DOMENICI supported it.

The Senate had put in the budget enough money that to try Senator WARNER's program out for 2 years. Why was it important to do it in 2 years? I will talk about the money, but let me talk about the policy. What is wrong with committing to $60 billion worth of new programs that have never been debated, never been tested, and committing to a $200 billion liability over the next 70 years? What is wrong is, as anybody who has ever served in public office knows, once this program is in

place, a vested political interest will build up around it in the medical sector, in the retirement sector, and in the communities where it is provided. What happens is even if this program doesn't work, even if it is terribly inefficient, even if people are unhappy with it, the chances of ever getting rid of it or fundamentally changing it are very low.

We have in Medicare, as Senator KERREY, better than anyone else knows having served on the Medicare Commission, we have a 1965 medical care system. In Medicare, we have an old Edsel. Yet we can't change it. We tried to change it on the Medicare Commission as the Senator remembers. But the vested interest in it, even though it is inefficient, even though it doesn't serve the public well, even though it costs tremendous amounts of money, once it is in place, it is hard to change.

Here is the point. The first problem with this huge program is that was never debated, never discussed, and was written by a handful of people that, quite frankly, are very intelligent people, very knowledgeable people about defense. As far as I am aware, it was never discussed in the Finance Committee, which has jurisdiction over Medicare. It was never debated in any public forum. It has never been tested anywhere. The point is, tonight on the verge of adjournment, we are getting ready to commit $60 billion in spending on a program that may or may not work, may or may not satisfy people, and which is going to be virtually irreversible.

The second point I want to make is the House went into conference with a program that extended the Medicare Subvention demonstration, made it permanent within 6 years, and costs $945 million. So the Senate went to conference with a temporary program of $466 million to build on a concept, that basically, we had started in the test; and the other House of Congress went with a program that made a judgment to move toward full implementation of the test, and it cost $945 million. But what happened?

What happened—and Senator KERREY was making the point, I thought very effectively—they got to conference and suddenly somebody said, ''The sky's the limit. We have a huge surplus. This is an election year.'' So what happened is one House, with a program for $466 million, and the other House, with a program for $945 million, got together and suddenly we have a $60 billion entitlement program. Actually the new program is $39 billion, but the committee just gratuitously took existing health care programs and said let's just put $21 billion on automatic pilot in a permanent entitlement program so we do not have to account for spending it.

That is what happened. Why did it happen? Because the surplus is burning a hole in our pocket. This surplus is the greatest danger we face in terms of our economic stability—not just now, but 10 or 12 years from now when the baby boomers start to retire. It is not just happening here. I am not just being mean to our dear friends on the Armed Services Committee, a committee I had the privilege to serve on for 6 years. It is happening everywhere.

We have a railroad retirement proposal that lowers the retirement age. We are raising the retirement age in Social Security. Yet, we would lower it in railroad retirement. We have a proposal to give Amtrak $10 billion.

We have proposals—we are giving back Medicare savings that we have previously adopted at a rate where, in 10 years, we will have given back more than we ever had in savings, yet Medicare is going broke every day. What is happening to us? What is happening to us is this surplus is affecting our judgment and we are spending it as fast as we can spend it.

Let me sum up. I want to make a point about the economy, one I had not thought of until I was talking to Alan Greenspan today, and I want to bring it up because I think it is relevant.

What is my position? My position is we do have an obligation to military retirees and we have to find a way to fix the health care system for military retirees. But I think we need to do it so we know what we are doing, so we know what it costs, so we know it is going to be efficient, and we have to do it after there has been a clear, effective, public debate and where we have actually tested the program so we know what we are doing.

The problem here is this bill is immensely popular, as my colleagues know if any of you have paid any attention to your telephone calls today, but it is popular because we are spending massive amounts of money.

My point is I do not disagree with Senator WARNER. We owe these benefits, and we are going to have to provide a way for our military retirees to have quality medical care, which we promised. But the idea of doing it by busting the budget by $59.9 billion on a program nobody ever debated, nobody ever tested, nobody has ever seen work, I think is clearly the wrong way to do it.

We have a point of order that is going to be raised by Senator KERREY. What is the point of order about?

Mr. DOMENICI. He has already raised it.

Mr. GRAMM. Well, he has raised it. What it is about is, in our budget we agreed we were going to spend $400 million to begin to try to fix this problem. The committee with jurisdiction to fix it was not willing to abide by that budget, and they came up with a program that did not cost $400 million, they came up with a program that cost $59.9 billion and committed us to a $200 billion debt to be amortized over 70 years.

So Senator KERREY has raised a point of order saying: This may be wonderful, this might actually be the right thing to do someday, but this violates what we voted to do and the constraints we imposed on ourselves.

I do not suffer any delusion. My guess is we are going to get 3 or 4 or 5—maybe 10 votes here. We are going to waive this point of order, and we are going to spend this $60 billion. We are going to spend it on a program which was never debated, never tested, never analyzed in any systematic way. My fear is that we are going to have a very difficult time fixing it. I am afraid 10 years from now we may be here debating how we can fix it, but with the vested interests that have built up, it will be very difficult to do.

So I believe this point of order should be sustained. I am going to vote to sustain it.

Why should we care about this spending? I was talking to Chairman Greenspan today about the economy and about the stock market. We were talking about spending. I basically had raised the issue with him, was he worried about this runaway spending? He made a point to me that, in April and May, something clearly started happening because long-term interest rates started going up in America. Some people say that is caused by Fed policy. No, the policy of the Fed, as our colleagues know, affects short-term interest rates. But the economy affects long-term interest rates.

Let me tell you what was happening in May. What was happening in May is it started to become clear we were not going to abide by our budget. It started to become clear we were losing control of spending. These long-term rates went up and the economy started to cool, and that is being reflected in the stock market today, in my opinion.

I am not saying we are going into a recession. But I am saying the interest rates went up on the long-term because we are losing control of spending. We are losing fiscal discipline. They went up until the economy slowed down enough that they started to back off.

I think we ought to be concerned about spending this surplus. I think we need to make rational decisions about it. It may very well be, after a debate, we write a budget and we spend $60 billion on this problem. I do not think I would do it this way. I think we need efficiency, I think we need copayments, I think we need incentives for cost consciousness. I don't think I would support doing it this way, but I might support a program that costs this much, more or less.

But doing it this way, where two or three people put together this proposal, is fundamentally wrong and is dangerous. This is a noble cause, and a cause that I support—military retirees were promised a benefit. They weren't promised these kinds of benefits, but

they were promised access to military medicine. I want them to have it.

As bases have closed and as people now do not live near military bases, we have to come up with another program. But I think it ought to be a rational program. I think it ought to be one we look at over time. So I am going to vote to sustain this point of order.

I think this bill is simply an outward and visible sign of what is happening in our Congress. I wish America could be awakened to it. We are on a spending binge that has no precedent in my period of service in Congress. You have to go all the way back to Lyndon Johnson to find spending at the level we are now talking about in the Congress. At first it was just discretionary spending. Now we are into entitlements. As we all know, these things start out small. This one didn't start small, but a lot of them do. But they get bigger and bigger and bigger and bigger.

I appreciate my colleagues' listening. I think this is an issue such that you have to explain to people what you are trying to do. I think it is a very easy issue to say, boy, I am trying to deliver on the commitment in that recruiting poster. I believe in the commitment in the recruiting poster, but you don't deliver on it with a huge program that has never been tested, that was put together by people who do not specialize in this area of government, and where there has never been a debate. I think this is a mistake, and I think we are going to end up regretting it.

I think we will someday come back and fix it, but we will not fix it, in my opinion, until we have spent a lot of money and until we have produced a system that—unless we are extraordinarily lucky—is not going to provide the kind of efficient care we need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I say to the chairman and ranking member, I am not going to make any additional arguments on the specifics. I want to make some closing comments. I am prepared to yield back time and go to the vote. I don't know where they are, but I will start talking so they understand that is where I am.

The Senator from Texas made an effort to establish his bona fides and did a very good job referencing his father, who was a career military officer.

In my closing, I need to do a little subtracting in my bona fides. I have received the Medal of Honor, as was mentioned several times. The Senator from Texas said he was not there that night and does not know what happened. When I saw the citation, I didn't know if I was there that night. I didn't receive the Medal of Honor because of my heroism. I received it because of many men out there, heroic beyond me, who did not have a witness or had a witness who did not like them or could not write or something got lost in the food chain, as some of these sometimes do. I am a recipient for others, and I do not say that in any sense of false modesty at all. I say it sincerely and genuinely.

I understand Reserve officers, which I am, and career officers are substantially different. I praise the chairman and the ranking member of the Armed Services Committee and all the members of the Armed Services Committee, some of whom already spoke, for their efforts to make certain we take care of the men and women who volunteer and say: I will make a life career. I do not want anything I said previously to subtract from the enormous respect and admiration I have for them. Indeed, many times I have been moved to tears to see the risks the men and women who wear the uniform of the Army, Air Force, Navy, Marine Corps, and Coast Guard take for all of us, and we have a painful example of it today in sailors who are trying to keep an embargo in place on Iraq.

We started that embargo many years ago, and we take it for granted. All of a sudden, we have 5 dead, 10 missing, and another 30 or so who are injured executing a mission. My guess is many of those people in question are lifers, as we call them, people who have made a life commitment.

I appreciate very much the chairman making an effort. It may be he is right, that he has a provision here that ought to be done. I tried to argue as to why I think it goes beyond. He is the chairman of this committee. Senator LEVIN spent a lot of time on it. I supported them almost every time in the past when they tried to get benefits in line with what we need in order to recruit and retain. I do not want anything I said previous to this to be interpreted by anybody either on this floor or out in America that I have any disrespect at all for the commitment that men and women make when they say: I will make a life career.

Again, I will use the observation of the Senator from Texas that you can support this provision and still say at some point you have to say no. We all understand that. We are asked to spend the taxpayers' money on many things, and you need a method by which at some point you say no. You can't say yes to everything. There are a lot of things I would like to spend money on, but there is a limit, and you have to figure out what that limit is.

For years we had a Budget Act. For years we had budget caps. The Senator from New Mexico is right. It used to be, not that long ago, when you came down to the floor and there was a motion to waive the Budget Act, that was a tough vote. It was tough to waive the Budget Act. All of a sudden, it is not anymore. It used to be a mechanism that enabled us to have the fiscal discipline.

I am proud of many things in which I had the opportunity to participate. One of them is the opportunity to help get rid of the fiscal deficit over the last 12 years. The only way that was possible was for us to have a mechanism by which we could look at a friend, look somebody in the eye who deserves to have more spending, and say: No, I just can't do it.

At this moment, we are poised to spend far beyond what we intended when this year started. I hope colleagues will vote against the motion to waive the Budget Act and send this bill back to conference and say to the House Members: We cannot get it in because we have to say no, and we have to reassert the fiscal discipline that got us to where we are today.

Mr. President, I am prepared to yield back my time.

Mr. WARNER. I think we are all prepared to yield back time.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Texas.

Mr. GRAMM. I yield back my time as well.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the conference report on the National Defense Authorization Act for fiscal year 2001 contains direct spending that far exceeds the Armed Services Committee's allocation of mandatory spending under the fiscal year 2001 budget resolution.

According to the Congressional Budget Office, this conference report would increase mandatory spending by over $19 billion over the next 5 years, and by $61 billion over the next 10 years.

Most of this increased spending is for the new ''Medigap'' entitlement for Medicare-eligible military retirees. This new benefit would add $18.7 billion in new direct spending over the next 5 years, and $59.9 billion in new direct spending over the next 10 years. This year's congressional budget resolution established a $400 million reserve fund for mandatory spending on military health care benefits over the next 5 years; the mandatory spending on health care in this conference report would exceed that allowance by $18.3 billion.

The net cost to the federal budget is somewhat less, because current, discretionary spending must be subtracted out. While the net cost to the federal budget—that is, the amount of the projected future surpluses that these health care benefits would consume—is somewhat smaller, it is still a very substantial amount of money. The health care provisions in this conference report, when both the mandatory and discretionary components are added together and the costs that are moved from one category to another are netted out, would require $14 billion of new spending over the next 5 years and $40 billion of new spending over the next 10 years. That is a lot of money.

This new spending was not contemplated in this year's congressional budget resolution. When Congress enacted the budget resolution earlier this year, we provided only $400 million for new military health care benefits over the next 5 years. So this conference report contains over $13.6 billion over the amount of direct spending on health care that was approved in the budget resolution.

I support the new medical benefits provided by this conference report. I support them because I believe that it is incumbent upon the Congress to answer the call of Secretary Cohen and the Joint Chiefs of Staff to address shortcomings in the health care that we provide for our military personnel, military retirees, and their families. The Chairman of the Joint Chiefs of Staff, General Henry Shelton, told the Armed Services Committee earlier this year.

> For years our recruiters have promised health care for life for career members and their families. As we all know, that is not what they receive. . . . Keeping our promise of ensuring quality health care for military retirees is not only the right thing to do, it also is a pragmatic decision because it sends a strong signal signal to all those considering a career in uniform.

General Shelton went on to point out that we have actual recruiting posters that specifically state that military members and their families would receive health care for life. That, he said, is ''basically what we committed to at the time they were recruited to the armed forces.''

Last year, we enacted pay and retirement reform provisions to send a strong message that we recognize the demands that we place on our men and women in uniform, the circumstances in which they must live and work, and the fact that we often pay them less, and expect them to do far more, than employes in the private sector. The health care provisions in this year's bill should send an equally strong message, and will hopefully have an equally strong positive impact on military recruitment and retention.

I believe that providing these health care benefits is the right thing to do, and that we should use the waiver open to us to provide them. At the same time, however, Senator KERREY has done the right thing in raising a point of order relative to these provisions under the Budget Act. We have the responsibility, if we are going to spend tens of billions of dollars on a new benefit, to do so openly and in accordance with our budget rules. Those rules allow us to exceed the spending limits we set for ourselves should we deem it wise and prudent to do so.

We do so by voting to waive the Budget Act. That is our way of standing up openly and acknowledging what we are doing, acknowledging that we are about to use some of our surplus for a benefit that was not included in the fiscal plan the Congress adopted in April. We owe it to ourselves and our constituents to be willing to stand up and say either we think this is a good idea worth doing and we should waive the Budget Act, or to say we shouldn't be doing this and voting not to waive it.

There is one other significant new entitlement in this conference report and that is the compensation program for contract and federal employees of the Department of Energy who became ill due to their exposure to radiation, beryllium, or other hazardous materials while working to build our nuclear weapons. While much less expensive than the health care benefit, this compensation program also entails direct spending of $1.1 billion over 5 years, and $1.6 billion over 10 years, that was not provided for in the Budget Resolution. As with the health coverage for our military retirees, I think this is the right thing to do, but we have to be willing to waive the Budget Act to do it.

Either this bill is wrong, or the congressional budget resolution was wrong in the limitations that it placed on Federal spending. In my view, the problem is not with this bill, but with the budget resolution itself, which was never realistic in the amount of money that it provided for this and other purposes. I believe that the American people would want us to provide improved access to health care and a comprehensive pharmacy benefit for military retirees—and that they would want us to take similar action on behalf of other retirees.

Others may disagree, but we cannot have it both ways. We cannot say that we support the strict spending limits in the congressional budget resolution and that we also support the new entitlement programs in this conference report, which would violate those spending limits. The two are inconsistent, and we must make a choice. That is what this vote is about.

I commend Senator KERREY for raising a point of order under the Budget Act. For the reasons that I have stated, I will vote to waive the point of order and allow this conference report—and the new benefits that it includes—to become law.

I again quote from the testimony of the Chairman of the Joint Chiefs of Staff when he told us earlier this year:

> For years our recruiters promised health care for life for career members and their families. As we all know, that is not what they receive. . . . Keeping our promise of ensuring quality health care for military retirees is not only the right thing to do, it also is a pragmatic decision because it sends a strong signal to all those considering a career in uniform.

Last year, we increased the retirement benefit to where it previously had been 10 years before when we said it would be 50 percent of your base pay when you retire, rather than the 40 percent which it had been reduced to 15 years ago. We did not make that subject to people's earnings. There is no earnings test. That was an entitlement. It was a retirement benefit. It was a recruiting aid. It was a retention aid. So is this.

Most important, it is keeping a commitment which has been made to the people who joined the service. I know very well Senator KERREY did not join for that purpose. Indeed, many do not join for that purpose. But the expert recruiters and the Chairman of the Joint Chiefs tell us this is a very important recruiting and retention tool, No. 1. No. 2, it keeps a commitment which has been made, and when the Government makes that commitment, we should keep it. Whether or not the private company keeps it or not, we may not have any control over it. Senator KERREY raised the question of what happens if a private company breaks a commitment. That is very different from when we, the people, make a commitment to our men and women in the military.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the Senator is right. Let's move forward and vote.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, all Senators recognize that we are drawing to a conclusion this session of Congress. We have had an excellent debate. I urge Senators to support my motion to waive. Were this to fail and the Budget Act is not waived, the entire Defense authorization conference report will fail. Conferees will have to be appointed for a new conference. The Senate will appoint conferees and send the bill back to the House. The House will appoint conferees and a new conference will have to be convened. A new conference report will then have to be passed by both the House and the Senate. We will have opportunities next year to readdress this problem.

I close by saying, with all due respect to my dear friend from Nebraska, this is the living proof which says for the rest of your life, if you serve a minimum of 20 years active Federal service, you earn your retirement. That is a commitment that has been made by this Nation since World War II, Korea, Vietnam, and continues to be made today. Now it is the obligation of the Senate to confirm the credibility of this country and to give to these people what they have earned rightly.

I yield back my time. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 9, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—84

Abraham	Durbin	Mikulski
Akaka	Edwards	Miller
Allard	Enzi	Moynihan
Ashcroft	Fitzgerald	Murkowski
Baucus	Frist	Murray
Bayh	Gorton	Reed
Bennett	Grassley	Reid
Biden	Hagel	Robb
Bingaman	Harkin	Roberts
Bond	Hatch	Rockefeller
Boxer	Hollings	Roth
Breaux	Hutchinson	Santorum
Brownback	Hutchison	Sarbanes
Bunning	Inhofe	Schumer
Burns	Inouye	Sessions
Byrd	Jeffords	Shelby
Campbell	Johnson	Smith (NH)
Chafee, L.	Kerry	Smith (OR)
Cleland	Kohl	Snowe
Cochran	Kyl	Specter
Collins	Landrieu	Stevens
Conrad	Lautenberg	Thomas
Craig	Leahy	Thompson
Crapo	Levin	Thurmond
Daschle	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wellstone
Dorgan	McConnell	Wyden

NAYS—9

Bryan	Graham	Kerrey
Domenici	Gramm	Mack
Feingold	Gregg	Nickles

NOT VOTING—7

Feinstein	Kennedy	Torricelli
Grams	Lieberman	
Helms	McCain	

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 9. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to table was agreed to.

NAVY HRSC'S

Mr. SANTORUM. Mr. President, I wish to enter into a colloquy with Senator OLYMPIA SNOWE of Maine and Senator JOHN WARNER of Virginia, two of my colleagues on the Senate Committee on Armed Services, to clarify a provision concerning a U.S. Navy Benefits Center as referenced in Senate Report 106–292 which accompanies S. 2549.

As my colleagues are aware, the Department of the Navy's Human Resources Service Centers, HRSCs, located in eight geographical locations worldwide, serve as the regional Human Resources Management, HRM, processing centers for activities and Human Resources Offices in its service area. The HRSCs also provide various centralized HRM programs and services.

S. 2549, the Fiscal Year 2001 National Defense Authorization Act, authorizes $3.0 million for a contractor-supported national employee benefits call center located in Cutler, Maine. According to Senate Report 106–292, this center is to provide a full range of benefit and entitlement information and assistance to civilian employees of the Department of the Navy. The report notes that the call center would replace eight separate Human Resources Service Centers now in operation throughout the country.

Based on conversations with the Department of the Navy, it is my understanding that these HRSCs are not to be replaced by the new center to be established in Cutler, Maine. Instead, the new Navy Benefits Center will complement the services performed by the eight HRSCs.

Mr. WARNER. The Senate understands these HRSCs are not to be replaced by the new benefits center to be established in Cutler, Maine. Instead, the new Navy Benefits Center will complement the services performed by the eight HRSCs. The conferences believe that the new U.S. Navy Benefits Center will add a new capability which supplements the resources inherent in the existing HRSCs. That is, the new center will not replace the eight existing Navy HRSCs but will enhance efforts to provide information to civilian employees of the Navy.

I also want to bring to the attention of my colleagues that there is an error in the Conference Report tables. Three million dollars for this initiative should have been authorized to match the appropriations provided in the fiscal year 2001 DoD Appropriations Conference Report. I have been in contact with the Chief of Naval Operations this afternoon. I have his assurance that the Navy will execute this program as we intended.

Ms. SNOWE. Mr. President, I want to thank the distinguished Chairman of the Armed Services Committee, Senator WARNER, for his support of this initiative. I agree with him and my colleague, Senator SANTORUM, and they are correct in their understanding of the intent of this authorization and the benefits center itself.

Cutler has a history of admirable and noteworthy support of the U.S. Navy. For nearly 40 years, the United States Navy's Computer and Telecommunications Station resided in Cutler and set standards for excellence in performing its vital national security mission. The civilian men and women of Cutler who contributed so much to this success personify Maine's celebrated work ethic.

Now, the residents of Cutler eagerly await the establishment of the new benefits center and will once again showcase their loyalty, work ethic and stalwart support for the United States Navy.

SPECIFIED CANCER

Mr. DEWINE. Mr. President, I would like to take a moment to clarify the definition of ''specified cancer'' as defined by this provision with my colleague from Ohio. When we drafted this definition, we intended to cover cancers that were likely to be caused by exposure to radiation, isn't that correct?

Mr. VOINOVICH. Yes, we did intend to cover radiogenic cancers. The definition of specified cancer includes those cancers covered by the Radiation Exposure Compensation Act and Bone cancer. According to the medical text ''Cancer Epidemiology and Prevention'' by Doctors Schottenfeld and Fraumeni, cancers of the bone include cancers of the cartilage, including radiosensitive cancers that originate in cartilage such as chondrosarcoma.

Mr. DEWINE. I would also like to add that both the Senate Health, Education, Labor and Pensions Committee and the Government Affairs Committee have heard testimony from the Department of Energy on worker exposure to ionizing radiation at the Portsmouth uranium enrichment plant in Portsmouth, Ohio, and we became aware that chondrosarcoma has afflicted some in the workforce. The chapter on bone cancer in the Schottenfeld and Fraumeni medical text should provide helpful guidance as the Administration implements this proposal. I ask for unanimous consent to include a portion of that text for the RECORD.

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

CANCER EPIDEMIOLOGY AND PREVENTION

(Edited by David Schottenfeld, M.D., and Joseph F. Fraumeni, Jr., M.D.)

BONE CANCER

(By Robert W. Miller, John D. Boice, Jr., and Rochelle E. Curtis)

Cancers that arise from bone or cartilage account for about 0.5% of all malignant neoplasms in the human. As with other neoplasms, much more research has been devoted to diagnosis and therapy than to causation. This chapter reviews the epidemiologic observations on bone cancer that have provided clues to its origins.

DEMOGRAPHIC CHARACTERISTICS

Descriptive studies in the past have been handicapped by the use of a single code number in the International Classification of Diseases, which groups all cell types of bone cancer. The three main subtypes are osteosarcoma, which arises most often from the growing ends of long bones; chondrosarcoma, which develops in cartilage; and Ewing's sarcoma, which according to recent evidence may arise from primitive nervous tissue (Cavazzana et al, 1987;

Ewing's Tumour Workshop, 1990; Horowitz et al, 1993), most commonly in the shafts of the axial skeleton.

The cell types should be studied separately, because they have marked demographic differences that are of etiologic significance. Histologic diagnoses are thus required, as from population-based cancer registries. Of particular value in this regard are data from the Surveillance, Epidemiology and End-Results (SEER) Program of the National Cancer Institute (Percy et al, 1995), which has covered about 10% of the U.S. population since 1973. Ninety-five percent of bone cancers were histologically confirmed. The geographic areas covered and distribution by cell type are shown in Table 44–1.

Of the 1961 cases among whites and 163 among blacks registered in the SEER Program from 1973 through 1985, osteosarcoma was reported in 36%, chondrosarcoma in 26%, and Ewing's sarcoma in 16%. Age-adjusted rates by histologic type are presented in Figure 44–1 (charts are not reproducible in the RECORD.)

Age, Sex, and Race-Specific Incidence

Osteosarcoma has a bimodal age distribution, with peaks in adolescence and late in life (Fig. 44–2). It is rare early in life, but the rate increases rapidly in late childhood. In 1950–1959, before improved therapy increased survival, mortality and incidence rates were similar. There were enough deaths in the United States during this ten-year interval to allow study of the distribution by single year of age (Fig. 44–3). At age 13 the rate for males rose higher than that for females, and remained elevated for a longer time, suggesting that bone cancer is related to the adolescent growth spurt. (Price, 1958; Fraumeni, 1967; Glass and Fraumeni, 1970).

Chondrosarcoma is rare in childhood and rises with advancing age, for unknown reasons (Young et al, 1990). The age distribution of Ewing's sarcoma resembles that of osetosarcoma early in life, but rarely develops over 35 years of age (Fig. 44–2). Apparently, malignant change of the primitive tissue from which it arises does not occur later in life.

There is a male predominance of each major form of bone cancer among whites and blacks (Fig. 44–1). The two races have similar incidence rates for childhood osteosarcoma, but blacks have almost no cases of Ewing's sarcoma, either in the United States (Figs. 44–1 and 44–1) or Africa (Parkin et al, 1988). Rates of Ewing's sarcoma are also low among Asians, but less so than in blacks. A possible explanation for these racial differences is that a gene for osteosarcoma is equally mutable among the various races, but that for Ewing's sarcoma resists mutation in blacks and Asians.

Table 44–1 shows an absence of chordoma, when about 10 cases were expected if blacks had 12% of the total, as they did for osteosarcoma. Among blacks there is also a rarity of giant cell and blood-vessel tumors. These racial differences have not previously been recognized, and need further investigation.

TABLE 44–1.—NUMBER OF PATIENTS WITH PRIMARY BONE CANCER AMONG WHITES AND BLACKS ACCORDING TO HISTOLOGIC TYPE, SEER CANCER REGISTRIES [a], 1973–85

Histology	Number of Cases						
	Whites			Blacks			
	M	F	Total	M	F	Total	Percent [3]
Osteosarcoma	379	287	666	51	42	93	12.3
Chondrosarcoma	295	248	543	18	14	32	5.6
Ewing's sarcoma	218	121	339	2	3	5	1.5
Chordoma	55	31	86	0	0	0	.....
Fibrous histiocytoma [b]	35	21	56	1	4	5	8.2
Fibrosarcoma	27	26	53	2	5	7	11.7
Sarcoma, NOS	26	19	45	3	1	4	8.2
Giant cell tumor	22	22	44	0	1	1	2.2
Blood vessel tumors	15	19	34	0	1	1	2.9
Odontogenic tumors [b]	12	14	26	4	1	5	16.1
Other types	11	16	27	2	2	4	12.9
Malignant neoplasm, NOS	24	18	42	1	5	6	12.5
Total	1,119	842	1,961	84	79	163	100.0
Percent histologically confirmed	.....	.....	95	.....	95	.....	.....

[a] SEER areas include the states of Connecticut, Hawaii, Iowa, New Mexico, Utah and the metropolitan areas of Detroit, Atlanta (1975–1985), Seattle (1974–1985), and San Francisco-Oakland.
[b] Includes morphology categories in use since only 1977.
[c] For a given subtype, % that were Black; e.g., osteosarcoma = 93/(666+93) 100 =12.3%.

Table 44–2 summarizes SEER data concerning the distribution of the seven main bone cancers among whites with respect to age, sex, and anatomic site. It shows that osteosarcoma most often arises from long bones of the lower limbs, whereas chondrosarcoma and Ewing's sarcoma most often arise from flat bones. Chordoma, presumbly arising from remnants of the embryologic notochord, is a tumor of the flat bones of the trunk and head, and of the lower limbs. The lower limbs are the principal sites for fibrosarcoma, giant cell tumors, and malignant fibrous histiocytoma, which has recently gained attention as a clinical entity, especially as a complication of Paget's disease.

Geographic Variation

Little geographic variation is seen worldwide in the incidence of bone cancer, all forms combined (Muir et al., 1987). Incidence rates that differ by more than 2-fold are rare in the few populations of sufficient size to ensure stable estimates. No clues to etiology are apparent from international comparisons of age-adjusted rates. With few exceptions, rates are higher among males than females, with ranges of 0.8 to 1.6 and 0.6 to 1.2 per 100,000, respectively.

Time Trends in Mortality and Incidence

Mortality rates for bone cancer, all forms combined, in the United States (Fig. 44–5) and other countries have declined steadily from the 1950s to the mid-1980s, largely attributable to improved diagnosis and treatment (Pickle et al, 1987; Miller and McKay, 1984; Decarli et al, 1987; La Vecchia and Decarli, 1988; Ericsson et al, 1978). Using SEER incidence data, Hoover et al (1991) found that between 1973–1980 and 1981–1987 there was an unexplained increase in the annual incidence rates of osteosarcoma in males under 20 years of age, from 3.6 to 5.5 cases per million people. Among females the corresponding annual rates were 3.8 and 3.7 cases per million.

Figures 44–6 and 44–7 show survival rates for the three main cell types for males and females, respectively (SEER data, 1980–1989, all races combined). Survival was by far the best for chondrosarcoma, and, for all 3 cell types, was substantially better in females than in males.

ENVIRONMENTAL FACTORS

Radiation

Ionizing radiation is one of the few environmental agents known to induce certain bone cancers, particularly osteosarcoma, chondrosarcoma, and fibrosarcoma. In 1935, Maryland linked bone cancer to occupational exposure to radium. In subsequent studies (see Table 44–3) an excess risk of bone cancer was found following brief exposure to high-dose radiation therapy (Robinson et al, 1988) and following continuous exposure to internally deposited radionuclides injected to treat bone disease or to provide a contrast medium in diagnostic radiography (Mays, 1988). Investigations of radiogenic bone cancer have enabled researchers to develop an elegant theory of the induction of osteosarcoma (Marshall and Groer, 1977); models in which genetic-environmental interactions can be evaluated (Knudson, 1985); and guidelines for protecting against the effects of internally deposited radionuclides, especially plutonium (Healy, 1975).

SECRECY AND WORKER HEALTH

Mr. HARKIN. Mr. President, I would ask the distinguished Chairman and Ranking Member to engage in a brief colloquy on section 1078 of the Department of Defense Authorization Conference Report regarding secrecy and worker health. This originally passed the Senate as an amendment I sponsored that was agreed to by all parties. The amendment referred to workers at former nuclear weapons facilities. The provision in the conference report was rewritten, and now defines these workers to be ''employees and former employees of the Department of Defense'' at defense nuclear weapons facilities. However, at least one such facility, the Iowa Army Ammunition Plant, is owned by the Defense Department but operated by a contractor. Thus virtually all employees at the facility were and are employees of the contractor and not directly of the Department of Defense. Is it the understanding of my colleagues that this

provision is intended to refer to all employees at such facilities, including those employed directly by the Department of Defense and indirectly through contractors?

Mr. LEVIN. Yes, you are correct. As indicated in the report language, the conferees are concerned about all employees affected by the defense Department policies, and we intended this provision to cover all affected employees at the Iowa facility and similar facilities. We will join with you to make sure the Defense Department implements this provision according to these intentions.

Mr. WARNER. I agree with Senator HARKIN and the distinguished ranking member, and I too am committed to ensuring the Defense Department implements this provision to protect all workers including those of contractors.

Mrs. BOXER. Mr. President, I have strong reservations about the fiscal year 2001 Defense Authorization Conference Report that is before the Senate today. The concerns I have are the same that led me to vote against the Defense Authorization bill when it was before the Senate earlier this year.

This conference report would increase Defense spending by more than $20 billion over last year's authorized level. It is $4.6 billion over the President's request. I am particularly troubled that most of this $4.6 billion increase is for weapons systems that were not requested by the Department of Defense.

While I support many provisions of this bill, including a 3.7 percent pay raise for military personnel and additional pay for troops on food stamps, I strongly believe that military spending is increasing at a rate beyond what is necessary to meet our security needs.

Today, however, our military has been attacked—presumably by those who believe that acts of terrorism might somehow deter the United States from defending our interests of promoting peace and security throughout the world.

At this time, it is important to vote for this bill to send a signal to the rest of the world that America stands united in the face of such threats and supports the men and women who so bravely serve this Nation.

Mr. BINGAMAN. Mr. President, I am pleased that the Conference Report for the National Defense Authorization Act for Fiscal Year 2001 includes a program that I championed in the Senate during its consideration of this bill, along with Senator THOMPSON and others. This program addresses occupational illnesses scientifically found to be associated with the DOE weapons complex, that have occurred and are now occurring because of activities during the Cold War.

This new program was a joint effort of a bipartisan group of Senators and House Members. I would like to knowledge the hard work by my staff and by the staff for Senator FRED THOMPSON, Senator GEORGE VOINOVICH, Senator MIKE DEWINE, Senator MITCH MCCONNELL, and Senator TED KENNEDY. We worked with the Administration, with worker groups, with manufacturers, and with staff from the House of Representatives.

The workers in the DOE nuclear weapons complex, both at the production plants and the laboratories, helped us win the Cold War. But that effort left a tragic environmental and human legacy. We are spending billions of dollars each year on the environmental part—cleaning up the physical infrastructure that was contaminated. But we also need to focus on the human legacy.

This program is an attempt to put right a situation that should not have occurred. But it proposes to do so in a way that is based on sound science.

The amendment focuses federal help on three classes of injured workers.

The first group is workers who were involved with beryllium. Beryllium is a non-radioactive metal that provokes, in some people, a highly allergic lung reaction. The lungs become scarred, and no longer function.

The second group is workers who dug the tunnels for underground nuclear tests and are today suffering from chronic silicosis due to their occupational exposures to silica, which were not adequately controlled by DOE.

The third group of workers are those who had dangerous doses of radiation on the job.

Along with the workers who are covered by the compensation program being created by this legislation, we are reaching back to the uranium miners and millers who were compensated under the Radiation Exposure Compensation Act, or RECA, and providing them with a similar benefit of a total of $150,000 and ongoing medical care. I think that this is only a matter of simple justice, and I strongly supported its inclusion in the current legislation. Early in this Congress, I introduced legislation that would have provided $200,000 in compensation for the uranium miners and millers—the same financial payment that was initially proposed for the DOE workers in this legislation. I am glad that the final result is a better deal for the persons being compensated under RECA, as well as the persons being compensated under this new program.

For the workers who were employed at numerous current and former DOE facilities, we have included a general definition of DOE and other type of facilities in the legislation, in lieu of including a list that might be incomplete. For purposes of helping in the implementation of this legislation, I would like to ask unanimous consent that a non-exclusive list of the DOE-related facilities intended to be covered under this amendment be printed in the RECORD following my statement.

(See Exhibit 1.)

For beryllium workers, there are tests today that can detect the first signs of trouble, called beryllium sensitivity, and also the actual impairment, called chronic beryllium disease. If you have beryllium sensitivity, you are at a higher risk for developing chronic beryllium disease. You need annual check-ups with tests that are expensive. If you develop chronic beryllium disease, you might be disabled or die.

This amendment sets up a federal worker's compensation program to provide medical benefits to workers who acquired beryllium sensitivity as a result of their work for DOE. It provides both medical benefits and a lump-sum payment of $150,000 for workers who suffer disability or death from chronic beryllium disease.

For radiation, the situation is more complex. Radiation is proven to cause cancer in high doses. But when you look at a cancer tumor, you can't tell for sure whether it was caused by an alpha particle of radiation from the workplace, a molecule of a carcinogen in something you ate, or even a stray cosmic ray from outer space. But scientists can make a good estimate of the types of radiation doses that make it more likely than not that your cancer was caused by a workplace exposure.

The original legislative proposal passed by the Senate put the Department of Health and Human Services, HHS, in charge of making the causal connection between specific workplace exposures to radiation and cancer. Within the HHS, it was envisioned that the National Institute for Occupational Safety and Health, or NIOSH, take the lead for the tasks assigned by this legislation. This assignment followed a decision made in DOE during the Bush Administration, and ratified by the National Defense Authorization Act for Fiscal Year 1993, to give NIOSH the lead in identifying levels of exposure at DOE sites that present employees with significant health risks. While in the final legislative text, the President was assigned these responsibilities, I think it is clearly the intent of the Senate proponents that he delegate these authorities as laid out in the original Senate amendment.

HHS was also given a Congressional mandate, in the Orphan Drug Act, to develop and publish radioepidemiological tables that estimate ''the likelihood that persons who have or have had any of the radiation related cancers and who have received specific doses prior to the onset of such disease developed cancer as a result of those doses.'' I would like to ask unanimous consent that a more detailed discussion of how the Senate proponents envision these guidelines being used be included as an exhibit at the end of my remarks.

(See Exhibit 2.)

Under guidelines that would be developed and used under this legislation, if your radiation dose was high enough to make it at least as likely as not that your cancer was DOE-work-related, you would be eligible for compensation for lost wages and medical benefits.

The HHS-based method will work for the many of the workers at DOE sites. But it won't work for a significant minority who were exposed to radiation, but for whom it would be infeasible to reconstruct their dose.

There are several reasons why reconstructing a dose might be this infeasibility might exist. First, relevant records of dose may be lacking, or might not exist altogether. Second, there might be a way to reconstruct the dose, but it would be prohibitively expensive to do so. Finally, it might take so long to reconstruct a dose for a group of workers that they will all be dead before we have an answer that can be used to determine their eligibility.

One of the workers who testified at my Los Alamos hearing might be an example of a worker who could fall into the cracks of a system that operated solely on dose histories. He was a supervisor at what was called the ''hot dump'' at Los Alamos. All sorts of radioactive materials were taken there to be disposed of. It is hard to reconstruct who handled what. And digging up the dump to see what was there would not only be very expensive, it would expose new workers to radiation risks that could be large.

There are a few groups of workers that we know, today, belong in this category. They are specifically mentioned in the definition of Special Exposure Cohort. For other workers to be placed in this special category, the decision that it was infeasible to reconstruct their dose would have to be made both by the President (or his designee) and by an independent external advisory committee of radiation, health, and workplace safety experts. We allow groups of workers to petition to be considered by the advisory committee for inclusion in this group. Once a group of workers was placed in the category, it would be eligible for compensation for a fixed list of radiation-related cancers.

The program in this amendment provides for a lump-sum payment, combined with ongoing medical coverage under language identical to that used to provide medical coverage under the Federal Employee's Compensation Act, or FECA, in section 8103 of title 5, United States Code. Since Congress has consciously mirrored FECA for one important part of this new program, I hope that the Administration, in implementing our legislation, looks to FECA as a precedent for establishing other parameters for this program.

The legislation before us also invites the Administration to submit further legislative proposals to help implement this new program. In my view, it was not a good policy call for Congress to enact this program without more direction on the details of how it should operate, as was the case in the original legislative proposal passed by the Senate. I believe that the flexibility that the Congress has provided to the Executive Branch should be used to the fullest extent by the President to put the necessary implementing framework in place by Executive Order. If there are changes needed to the law that we have passed, they should be sent up by the President forthwith. But I do not have much confidence that Congress will be able to enact additional legislation on this program before the deadline date of July 31, 2001.

We have a duty to take care of sick workers from the nuclear weapons complex today. It is a doable task, and a good use of our national wealth at a time of budget surpluses. I congratulate my colleagues on having achieved a successful result from our initial bipartisan amendment.

EXHIBIT 1.—EXAMPLES OF DOE AND ATOMIC WEAPONS EMPLOYER FACILITIES THAT WOULD BE INCLUDED UNDER THE DEFINITIONS IN THIS AMENDMENT

(Not an Exclusive List of Facilities)

Atomic Weapons Employer Facility: The following facilities that provided uranium conversion or manufacturing services would be among those included under the definition in section 3503(a)(4):

Allied Signal Uranium Hexafluoride Facility, Metropolis, Illinois.

Linde Air Products facilities, Tonowanda, New York.

Mallinckrodt Chemical Company facilities, St. Louis, Missouri.

Nuclear Fuels Services facilities, Erwin, Tennessee.

Reactive Metals facilities, Ashtabula, Ohio.

Department of Energy Facility: The following facilities (including any predecessor or successor facilities to such facilities) would be among those included under the definition in section 3503(a)(15):.

Amchitka Island Test Site, Amchitka, Alaska.

Argonne National Laboratory, Idaho and Illinois.

Brookhaven National Laboratory, Upton, New York.

Chupadera Mesa, White Sands Missile Range, New Mexico.

Fermi Nuclear Laboratory, Batavia, Illinois.

Fernald Feed Materials Production Center, Fernald, Ohio.

Hanford Works, Richland, Washington.

Idaho National Engineering Laboratory, Idaho Falls, Idaho.

Iowa Army Ammunition Plant, Burlington, Iowa.

Kansas City Plant, Kansas City, Missouri.

Latty Avenue Properties, Hazelwood, Missouri.

Lawrence Berkeley National Laboratory, Berkeley, California.

Lawrence Livermore National Laboratory, Livermore, California.

Los Alamos National Laboratory, Los Alamos, New Mexico, including related sites such as Acid/Pueblo Canyons and Bayo Canyon.

Marshall Islands Nuclear Test Sites, but only for period after December 31, 1958.

Maywood Site, Maywood, New Jersey.

Middlesex Sampling Plant, Middlesex, New Jersey.

Mound Facility, Miamisburg, Ohio.

Niagara Falls Storage Site, Lewiston, New York.

Nevada Test Site, Mercury, Nevada.

Oak Ridge Facility, Tennessee, including the K–25 Plant, the Y–12 Plant, and the X–10 Plant.

Paducah Plant, Paducah, Kentucky.

Pantex Plant, Amarillo, Texas.

Pinellas Plant, St. Petersburg, Florida.

Portsmouth Plant, Piketon, Ohio.

Rocky Flats Plant, Golden, Colorado.

Sandia National Laboratories, New Mexico.

Santa Susanna Facilities, Santa Susanna, California.

Savannah River Site, South Carolina.

Waste Isolation Pilot Project, Carlsbad, New Mexico.

Weldon Spring Plant, Weldon Spring, Missouri.

EXHIBIT 2.—DETERMINING ''CAUSATION'' FOR RADIATION AND CANCER

Different cancers have different relative sensitivities to radiation.

In 1988, the White Office of Science and Technology Policy endorsed the use by the Veterans Administration of the concept of ''probability of causation'' (PC) in adjudicating claims of injury due to exposure to ionizing radiation. Given that a radiogenic cancer cannot be differentiated from a ''spontaneously'' occurring one or one caused by other dietary, environmental and/or lifestyle factors, the PC—that is, the ''likelihood'' that a diagnosed cancer has been ''caused'' by a given radiation exposure or dose—has to be determined indirectly.

To this end, the National Institutes of Health (NIH) was tasked to develop radioepidemiology tables. These tables, which are currently being updated by the NIH, include data on 35 cancers compared to the 13 cancers in the original tables from 1985. These tables account for the fact that different cancers have different relative sensitivities to ionizing radiation.

The determination of a PC takes into account the radiation dose and dose rate, the types of radiation exposure (external, internal), age at exposure, sex, duration of exposure, and (for lung cancer only) smoking history. Because a calculated PC is subject to a variety of statistical and methodological uncertainties, a ''confidence interval'' around the PC is also determined.

Thus, a PC is calculated as a single, ''point estimate'' along with a 99% confidence interval which bounds the uncertainty associated with that estimate. If you have 99% certainty that the upper bound of a PC is greater than or equal to 0.5 (i.e., a 50% likelihood of causality), then the cancer is considered at least as likely as not to have been caused by the radiation dose used to calculate the PC.

For example, for a given worker with a particular cancer and radiation exposure history, the PC may by 0.38 with 99% confidence interval of 0.21 to 0.55. This means that it is 38% likely that this worker's cancer was caused by this radiation dose, and we can say with 99% confidence that this estimate is between 21% and 55%. Since the upper bound, 55% is greater than 50%, this person's cancer would be considered to be at least as likely as not to have been caused by exposure to radiation, and the person would be eligible for benefits under the proposed program.

Mr. HUTCHINSON. Mr. President, as chairman of the Personnel Subcommittee I worked hard this year, along with Senator MAX CLELAND, our ranking member, to develop a defense authorization bill that is responsive to the manpower readiness needs of the military services; supports numerous quality of life improvements for our service men and women, their families and the retiree community; and addresses in a comprehensive manner, the health care needs of military retirees.

The subcommittee focused on the challenges of recruiting and retention during each of our hearings this year, including the health care hearing. The important legislation contained in this bill will have a positive impact on both recruiting and retention as those who might serve and those who are serving see our commitment to provide the health care benefits promised to those who serve a full military career. I am proud of this bill and I believe the initiatives it contains will result in improved recruiting and retention within the military services.

The most vigorously pursued and most prized provisions in our bill will extend TRICARE, the military health care system, to all military retirees without regard to their age. We have eliminated the statutory language that kicked military retirees out of the military medical system when they became eligible for Medicare—just at the time of their lives when these retirees need medical help the most and can afford it the least.

We were fortunate during conference to be able to include a permanent funding mechanism for the retiree health care benefit. This funding mechanism will ensure that the important health care benefit will be financed in perpetuity rather than being subject to annual budget exigencies. I am delighted that we have stepped up to fulfill the commitment to those who served our nation over a full career.

Of course, health care is not the only issue on which the Personnel Subcommittee focused this year. In the area of military personnel policy, there are a number of recommendations intended to support recruiting, retention and personnel management of the services.

Among the most noteworthy, is a provision that would, effective July 1, 2002, require high schools to provide military recruiters the same access to a high school campus, student lists and directory information as is provided to colleges, universities and private sector employers, unless the governing body—school board—decides by majority vote to deny military recruiters access to the high school.

When I asked military recruiters what I could do to assist them in meeting the challenges they face recruiting the best young men and women in America, they asked me to help them get access to high schools on the same basis as the colleges and universities.

Other initiatives to support recruiting are: a pilot program in which the Army could use motor sports to promote recruiting; implement a program of recruiting in conjunction with vocational schools and community colleges; and a pilot program using contract personnel to supplement active recruiters.

This conference report authorizes the expansion of Junior ROTC programs. We have added $13.5 million to expand the JROTC programs. When combined with the funds in the budget request, this add will maximize the services' ability to expand JROTC during fiscal year 20001. I am proud to be able to support these important programs that teach responsibility, leadership, ethics and assist in military recruiting.

In military compensation, our major recommendations include a 3.7 percent pay raise for military personnel and a revision of the Basic Allowance for Housing to permit the Secretary of Defense to pay 100 percent of the average local housing costs and to ensure that housing allowance rates are not reduced while permitting increases as local housing costs dictate.

The bill directs the Secretary of Defense to implement the Thrift Savings Plan for active and reserve forces not later than 180 days after enactment. The Thrift Savings Plan will be a very positive recruiting and retention tool assisting the military services in attracting high-qualified personnel and encouraging them to remain until retirement.

We included a provision that will dramatically reduce the number of military personnel eligible to receive food stamps. Under this provision, military personnel determined by the Secretary of Defense to be eligible for food stamps would receive an additional special pay sufficient to raise their income level to where they would no longer need food stamps. This special pay will reduce the number of military personnel eligible to receive food stamps from the current DOD estimate of about 5,000 to less than 2,000. No United States military personnel should be forced to use food stamps to feed his or her family. When you combine the food stamp assistance in this bill with the increased pay raises we have directed over the next 5 years, we should practically eliminate the need for any service member to seek assistance from food stamps.

We also modified the basic pay tables for non-commissioned officers effective July 1, 20001 to give these deserving leaders a well deserved pay raise. When we adjusted the basic pay tables for all military personnel last year, we discovered that the non-commissioned officers—the key element in our military units—did not receive an equitable pay raise with the officers. We were able to correct that situation this year.

Other health care provisions include: the elimination of co-payments for those active duty family members enrolled in TRICARE Prime; an initiative that would provide recipients of the Medal of Honor, and their families, life-time military health care; and a provision that would direct the Secretary of Defense to implement a patient care reporting and management system to reduce medical errors.

Mr. President, I am proud of this bill. It will provide the resources and authority the military services need to maximize their readiness and to improve the quality of life for active and retired military personnel and their families.

Before I conclude, I would like to take this opportunity to thank the hardworking staff members of the Personnel Subcommittee: Charlie Abell, Patti Lewis, and Michele Traficante. I am proud of the work they have done this year, and every man and women who wears our nation's uniform, and every military retiree, is better off today because of their efforts. I thank you.

I will vote for the bill and I urge my colleagues to support the bill as well.

Mr. FEINGOLD. Mr. President, I will once again oppose the Department of Defense authorization bill, as I have done each year I have been a Member of this body.

As I stated earlier this year when the Senate passed the fiscal year 2001 Department of Defense appropriations bill, my opposition to this conference report should not be interpreted as a lack of support for our men and women in uniform. Rather, what I cannot support is the cold war mentality that continues to permeate the United States defense establishment.

I strongly support our Armed Forces and the excellent work they are doing to combat the new threats of the 21st century and beyond. However, I am concerned that we are not giving our forces the tools they need to combat these emerging threats. Instead, this conference report, like the corresponding defense appropriations bill that has already been enacted, clings to the strategies and weapons that we used to fight—and win—the cold war.

The cold war is over. It is past time that we undertake a comprehensive review of the threats currently facing the United States and formulate a strategy on how best to combat them before we continue to commit billions of dollars to programs that were created to fight an enemy that no longer exists.

As we reexamine our defense priorities, we should assess the changing roles and missions of both our active duty and our reserve components. The National Guard and Reserve are integral parts of overseas missions, with recent and ongoing missions in places including Iraq and the Balkans. According to statements by Department

of Defense officials, Guardsmen and Reservists will continue to play an increasingly important role in our national defense strategy as they are called upon to shoulder more of the burden of military operations both at home and abroad. The National Guard and Reserves deserve the full support they need to carry out their duties.

One crucial part of that support is providing adequate compensation to these dedicated men and women. I am pleased that this conference report includes a modified version of an amendment I offered during Senate consideration of this bill which authorizes special duty assignment pay for members of the National Guard and Reserve not on active duty. This provision will provide a measure of pay equity to National Guard and Reserve personnel by making them eligible for special duty assignment pay for special duties performed during drill periods.

The men and women who serve in the Guard and Reserves are cornerstones of our national defense and domestic infrastructure, and they deserve to be adequately and equitably compensated for their dedicated service to this country. This provision is a step in that direction. I thank the chairman and the ranking member of the Committee on Armed Services for their cooperation and support on this important issue.

On another matter, I am also delighted that this bill permanently extends the authority of the General Services Administration, GSA, to convey surplus property to local governments for law enforcement purposes. This provision builds on an amendment I offered when this measure was before the Senate, and I am pleased that the conferees have retained the language and expanded its scope. This section will help a number of communities across the country seeking to use surplus property to protect their citizens and provide safe, secure facilities for their police departments. Without this amendment, the authority to convey surplus property for law enforcement purposes would have expired this year. Communities that want to use the GSA process, and have counted upon doing so, to negotiate the use of property for law enforcement purposes at a reduced cost would have been shut out.

In fact, I have just such a situation in my own home State. The city of Kewaunee, WI wants to acquire the city's Army Reserve Center, which is a former Federal armory building. The city intends to use the property as a municipal building in which they would house their police force and other municipal offices.

Congress has specified a number of public purpose uses for which property can be transferred to local governments at a reduced cost. The Federal Property and Administrative Services Act, FPASA, allows property to be transferred to public agencies and institutions at discounts of up to 100 percent of fair market value for a number of purposes: public health or educational uses, public parks or recreational areas, historic monuments, homeless assistance, correctional institutions, port facilities, public airports, wildlife conservation, and self-help housing. This type of transfer is called a public interest conveyance.

I strongly believe that law enforcement is an important public purpose for which surplus property should be used. Moreover, in fairness to local communities with tight budgets, Congress today is acting to permanently preserve this option for communities that are counting on being able to use this authority.

Mr. President, I again thank the bill's managers, the Senior Senator from Virginia [Mr. WARNER] and the Senior Senator from Michigan [Mr. LEVIN], as well as the Senator from Tennessee [Mr. THOMPSON], for assisting me in ensuring this provision becomes law.

In closing, I reiterate my concern about the excessive spending contained in this conference report, including millions in taxpayers' dollars for planes, ships, and other equipment that the President did not request.

We should reexamine our defense priorities, and we should do it as soon as possible.

I thank the Chair.

Mr. THOMPSON. Mr. President, I want to express my support for the Defense Authorization conference report and to thank the Chairman of the Armed Services Committee, Senator WARNER, and the Ranking Member, Senator LEVIN, for their assistance in ensuring that the conference report includes a provision to provide compensation to Department of Energy nuclear weapons workers whose health was harmed in the course of their service to our country.

Back in June, when the Senate first considered this measure, I offered an amendment along with Senator BINGAMAN, Senator VOINOVICH, Senator KENNEDY, Senator DEWINE and others to establish an occupational illness compensation program for these DOE workers who helped us win the Cold War. We offered the amendment after my Committee and others heard testimony and reviewed evidence that showed that, for decades, the federal government—and specifically the Department of Energy—failed to adequately protect its workers or to properly inform them of hazards associated with the important work they were performing.

In some cases, we simply did not know then what we know now about the links between some of the materials used to make weapons and certain illnesses. But in some cases, the government did know—and yet it covered up and kept people in the dark and failed to adequately protect them. We cannot go back and right that wrong. I wish we could. But we can face up to the mistakes that were made and begin to try to remedy them. That is what the Senate is about to do today.

This conference report will establish a compensation program for Department of Energy and contractor employees who were exposed to beryllium, silica, or radiation in the course of their employment, and who are now suffering from illnesses that can be linked to those exposures. The program will employ eligibility criteria based on expert judgement and sound science.

Under the compromise that was reached with the House, the President will be required to send to Congress by March 15th of next year a specific proposal detailing the level of compensation and benefits he believes should be paid. Congress will then have until July 31st to enact specific compensation levels. However, if Congress does not act by July 31st, a default benefit level of $150,000 plus medical benefits will take effect. Therefore, covered employees are guaranteed to receive at least that amount unless Congress enacts legislation stating otherwise by next July.

I believe this is a good compromise, Mr. President. It is not everything that the Senate sponsors wanted, but it is a start. It will get a program in place, allow the Administration to begin to identify those who are eligible, and guarantee a minimum benefit level without further action by Congress. Those are important victories for these Cold War veterans to whom we owe a debt of gratitude. Today we acknowledge that debt of gratitude, as well as a responsibility to remedy mistakes we made.

So again I want to thank Chairman WARNER for his support of this important provision. It would not have been included without his efforts. I also want to thank Senators BINGAMAN, VOINOVICH, KENNEDY, DEWINE, MCCONNELL, and BUNNING for working with me on this issue, and I urge my colleagues to support the conference report.

Ms. SNOWE. Mr. President, I rise today to strongly support the fiscal year 2001 National Defense Authorization Conference Report which we are considering today. As a member of the Senate Armed Services Committee and the chair of the Seapower Subcommittee, I enthusiastically endorse this legislation, and further would like to particularly note its name as the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 in recognition of the chairman of the House Armed Services Committee's long and distinguished service.

I also want to acknowledge the senior Senator from Virginia, Senator JOHN WARNER, the chairman of the

Armed Services Committee for the superb leadership he has provided in support of the committee in the context of the entire authorization bill, and our ranking member, Senator CARL LEVIN, for all his work on this conference report and for his contribution to the committee and its deliberations.

The Seapower Subcommittee addressed significant issues this year and we did so with the bipartisan support of the members of our subcommittee. I want to thank Senator KENNEDY, the ranking member of the Seapower subcommittee, and the other subcommittee members, Senators JOHN MCCAIN, BOB SMITH, JEFF SESSIONS, CHUCK ROBB, and JACK REED, for their contributions and their bipartisan support of not only this legislation but also of the work by the subcommittee throughout this year.

This conference report takes great strides toward modernizing our armed services, meeting their operational and maintenance funding requirements, and improving the quality of service for our dedicated and valuable men and women of the military.

Because we recognize that the service members are our most valuable asset, this bill makes a solid investment in substantive healthcare provisions which will improve the coverage and quality of healthcare for our active duty military members, retirees, and their family members.

Significantly, this legislation initiates a permanent program to provide ''healthcare for life'' to our military retirees age 65 and older by supplementing Medicare with TRICARE, the military's healthcare program. It also includes a provision, originally the Kennedy-Snowe amendment, which complements the ''healthcare for life'' legislation by expanding prescription drug coverage for all our retirees—to provide a comprehensive healthcare benefits program that our military retirees so richly deserve.

This conference report also reflects the Seapower Subcommittee's hard look at Navy and Marine Corps operations and the equipment our men and women require to carry out those operations. And, Mr. President, what we have found in testimony from our operational commander is that our Navy and Marine Corps continues to be the nation's 9–1–1 force. Our sailors and marines are forward deployed, carrying out the national military strategy, and they continue to function at a high level of operations.

In fact, between 1980 and 1989, the Navy/Marine Corps team alone responded to 58 contingency missions. However, between 1990 and 1999 that number had increased to 192 contingency missions—a remarkable threefold increase in operations! What makes this figure even more astounding is that this increase in missions occurred while the number of ships was reduced from 500 in 1980 to the current fleet of 316 ships.

The subcommittee recognizes the critical and unique role that the Navy and Marine Corps team filled in pursuing the national military strategy, and worked to create a bill that would support these diverse missions. To that end, I am pleased that this conference report authorizes an increase of $749 million to the Seapower Subcommittee procurement programs—on top of the President's budget request of $21.6 billion.

Furthermore, this conference agreement includes all of the original Seapower Subcommittee legislative provisions I referenced during my June discussion of these issues on the floor of the Senate, as well as several positive additions which will enhance both our national security and the readiness of our naval forces.

I want to highlight several capabilities and programs that we addressed after receiving testimony from the service chiefs and operational commanders and after visiting and talking with our service men and women.

The Seapower conference report aggressively addresses the future of our nation's Navy and the importance of recapitalization of our fleet by authorizing the construction of eight new ships. This includes $4 billion for a *Nimitz* class aircraft carrier; $2.7 billion for three DDG–51 *Arleigh Burke* class destroyers—the most advanced surface combatant in the world; $1.5 billion for two LPD–17 *San Antonio* class amphibious ships which will begin to reduce lifecycle costs in our amphibious fleet; $339 million for one ADC(X) auxiliary supply ship; and $1.2 billion for one *Virginia* class attack submarine

It also authorizes the President's request of $357 million for the advance procurement of seven DDG–51 *Arleigh Burke* class destroyers, $508 million for SSN–774 *Virginia* class attack submarines, and $22 million for one CVN(X) nuclear powered aircraft carrier.

The subcommittee recognized this need to modernize the fleet and, as a result, invested in future ship research and development as the seed corn of the future Navy by approving the budget request of $38 million for CVN–77—the last aircraft carrier of the *Nimitz* class; $274 million for CVN(X); $207 million for the SSN–774 *Virginia* class attack submarines; and $535 million for the revolutionary DD–21 land attack destroyer.

This conference report also approves the President's request for $1.1 billion for the procurement of sixteen MV–22 Osprey Marine Corps tilt-rotor aircraft, $2.2 billion to procure twelve C–17 aircraft, and $176.4 million for contained research, development, test, and evaluation of the C–17 strategic airlift program.

I am pleased that $560 million of the total procurement authorization increase is for new ship construction and will assist the Navy in achieving potential savings of over $1 billion. This increase includes $460 million for advanced procurement of the LHD–8 amphibious assault ship and an increase of $100 million for advance procurement of DDC–51 *Arleigh Burke* class destroyers.

For the Navy and Marine Corps aviation communities the conference report authorizes an increase of $52.4 million to re-manufacture two additional SH–60 helicopters and a $41.8 million increase to procure two additional CH–60 Navy helicopters, an increase of $22 million for additional P–3 Anti-Surface Warfare Improvement Program Kits, and an increase of $17 million for modifications and night operations upgrades to the Marine Corps UH–1 and AH–1 helicopters.

The conference agreement authorizes a $179.5 million increase to the President's budget request of $4.5 billion for the research, development, test, and evaluation of Navy, Marine Corps, and Air Force programs under the jurisdiction of the Seapower Subcommittee to include a $12.5 million increase for an additional Advanced Amphibious Assault Vehicle prototype, a $20 million increase to develop advanced shipboard simulators for Marines embarked on amphibious ships, a $15 million increase for a multi-purpose acoustic processor for anti-submarine warfare, a $10 million increase for development of command and decision software to be used throughout the surface Navy to improve communication among commanders, and an $8.4 million increase for the development of a defense system to protect our surface ships from torpedoes.

Mr. President, I want to emphasize that these increases were authorized by the Seapower Subcommittee to begin to provide much needed relief to the operational commanders who testified that they were being ''stretched too thin.'' This added funding supports critical programs that will provide commanders with the equipment and the modernized systems they require to successfully and safely accomplish their mission.

I say to my colleagues, this entire defense bill takes a positive step toward modernizing our armed services, meeting their operational and maintenance funding requirements, and improving the quality of service for our committed men and women of the military. I urge my colleagues to vote in favor of passage of the final version of the FY 2001 National Defense Authorization Act.

Mr. REID. Mr. President, I rise in support of the conference report for H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001.

The conference report contains a provision on an issue that I have been

working on—the concurrent receipt of military retired pay and VA disability compensation.

A law enacted in 1891 requires a disabled career military veteran to waive the amount of his retired pay equal to his VA disability compensation. Military retirees are the only group of federal retirees who must waive retirement pay in order to receive VA disability compensation. If a veteran refuses to give up his retired pay, he will lose his VA disability benefits. Our government is effectively requiring career military retirees to fund their own disability benefits. This inequitable offset affects over 437,000 military retirees.

Section 666 of the Senate version of this legislation would have eliminated the current offset entirely. The provision was very similar of H.R. 303, which has 321 cosponsors in the House. The provision was supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and the Uniformed Services Disabled Retirees.

Some members were concerned that the provision was too expensive, and consequently, many felt that we could not include a provision to completely eliminate the current offset in the conference report. In my opinion, no amount of money can equal the sacrifice our military men and women have made in service to their country. This is a small price to pay to show our appreciation to those who have sacrificed so much for our great nation.

While I am extremely disappointed that we did not take advantage of this opportunity to correct this long-standing inequity, I am pleased that the conference report does contain language that will take us one step closer to correcting this injustice once and for all.

The Fiscal Year 2000 National Defense Authorization Act included a provision, to authorize a monthly allowance to military retirees with severe service-connected disabilities rated by the Department of Veterans Affairs at 70 percent or greater. The provision authorized payments of $300 per month to retirees with 100 percent disability, $200 per month to retirees with 90 percent disability and $100 per month to retirees with 70 and 80 percent disability. To be eligible, retirees had to have at least 20 years of service and have their VA disability rating within four years of their retirement. Only individuals retired for longevity qualified for the monthly benefit.

The conference report for H.R. 4205 expands the eligibility for these special payments to those individuals retired for disability by their service. These individuals are also known as ''Chapter 61'' retirees. The payments will begin in fiscal year 2002.

I want to thank Senator WARNER and Senator LEVIN for their assistance in including this provision in the conference report. I would also like to acknowledge Congressman BILIRAKIS, who assisted as an outside conferee on the conference report which made it possible for us to debate concurrent receipt in this session of the 106th Congress. Congressman BILIRAKIS has been a vocal advocate for concurrent receipt in the House for over fifteen years.

The original law is 109 years old and discriminates against service members who decide to make the military their careers. Military retirees with service-connected disabilities should be able to receive compensation for their injuries above their military retired pay. The elimination of this offset is long overdue, and I will continue to pursue this issue in the 107th Congress.

I urge my colleagues to support the conference report for H.R. 4205.

Mr. SMITH of New Hampshire. Mr. President, I am proud to serve on the Senate Armed Services Committee that developed the Senate version of the National Defense Authorization bill for fiscal year 2001. I am equally proud to have served as a Conferee to resolve differences between our bill and the one that passed the House of Representatives.

This bill is important to our men and women who serve this Nation every day. As the explosion today in Yemen demonstrates, America's great military men and women put their lives on the line for us every day. That sacrifice demands our attention and our support.

This bill is another step to help us pull the U.S. military out of the nosedive created by this Administration. The number of deployments the Clinton/Gore administration committed us to has forced the military to use its limited funds for operations vice maintaining our forces. Readiness is at an all-time low. We are cannibalizing parts of our forces to keep the other parts running. That is wrong. Our men and women in uniform deserve better. This bill is a step in the right direction, but we still need more. I will fight for more again next year.

My colleagues on the Armed Services Committee have lauded the benefits of this bill, so I will not repeat them all here. However, several points I feel are very important to note for the American people.

This bill authorizes $309.9 billion in military spending, $4.6 billion above the President's budget request. It authorizes $63.2 billion for procurement, $2.6 billion above the President's budget request. It authorizes $38.9 billion for research and development, $1.1 billion above the President's budget request.

This bill provides a decent pay raise—3.7 percent. It approves permanent comprehensive health care benefits for military retirees and benefits for military families. It also provides pharmacy benefits. When our military men and women put their lives on the line for our freedom, we owe them this commitment.

This bill is a start, but we must do better. We need to expand our missile defense capabilities to fully leverage land, sea, air, and space options. Our ship-building rate is below that needed to sustain our aging naval force in the long term. We also need to be investing in space power programs. For 8 years, this Administration has ignored programs like the Kinetic Energy Anti-Satellite system and the military space plane.

I also want to mention two important items which I fought vigorously for in this Bill that my colleagues have not mentioned.

First, this bill attempts to right a grievous wrong that was committed over 50 years ago when Captain Charles Butler McVay III was tried and convicted—unjustly I believe—for the sinking of his ship, the U.S.S. *Indianapolis*, shortly before the end of the Second World War. This remains the greatest sea disaster in the history of the U.S. Navy. 880 of the 1,197 men aboard perished. Many of those who survived the actual sinking were left without lifeboats, food, or water and faced shark attacks for 4 days and 5 nights.

This legislation recognizes Captain McVay's lack of culpability for the tragic loss of the ship, urges a correction of his military record to reflect his exoneration, and prompts the Navy to award a Navy Unit Commendation to the U.S.S. *Indianapolis* and her final crew.

Captain McVay was not given intelligence reports about Japanese submarine activity in the ship's path; he was not granted an escort to help protect his ship; and he had taken prudent steps to protect the vessel. Not all of this information was made available to the court-martial board. Several hundred U.S. ships were lost in combat to enemy action during World War II, yet only Captain McVay was subjected to a court-martial.

This language does not erase the conviction of Captain McVay from his record. We in Congress do not have the authority to do that. It must remain on his record as a stain upon the conscience of the Navy until this or some future President sees fit to order that it be expunged. This resolution does, however, represent acknowledgment from one branch of the Federal Government he served so capably that Captain McVay's conviction was morally wrong and that he should no longer be viewed by the American people as responsible for the horrible tragedy which haunted him to the end of his life.

Second, this bill closes a loop hole in our national security regarding the

granting of security clearances. Everyday, we entrust our national secrets to individuals to develop weapon systems, intelligence capabilities, war plans, and the like to defend this nation in war and peace. The American people demand these individuals be of the highest integrity. Yet, it came to my attention that we have not been maintaining that standard. Persons with criminal track records have been granted security clearances. We have even granted clearances to murderers.

The addition I fought for in this bill is simple. It would prevent the Department of Defense from granting security clearances to those who have been convicted in a court of a crime punishable by imprisonment for a term exceeding one year.

As I have said, this bill will strengthen our military. It is a step in the right direction, but we are not finished. I urge my colleagues to approve the conference report.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. LIEBERMAN. Mr. President, I rise to discuss provisions (Section 934) in the fiscal year 2001 National Defense Authorization Act (H.R. 5408) aimed at supporting efforts within the Department of Defense to develop a set of operational concepts, sometimes referred to as 'Network Centric Warfare', that seek to exploit the power of information and U.S. superiority in information technologies to maintain dominance and improve interoperability on the battlefield. I am reiterating points here that I made in a longer and more detailed statement this past summer on June 20 on this legislation. The concept of Network Centric Warfare calls for a military that links sensors, communications systems and weapons systems in an interconnected grid that allows for a seamless information flow to warfighters, policy makers, and support personnel. I am very pleased to see that our House and Senate Conferees have made a strong statement as to the importance of this emerging theory of warfare. They have joined a chorus of voices, including experts from the Naval War College, Office of the Defense, and the Joint Chiefs of Staff to push for an acceleration of DoD efforts to analyze, understand, and implement the concepts of Network Centric Warfare. In fact, Joint Vision 2020 set the goal for the Department of Defense to pursue information superiority in order that joint forces may possess superior knowledge and attain decision superiority during operations across the spectrum of conflict.

After extensive discussions with a variety of Agency and Service officials, I believe that although there are many innovative efforts underway throughout the Department to develop network centric technologies and systems, as well as to develop mechanisms to integrate information systems, sensors, weapon systems and decision makers, these efforts are too often underfunded, low-priority, and not coordinated across Services. In many cases, they will unfortunately continue the legacy of interoperability problems that we all know exist today. To paraphrase one senior Air Force officer, we are not making the necessary fundamental changes—we are still nibbling at the edges.

The legislation in Section 934 of H.R. 5408 explores many of the facets of this novel Joint vision of a networked force and operations. Section 934 (b) clearly states the policy of the United States with respect to Network Centric Warfare. The legislation makes it the goal of Department of Defense to fully coordinate various efforts being pursued by the Joint Staff, the Defense Agencies, and the military departments as they develop the concepts of Network Centric Warfare. The legislation then also calls for DoD to provide two reports to Congress detailing efforts in moving towards Network Centric forces and operations. The conference language reflects the fact that both the Senate and the House had compatible provisions on Network Centric Warfare in their respective bills. The final conference language essentially reflects the more detailed Senate version; it consolidates the wording while retaining the intent and each key element of the Senate bill's proposals. Therefore the points I made in a more extended statement this past summer remain applicable to the final provision, and what follows is merely a reiteration and elaboration from that statement. At this point I also particularly want to note my appreciation for the strong support, cooperation, and contributions on this provision from my friends and Committee colleagues, Senators ROBERTS and BINGAMAN.

Section 934(b) calls for a report focusing on the broad development and implementation of Network Centric Warfare concepts in the Department of Defense. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff are asked to report on their current and planned efforts to coordinate all Dod activities in Network Centric Warfare to show how they are moving toward a truly Joint, networked force. The report calls for the development of a set of metrics as discussed in Section 934(c)(J) to be used to monitor our progress towards a Joint, networked force and the attainment of fully integrated Joint command and control capabilities, both in technology and organizational structure. These metrics should allow Congress and DoD to evaluate technology development and acquisition programs that are related to Network Centric concepts and enable policy makers to set priorities and to make difficult resource allocation decisions.

The legislation also requires the Department to report on how it is moving toward Joint Requirements and Acquisition policies and increasing Joint authority in this area to ensure that future forces will be truly seamless, interoperable, and network-centric, as described in Section 934(c)(G). These Joint activities are critically necessary to achieving networked systems and operations. Unless we move away from a system designed to protect individual Service interests and procurement programs, we will always be faced with solving interoperability problems between systems. For example, strengthening the Joint oversight of the requirements for and acquisition of all systems directly involved in Joint Task Forces interoperability would provide a sounder method for acquiring these systems. We need to move away from a cold war based, platform-centric acquisition system that is slow, cumbersome, and Service-centric. As part of this review, DoD should examine the speed at which it can acquire new technologies and whether the personnel making key decisions on information systems procurement are technically training or at least supported by the finest technical talent available. The report should, as part of this review, evaluate how to ensure that Service acquisition systems are responsive to the establishment of Joint interoperability standards in networking, computing, and communications, as well as best commercial practices.

As described in Section 934(c)(I), the report must also address the need for coordination of Service and Agency Science and Technology (S&T) investments in the development of future Joint Network Central Warfare capabilities. In moving towards a more Joint, networked force we must continue to ensure that we provide our nation's warfighters with the best technologies. The review should evaluate where we must increase our investments in areas such as sensors, networking protocols, human-machine interfaces, training, and other technologies, especially in the face of constrained S&T budgets. The Secretary of Defense should explain how S&T investments supporting network centric operations will be coordinated across the Agencies and Services to eliminate redundancy and how and where investments will be made to better address critical warfighting technology needs. This is more important than ever as we develop our next generation of weapon systems—better coordination and establishment of common standards in the technology development stages can only help to alleviate future interoperability problems.

Any investments in S&T for a network centric force must also address the role of the operator in a network centric system. The report must pay attention to the training of our combat

and support personnel so that they can make the best use of information technologies, as well as investing more in research on learning and cognitive processes so that our training systems and human-machine interfaces are optimized. The recommendations on investments in the report should also accommodate the incredible pace of change in information technologies that is currently driven by the commercial sector. Dodd must analyze the commercially driven revolutions in information technology and modify the investment strategy to best leverage those developments through cooperative R&D and utilization of dual-use technologies.

Section 934(d) describes the second report, which requires an examination of the use of the Joint Experimentation Program in developing Network Centric Warfare concepts. Network Centric Warfare is inherently Joint, and the Commander in Chief of Joint Forces Command is in the best position to develop new operational concepts and test the new technologies that support it. The report calls for a proposal on how the Joint Experimentation Program and the results of its activities are to be used to develop these new operational concepts, especially with regards to the design of optimal force structures for Joint operations.

The Joint Experimentation process should also be used to develop Joint Requirements, Doctrine, and Acquisition programs to support network centric operations. It should serve to identify impediments to the development of a joint information network, including the linking of Service intranets, as well as redesigning combat support functions to leverage new network centric operation concepts. The review should evaluate each of these issues. This of course does not detract from the critical role that existing Service experimentation programs will play in developing new technologies and doctrine to make our fighting forces more efficient and interoperable, which should be a part of this analysis.

This legislation will help focus the Pentagon and Congress' attention on the need to move our military into a more information savvy and networked force. We ask that these reports set forth the needed organizational, policy, and legislative changes necessary to achieve this transformation for decision makers in the military, Administration, and in Congress. The realities of the information technology revolution will force our future military operations to be network centric. We must act now to ensure that we stay ahead of the curve in technology and, more importantly, in thinking. I look forward to receiving plans and proposals to help get us there efficiently and effectively.●

Mr. JOHNSON. Mr. President, I am pleased that the Senate will vote today on the fiscal year 2001 Department of Defense Authorization Conference Report. This defense bill contains historic improvements in health care coverage for the approximately 12,600 military retirees, their families, and survivors currently living in South Dakota. In addition, the defense bill contains much-needed quality of life'' improvements for men and women in active duty and several improvements to the TRICARE health care system for active duty personnel and their families.

On the first day of this legislative session, I introduced the Keep Our Promises to America's Military Retirees Act to restore the broken promise of lifetime health care for military retirees and their dependents. Men and women were promised lifetime health care for themselves and their families upon completion of 20 years in the military. However, military retirees are currently kicked out of TRICARE once they become eligible for Medicare. The current situation breaks a promise our country has made with its veterans and military retirees. The lack of adequate health care coverage for military retirees also impacts retention of qualified military personnel and sends a negative signal to young men and women considering a career in the military.

My bipartisan legislation received the endorsement from military retiree and veterans organizations as well as from a grassroots organization of thousands of military retirees across the country. My legislation called for military retirees to have the option of staying in their TRICARE military health care program or electing to participate in the Federal Employees Health Benefit Program, FEHBP. The Keep Our Promises to America's Military Retirees Act would also allow military retirees who entered the military prior to June 7, 1956 (the date military health care for retirees was enacted into law) to enroll in FEHBP with the United States paying 100 percent of the costs.

I offered my legislation as an amendment during Senate consideration of the fiscal year 2001 Defense Authorization bill. Although the amendment failed on a procedural motion, I was pleased that Senate Armed Services Committee Chairman JOHN WARNER agreed to include one part of my bill—the expansion of TRICARE to Medicare-eligible military retirees—in both the Senate defense bill and the final conference report that will be sent to the President.

The conference report also extends full DoD pharmacy benefits for Medicare-eligible military retirees. Military retirees will now be able to use DoD retail and mail-order pharmacy programs. A 20 percent copayment is required for retail, and a $8 copay is required for a 90-day supply of mail-ordered drugs. As you recall, this pharmacy provision was included in the Senate defense bill after I was successful in creating a special military retiree health care reserve fund'' in the fiscal year 2001 budget resolution.

The fiscal year 2001 Defense Authorization Conference Report includes a number of other health care and ''quality of life'' improvements for men and women in active duty and their families. I am pleased this bill eliminates TRICARE Prime copayments for active-duty family members as well as increasing reimbursement rates for TRICARE providers. In my numerous meetings in the state on TRICARE, low reimbursement rates have been of particular concern because the low rates make recruitment of TRICARE health care providers in rural areas difficult. With my support, the bill also includes efforts to improve TRICARE through good business practices, increased technology, and reduced administrative waste.

The conference report includes a much-deserved 3.7 percent pay raise for active duty and reserve personnel. I am pleased the bill also begins the process of eliminating the mandatory out-of-pocket housing costs incurred by servicemembers. Recruitment and retention efforts will be enhanced with incentives to join ROTC and increased enlistment bonuses, as well as a provision that allows VEAP conversion to the Montgomery GI Bill for servicemembers currently on active duty who had previously contributed to VEAP.

While I am pleased that a number of health care issues have been addressed in this year's defense authorization bill, there is more work that needs to be done. I will continue to work with cosponsors of my Keep Our Promises legislation to provide military retirees with the option of using FEHBP and to address the broken promise of free lifetime health care to those military personnel who entered the military prior to June 7, 1956. I am also disappointed that the bill failed to adequately address a rule that prohibits disabled vets from receiving their retired pay and disability compensation concurrently. I am a cosponsor of legislation that would correct this injustice, and I will continue to work with my colleagues to ensure its eventual passage. Finally, I will continue to fight for increased veterans education benefits through a strengthened Montgomery GI Bill and passage of my Veterans Education Opportunities Act.

The health care improvements and ''quality of life'' improvements included in this year's defense authorization bill are a testament to the hard work and grassroots organization of thousands of military retirees across the country. One particular military retiree, Fred Athans from Rapid City, recently completed his term as national president of The Retired Enlisted Association. Fred and countless

others from South Dakota and around the country were essential in the passage of this legislation.

• Mr. KENNEDY. Mr. President, first, I would like to say that the attack on the U.S.S. *Cole* is a tragedy for the nation. My thoughts are with the families and loved ones of the sailors who lost their lives, and I pray for the full recovery of those who were injured. I also urge an immediate investigation of this brutal terrorist act against our country in order to identify the terrorists and their backers and bring them to justice as soon as possible.

I support the conference report to the Fiscal Year 2001 Defense Authorization Bill. It represents major progress in our commitment to defending our country and caring for the dedicated men and women who serve so well in our armed forces.

I commend my colleagues on the Armed Services Committee for their skillful work in producing this consensus and bipartisan conference report. We have made worthwhile progress on many important issues affecting our armed forces.

The nation owes a special debt to the men and women of the armed forces for their unwavering commitment to our country and their excellent performance in the challenges they faced in this past year. They stand in harm's way. They have helped end the aggression in Kosovo, enforced the peace in Iraq, and helped provide the foundation for a free and independent nation in East Timor.

The contributions of our armed forces in those conflicts captured headlines, but it is important to recognize that our service members are preparing for and responding to a variety of contingencies. From defending the United States and our allies to participating in peacekeeping missions, to conducting counter-drug operations, to providing humanitarian assistance, the members of our armed forces today are prepared to carry out a wide range of duties in an efficient and professional manner.

This conference report includes a number of important provisions that demonstrate the commitment by Congress to improving the quality of life of those serving our country today as well as those who have completed their service in the past. For those currently serving, the conference report includes a 3.7 percent pay raise, a full half-percent above the rate of inflation.

Our commitment is not only to the soldiers, sailors, airmen and Marines who defend our country but also to their families. The conference report authorizes the construction of new housing for 2,900 families. For families who live off-base, we have taken steps to meet our goal of reducing out-of-pocket housing expenses to zero within five years.

The conference report helps to make the armed forces a more attractive career by implementing a program to allow active and reserve service members to enroll in the Thrift Savings Program, encouraging them to plan and save for their retirement.

One of the most important accomplishments in this legislation is a prescription drug benefit for military retirees, their spouses and widows. It is a long overdue step toward making good on the Nation's promise to provide career personnel with lifetime health benefits. And we intend to continue the on-going effort to provide all retirees with affordable, comprehensive prescription drug coverage through Medicare.

When we first considered the DOD authorization bill earlier this year, Senator SNOWE and I drafted a proposal to create a comprehensive drug benefit. We worked closely with Chairman WARNER and others to make coverage of prescription drugs a priority in this legislation. I am pleased that our legislation prevailed and was expanded in the conference. It is now clear to all that Congress has heard and heeded the needs of our military retirees, and addressed their number one priority—the cost of prescription drugs.

As a result of our efforts, nearly 1.4 million Medicare-eligible military retirees and their spouses and widows—including more than 21,500 in Massachusetts—will have access to affordable prescription drugs, effective upon enactment.

Under this legislation, military retirees will receive a retail and mail-order pharmacy benefit. Almost one-third of them—450,000—already have this benefit under the base closing agreement. The bill provides a 90-day supply of prescription drugs by mail for an $8 co-payment, or a 30-day supply of prescription drugs from a retail pharmacy for a 20 percent co-payment. There are no deductibles, and no additional premiums. Military retirees and their spouses and widows will receive the prescription drugs that their doctors prescribe. It is a generous benefit for those who have given so generously to the country during their working years.

The legislation also assures comprehensive Medicare supplemental coverage through TRICARE. Together, these new benefits assure health security in retirement for those who have served in the armed forces.

These benefits send a strong message to all men and women in uniform that we care about their service. It lets military retirees know that Congress listens, cares, and will act on their behalf.

Despite success here today for military retirees, we must not forget the millions of other senior citizens who need help with prescription drugs, too.

It's long past time for Congress to mend the broken promise of Medicare. Medicare is a compact between the government and America's senior and disabled citizens. It says work hard and pay in during your working years, and you will receive health coverage in your retirement years. But every day that promise is broken, because Medicare does not cover prescription drugs. It is time for Congress to make good on that promise, too.

When Medicare was enacted in 1965, only three percent of private insurance policies offered prescription drug coverage. Today, virtually all private health insurance policies provide prescription drug coverage.

Up to 20 million elderly and disabled Medicare beneficiaries—one-half of the total—have no prescription drug coverage throughout the year. Almost 14 million have never had drug coverage.

Those who have coverage find that too often it is unreliable, inadequate or unaffordable. In fact, the only senior citizens who have stable, secure, affordable drug coverage today are the very poor, who are on Medicaid. The idea that only the impoverished elderly should qualify for needed hospital and doctor care was rejected when Medicare was enacted.

Governor Bush and Congressional Republicans say they want to subsidize prescription drugs for the poor. But senior citizens deserve Medicare, not welfare.

Too many seniors today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses.

Too many seniors take half the pills their doctor prescribes—or don't even fill needed prescriptions—because they cannot afford the high cost of prescription drugs.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or cannot afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases. In 1998 alone, private industry spent more than $21 billion in research on new medicines and to bring them to the public. Congress is well on its way to doubling the budget for the National Institutes of Health. The miracle drugs developed by these public and private sectors investments save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery. But millions of Medicare beneficiaries are left out and left behind from the benefits of 21st century medicine because they cannot afford the price of admission.

Elderly Americans need and deserve prescription drug coverage under Medicare. Any senior citizen will tell you that—and so will their children and grandchildren. It is time to make the needs of all seniors a priority as well.

As a party, Republicans have always disliked Medicare. It was one of the

first votes I cast when I came to the Senate, and it's still one of the best votes I've ever cast.

Senator Bob Dole, however, once boasted that he voted against Medicare's enactment, and never liked it. According to historian Robert Dallek, Ronald Reagan saw Medicare as the advance wave of socialism that would ''invade every area of freedom in this country.'' House Majority Leader DICK ARMEY has said that it's a program he would ''have no part of in a free world.'' Newt Gingrich wanted Medicare to ''wither on the vine'' in the GOP effort he led to privatize Medicare and reduce its funding in order to pay for tax breaks for the rich.

In contrast, under the leadership of the Clinton-Gore Administration, Medicare's financial outlook is the healthiest it has ever been. According to the most recent Trustee's Report, the Medicare Trust Fund will remain solvent for the next quarter century.

Democrats want a universal, voluntary prescription drug benefit under Medicare. All beneficiaries would be eligible for affordable coverage within one year of enactment. In contrast, George Bush passes the buck to the states and private insurance companies. His flawed two-part program would force seniors to wait too long and do too little for too few.

Phase One of the Bush plan would be a state block grant program similar to one of the proposals by Senator ROTH. Eligibility is limited to senior citizens whose incomes are below $14,600—which leaves 70 percent of all Medicare beneficiaries with no coverage. Senior citizens want Medicare, not welfare. They have spent their working years building our country, and they should not have to beg for prescription drugs in their golden years.

It would take years to implement the Bush block grant program. Last February, the National Governors Association unanimously rejected this approach in a resolution that said, ''If Congress decides to expand prescription drug coverage to seniors, it should not shift that responsibility . . . to the states.'' States should not be asked to pick up the slack for Congress' failure to fill Medicare's biggest gap.

Phase Two of the Bush plan picks up where Newt Gingrich left off. Under the guise of Medicare ''reform,'' the Bush proposal relies on private insurance companies to provide Medicare benefits. Prescription drug coverage under phase two would not start until 2004. It is contingent on passage by Congress of broad Medicare changes that would create a ''premium support'' program, which would eliminate the government's obligation to contribute 75 percent of the premium for individuals enrolling in Medicare. A similar plan was estimated to raise premiums for the elderly in traditional Medicare by up to 47 percent in the first year. Bush claims that the elderly could keep their current Medicare, but many would be forced to join HMOs, because conventional Medicare would quickly become unaffordable. The Bush plan will turn many senior citizens over to the tender mercy of the private insurance industry, and force them to give up their doctors and join HMOs to have access to an affordable drug benefit.

In addition, under Governor Bush's plan, the government would subsidize only 25 percent of an undetermined premium that could vary drastically from state to state. Never in the history of Medicare have senior citizens been asked to pay such a high proportion of the cost of any benefit. According to CBO estimates for a similar plan, the Bush proposal costs so much and provides so little that it is unlikely to help even half of the senior citizens who are currently without drug coverage.

The ongoing revolution in health care makes prescription drug coverage more essential now than ever. Coverage of prescription drugs under Medicare is as essential today as was coverage of hospital and doctor care in 1965, when Medicare was enacted. Senior citizens need that help—and they need it now.

So I say to my colleagues—while we are making good on broken promises, it's long past time to cover prescription drugs under Medicare for all elderly Americans. If we can cover military retirees, we can cover other senior citizens too.

Another major achievement in this bill is the inclusion of the Energy Employees Occupational Illness Compensation Act, a gratifying breakthrough for basic fairness. These workers deserve this compensation, and it is decades overdue.

As we now know, the nuclear buildup in the Cold War years exposed many hard-working, patriotic employees in the nation's defense plants to dangerous radioactive and chemical materials at far greater levels than employers were willing to admit. Many of these workers now suffer from debilitating and fatal illnesses directly related to that exposure. For too long, the government shamefully ignored the plight of these workers and failed to accept responsibility for it.

I commend Secretary of Energy Richardson for his leadership in bringing this issue to light and dealing so effectively with this tragic chapter in our recent history. I also commend Senators THOMPSON, BINGAMAN, VOINOVICH, MCCONNELL, DEWINE, and BUNNING for their leadership and persistence in achieving this bipartisan compromise.

This workers' compensation program is based on sound science and traditional principles of workers' compensation. It is designed to make the claimants whole by paying medical benefits and compensating them for lost income due to death or disability that resulted from work for the federal government or one of its contractors. I supported giving workers the option of choosing to receive their actual lost wages, instead of a lump sum payment, and I am disappointed that the House Republicans refused to include this provision in the final bill. Despite this oversight, this new program is a substantial victory for these energy workers. They made great sacrifices for our country during the Cold War, and they have already waited too long for this relief.

Another important provision in the conference agreement is a new GAO study of the effectiveness of existing disability programs in the military health system in meeting the needs of disabled dependents. Too often, active military personnel are forced to turn to Medicaid as the only way they can get good health care for their disabled child—even though there are programs authorized under the military health system to assist disabled dependents. In some cases, choosing Medicaid makes it impossible for active duty parents to accept a military promotion—because they would earn too much money for their child to qualify for Medicaid. It is time to overhaul these programs and make them more effective, so that no military personnel have to impoverish themselves and their family in order to obtain needed health care for their disabled children.

I am pleased that this legislation also includes a provision that at long last lifts the unfair stain placed on Admiral Husband E. Kimmel and General Walter C. Short in the wake of the Japanese attack on Pearl Harbor on December 7, 1941. Admiral Kimmel and General Short were the Navy and Army commanders at the time of that attack. Despite loyal and distinguished service, they were unfairly scapegoated for the nation's lack of preparation for that attack and the catastrophe that took place.

They were the only two officers eligible for advancement under the 1947 Officer Personnel Act who did not receive advancement when they retired. The provision in this bill asks the President to advance them posthumously, so that now, at this late date, these two men will finally be treated fairly like their peers. This provision moves us another step forward on the path of justice and equality, and I am delighted by its inclusion.

Although the conference report makes progress on many issues, I am very disappointed that this legislation fails to take strong and needed action on the important issue of hate crimes.

Earlier this year, with the support of a broad group of law enforcement organizations, civil rights groups, and community and religious organizations, strong, bipartisan majorities in both the Senate and the House voted to include a needed anti-hate crimes provision in the defense authorization bill.

By stripping the hate crimes provision from the bill in the conference, the Republican leadership has callously ignored these votes and the clear will of Congress. On hate crimes, the Republican leadership has failed the leadership test and turned its back on the need to protect all our citizens from bigotry and prejudice.

Hate crimes are a national disgrace—an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens who deserve to be victimized solely because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. For too long, the federal government has been forced to stand on the sidelines in the fight against these senseless acts of hate and violence. If America is to live up to its founding ideals of liberty and justice for all, combating hate crimes must be a national priority.

If the national outcry is loud enough, we still have a chance to act on this issue in the remaining days of this Congress.

We also have a responsibility to address the problem of unexploded ordinance on active and formerly live-fire training facilities. On the Massachusetts Military Reservation, UXO poses a contamination threat to the soil and groundwater in the area. It is time to take action on this problem now, before it causes tragic and irreparable harm to the environment and the people who live in the area.

The conference report authorizes $8 million to develop and test new technologies to detect UXO and map the presence of their contaminants. While this is a good step, it cannot be the last step. The Department of Defense should take on the task of removing UXO from current and former training facilities. This step would ensure the continued operation of live-fire ranges and make former ranges safe for their communities and future reuse.

In addition, we must deal with the new generation of threats faced by our service members and the American public at large. As we enter the 21st century, our country is faced with new challenges from the proliferation of weapons of mass destruction, the risk of terrorist attacks both at home and abroad, and cyber-warfare. This legislation takes steps to protect us from each of these dangers.

The conference report authorizes the creation of five additional Civil Support Teams, comprised of National Guard personnel specially trained to detect and respond to the suspected use of chemical, biological, radiological, or other weapons of mass destruction against cities and people.

Strong support is given to threat reduction programs to continue work with the nations of the former Soviet Union to reduce the dangers of proliferation. These steps include an additional $25 million above the President's request to eliminate strategic nuclear weapons in Russia.

The number of cyber-attacks against the Department of Defense increased dramatically last year, totaling 22,000 raids on DOD computer systems. With computers being an essential part of the command, control, communications and intelligence functions of our armed services, it is easy to see how disruptive these attacks, if successful, could be. The conference report recognizes the seriousness of this threat and creates an Institute for Defense Computer Security and Information Protection to ensure our military can protect itself from this type of threat.

The Seapower Subcommittee, under the leadership of our distinguished chair, Senator SNOWE, heard testimony over the past year on concerns about the Navy's force structure, shipbuilding rate, and the readiness of our fleet. The conference report supports the Secretary of the Navy's decision to increase research and development on DD–21 to begin the next generation of our destroyer fleet, and asks the Navy to report on the feasibility of receiving delivery of this advanced ship by 2009. But many of us are concerned about the delays that the program has already faced, as well as the effects of the delays on the fire-support requirements of the Marine Corps and on our country's shipbuilding industrial base.

The conference report authorizes the extension of the DDG–51 multi-year procurement through fiscal year 2005. The extension of this procurement will ease the strain placed on many of our shipyards, and could raise the Navy's overall shipbuilding rate to an acceptable level of nine ships for each of those years. This provision is good for the taxpayer as well, as it can save the American public almost $600 million compared to building these ships at a slower rate.

In closing, this legislation makes progress on many of the serious challenges facing our armed services, and makes important commitments to those in uniform and those who have retired from the services. I urge my colleagues to join me in voting to approve the conference report.●

Mr. DEWINE. Mr. President, I would like to take a moment to thank my colleagues who have worked very hard over the last several months on a proposal to compensate eligible workers in nuclear energy facilities who have been exposed to hazardous materials. Without the extraordinary effort of so many members and their staffs, including Senators THOMPSON, MCCONNELL, VOINOVICH, BINGAMAN, and KENNEDY, we would not have been able to create this compensation program. I especially appreciate the patience of Chairman WARNER and Ranking Member LEVIN for working with us on the initiative and including it in the Defense Authorization bill.

For more than 50 years, Ohio has been home to numerous facilities that performed work for the Department of Energy's nuclear programs. During the Cold War, hundreds of Ohioans, as well as thousands of Americans, were exposed to hazardous and radioactive materials as a result of their employment. Often, workers were unknowingly exposed to these materials, and if workers became ill, they had no relief. Our federal government directed, and even paid for, contractors and subcontractors to fight worker compensation cases. A worker had to prove his or her case on evidence that the government would not make available.

A little over a year ago, things began to change. Stories started appearing in the press about what workers were exposed to and how the government ignored evidence. Several Senate Committees, such as Government Affairs; Energy and Natural Resources; and Health, Education, Labor, and Pensions, have held hearings the issue of harmful exposure and proposed remedies. I believe that we have a good understanding of the problem now, as well as a solution.

However, Mr. President, we all fully understand that no level of benefits can compensate these workers for what they have endured. But we are trying to reimburse them for their financial loss. The agreement in the Defense Authorization bill provides eligible victims with a lump sum payment of $150,000, plus health care coverage.

This agreement also defines those workers who are eligible based on the latest scientific evidence on beryllium disease, beryllium sensitivity, and radiogenic cancers. Mr. President, we have created stringent guidelines to determine eligibility. However, there are instances when the administering agency will not be able to recreate an employee's radiation dose exposure. We have reversed the burden of proof for exposure to employees at the Gaseous Diffusion Plants in Ohio, Kentucky, and Tennessee, because their radiation exposure doses cannot be assessed.

More than likely, there will be other instances of extremely poor record keeping, where it will be nearly impossible to determine employees' radiation exposure levels. Therefore, the administering agency may propose additions to the definition of ''special cohort'' under this agreement. Once a new cohort is proposed, Congress will have one hundred eighty days to act to reverse the decision to add the cohort. If Congress fails to act within that time, the cohort will be accepted and eligible for benefits.

Eligible employees will have seven years from either the enactment of this bill or from the date on which the employee learned that his or her illness was related to work in which to apply

and collect the benefits provided by this program. Like a traditional worker compensation program, compensation under this program will be an exclusive remedy to an employee for claims against the United States, its contractors, and subcontractors—but not against beryllium vendors.

The benefits under this program are completely voluntary. Eligible individuals with beryllium disease must decide whether to litigate a claim or receive the benefits provided under this plan. Individuals who currently have pending lawsuits against beryllium vendors are eligible for benefits under this plan. Those individuals have two-and-one-half years from today to decide whether to dismiss their lawsuit and accept the benefits under this plan or to continue with litigation. During that two-and-one-half year window in which litigants must decide whether or not to drop their litigation, plaintiffs may begin an eligibility review with the agency administering this program, so the plaintiff knows whether he or she is eligible for compensation under this program. Nothing in this agreement prohibits plaintiffs or the administering agency from determining whether a plaintiff is eligible under this new program, allowing them to make an informed decision whether or not to pursue litigation.

Mr. President, this is a reasonable proposal. It will help people, like Sam Ray, who worked at the Portsmouth Gaseous Diffusion Plant in Ohio as an operator and instrument mechanic. It was there that Sam was exposed to technetium, plutonium, neptunium, and heavy metals. He has consequently developed chondrosarcoma—a rare type of bone cancer. As the medical text, Cancer Epidemiology and Prevention, by Doctors Schottenfeld and Fraumeni, points out, cancers of the bone include cancers of the cartilage, including radiosensitive cancers that originate in cartilage, such as chondrosarcoma.

Mr. President, let me conclude by thanking my colleagues once again for supporting this program. I also want to thank the many, many workers who came to Washington, DC, or to Columbus to testify on why a compensation measure is needed. They worked tirelessly with my office and other offices to get us to where we are today. They deserve a great deal of the credit for the program contained in this bill.

I thank the Chair and yield the Floor.

Mr. McCAIN. Mr. President, I rise today in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. The bill that passed today includes several amendments that significantly improve the lives of active duty and Reserve servicemembers, military retirees, veterans, and their families.

I am pleased that the conference agreement includes some key legislative provisions that I had introduced in the Senate during the course of the normal legislative process. Some of these provisions included in the conference report will: remove servicemembers from food stamps; increase pay for mid-grade Petty Officers and Non-Commissioned Officers; assist disabled veterans in claims processing; expand pay benefits to some disabled military retirees; authorize a low cost life insurance plan for spouses and their children; enhance benefits and retirement pay for Reservists and National Guardsmen; authorize back pay for certain World War II Navy and Marine Corps Prisoners of War; and provide for significant acquisition reform by eliminating domestic source restrictions on the procurement of shipyard cranes.

One of the areas of greatest concern to me, however, regarding military retirees and their families is the broken promise of lifetime medical care, especially for those over age 65. Last year, the Joint Chiefs proclaimed that this would be the year for major health care reform for our military forces, especially our medicare-eligible military retirees who were promised lifetime military medical care. Despite the assurances of the Joint Chiefs, the President proposed a fiscal year 2001 defense budget without any major medical care reforms, and all but ignored those military retirees who are older and in greatest need of health care.

The Republican Congress, however, responded to military retirees' needs and provided several major military health care reforms as well as a plan in this year's bill to provide all Medicare-eligible military retirees, family members, and survivors with lifetime military health care coverage, including full pharmacy benefits in military, retail, and mail order pharmacies. This conference report will establish ''TRICARE-for-life'' as a permanent entitlement that will be funded through a ''Military Retirees Health Care Trust Fund,'' a legislative provision adopted from S.2013, a military health care reform bill that I introduced earlier this year. This new, critical lifetime benefit will mean huge savings for military retirees by eliminating the need for them to buy expensive Medicare supplemental policies.

Separately, with severe recruitment and retention problems still looming, we must also better compensate our mid-grade enlisted servicemembers who are critical to leading the junior enlisted force. We have significantly underpaid enlisted servicemembers since the beginning of the All Volunteer Force. The value of the mid-grade NCO pay, compared to that of the most junior enlisted, has dropped 50 percent since the All Volunteer Force was put in place by Congress in 1973. The provision for the mid-grade enlisted ranks, up to $700 per year, plus the food stamp pay provision of up to an additional $500 per month for servicemembers, provides a significant increase in pay for enlisted servicemembers.

In addition, the National Guard and Reserves have become a larger percentage of the Total Force and are essential partners in a wide range of military operations. Due to the higher deployment rates of the active duty forces, the Reserve Components are being called upon more frequently and for longer periods of time than ever before. We must stop treating them like a second class force. It is tremendously important that we enact meaningful improvements for both our active duty and Reserve service-members, their families, and their survivors. They risk their lives to protect our freedom and preserve democracy. We should compensate them adequately, improve the benefits to their families and survivors, and enhance the quality of life for the Reserves and National Guard in a manner similar to the active forces.

This bill goes far in correcting some of the inconsistencies, with regard to Reserve Component policies, that previously only benefited the active duty components. Additionally, in order to ensure that reservists receive full credit for the time and effort they commit to attending drills, performing annual training, and completing correspondence courses, the conference report increased from 70 to 90 the maximum number of days per year that reservists may accrue as credit towards retirement benefits.

Each year the number of disabled veterans appealing their health care cases continues to increase. Furthermore, it takes an average of 275 days to get some sort of reply from the Department of Veterans Affairs' regarding claims filing. Disabled veterans are forced to leave the service because of their disabilities. It is Congress's duty to ensure that the disability claims process is less complex, less burdensome, and much more efficient. I am pleased that the final conference agreement includes legislation necessary to fully restore the Department of Veterans Affairs' duty to ensure efficient and timely veterans claims processing and remove onerous court-imposed procedures.

I commend the conference leaders for including some minimal improvements to the egregious regulations that strip retirement pay from military retirees who are also disabled, and cost them any realistic opportunity for post-service earnings. We should do more to restore retirement pay for those military retirees who are disabled. With respect to concurrent receipt, clearly, retirees who have incurred significant disabilities over the course of a military career deserve better than how they are treated currently.

Many such servicemembers are compelled to forfeit their full-retired pay

under current rules. I have stated before on the Senate floor, and I am compelled to reiterate now, retirement pay and disability pay are two distinct types of pay. Retirement pay is for service rendered through 20 years of military service. Disability pay is for physical or mental pain or suffering that occurs during and as a result of military service. In this case, members with decades of military service receive the same compensation as similarly disabled members who served only a few years—with no recognition at all for their extended, clearly more demanding careers of service to our country. This is patently unfair and even more must be done to correct this problem.

I would also like to point out that this year's defense authorization bill contained over $2 billion in unrequested add-ons to the defense budget that will rob our military of vital funding on priority issues. While this year's total is less than in previous years, and is far less than the $7 billion in the defense appropriations bill, it is still $2 billion too much. We need to, and can do, better. I ask that the detailed list of pork on this bill be included in the Congressional RECORD following my remarks.

I have to wonder, Mr. President, about the wisdom of permitting the Navy to potentially violate public law with respect to the status of the last two battleships, the only current means of providing high-volume gunfire support for land forces ashore, while simultaneously continuing to provide millions of dollars from the defense budget for the recovery and preservation of Civil War vessels.

Over the past six years, Congress has increased the President's defense budgets by nearly $60 billion in order to address the military services' most important unfunded priorities. Still, it is sufficient to say that the military needs less money spent on pork and more money spent wisely to redress the serious problems caused by a decade of declining defense budgets. Those of us who have been criticized for sounding alarm bells about military readiness now have the empty satisfaction of seeing that there is more to maintaining a strong defense than a politician's history of falsely promising to do so.

We also must reform the bureaucracy of the Pentagon. With the exception of minor changes, our defense establishment looks just as it did 50 years ago. We must continue to incorporate practices from the private sector—like restructuring, reforming, and streamlining to eliminate duplication and capitalize on cost savings.

More effort must be made to reduce the continuing growth of headquarter staffs and to decentralize the Pentagon's labyrinth of bureaucratic fiefdoms. Although nearly every military analyst shares these views, the conference agreement took great measures to increase the size of headquarter staffs, thereby eliminating any incentive for the Pentagon to change its way of doing business with its bloated staffs and its outdated practices.

In addition, more must be done to eliminate unnecessary and duplicative military contracts and military installations. Every U.S. military leader has testified regarding the critical need for further BRAC rounds. We can redirect at least $3 billion per year by eliminating excess defense infrastructure. There is another $2 billion per year that we can put to better purposes by privatizing or consolidating support and maintenance functions, and an additional $5 billion can be saved per year by eliminating ''Buy America'' restrictions that only undermine U.S. competitiveness overseas. Despite these compelling facts, the conference agreement did not address any of these critical issues. On the contrary, it includes several provisions that move demonstratively in the opposite direction.

Sections designed to preserve Army depots and funnel work in their direction irrespective of cost are examples of the old philosophy of protecting home-town jobs at the expense of greater efficiencies. And calling plants and depots ''Centers of Excellence'' does not, Mr. President, constitute an appropriate approach to depot maintenance and manufacturing activities. Consequently, neither the Center of Industrial and Technical Excellence nor the Center of Excellence in Service Contracting provide adequate cloaks for the kind of protectionist and parochial budgeting endemic to the legislating process. Similarly, whether the Centers of Academic Excellence in Information Assurance Education is worthy of the $15 million earmarked in the budget is open to debate.

The Defense Appropriations bill, already signed into law, included a provision statutorily renaming National Guard armories as ''Readiness Centers,'' a particularly Orwellian use of language. By statutorily relabeling ''depot-level activities'' as ''operations at Centers of Industrial and Technical Excellence,'' we further institutionalize this dubious practice, the implications of which are to deny the American public the most cost-effective use of its tax dollars.

In conclusion, I would like to reiterate my belief in the importance of enacting meaningful improvements for active duty and Reserve servicemembers. They risk their lives to defend our shores and preserve democracy, and we can not thank them enough for their service. But, we can and should pay them more, improve the benefits for their families, and support the Reserve Components in a manner similar to the active forces. Our servicemembers past, present, and future need these improvements. However, we can not continue with this ''business as usual'' mindset. We must reform the Department of Defense and we must not fall prey to the special interest groups that attempt to warp our perspective and misdirect our spending. We owe so much more to our men and women in uniform who defend our country. They are our greatest resource, and I feel they are woefully under-represented. We must continue to do better.

Mr. President, I ask unanimous consent that the attached list of items added to the defense authorization bill by Congress be printed in the RECORD.

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

FY01 DEFENSE AUTHORIZATION CONFERENCE REPORT (H.R. 4205) ADD-ONS, INCREASES AND EARMARKS

Total Add-ons, Increases and Earmarks	$2,333,550,000

LANGUAGE EARMARKS

Sec. 112 Increases the quantity of Bunker Defeat Munitions the US. Army is authorized to purchase from 6000 to 8500.

Sec. 128 Directs the Secretary of the Navy to fully man and equip one squadron of six SH–2G aircraft for operational support of Naval Reserve FFG–7 frigates (Coronado, CA).

Sec. 341 Directs the Secretary of Defense to not include unutilized and underutilized plant-capacity costs when evaluating an Army Arsenal's bid.

Sec. 434 Encourages commercial firms to use Government-owned contractor-operated ammunition manufacturing facilities. Included is a loan-guarantee program.

Sec. 825 Provides a ''Sense of Congress'' that any entity of the DoD should fully comply with the Buy American Act.

Sec. 826 Directs that the Secretary of Defense may not, in awarding a contract for the purchase of firearms or ammunition, take into account whether a manufacturer agrees to limit importing or manufacturing firearms or ammunition in the commercial market.

Sec. 831 Directs the Secretary of Defense to conduct a study analyzing the amount and sources of parts, components and materials that are obtained from foreign sources.

Sec. 921 Directs the Secretary of Defense to establish an Institute for Defense Computer Security and Information Protection and provides $5 million for initial funding.

Sec. 1084 The Secretary of the Army to convey without consideration to the Cannonball House Museum in Macon, Georgia a 12–pounder Napoleonic Cannon.

Specific Conference Report Earmarks

[In millions of dollars]

TITLE I, PROCUREMENT:	
Army Procurement:	
Truck, Tractor, Line Haul	1
Special Purpose Vehicles	5.7
Gen Smoke Mech: Motorized Dual Purpose M56	3
Kit, Standard Teleoperating ..	6
Combat Support Medical	5
Training Devices, Non system	9
Navy Procurement:	
Items less than $5 million	4
TADIX–B	6
Marine Corps Procurement:	
Improved Night/Day Fire Control Observation Device (INOD)	2

Specific Conference Report Earmarks—Continued

M203 Tilting Brackets 2
Material Handling Equipment (D–7G Bulldozer) 12.1
Air Force Procurement:
F–15A 149.8
Predator 10
Modification of Inservice Aircraft—55 C–135 Aircraft 52
H–60 ..... 5.5
GPS Adv. Procurement 4.5
Intelligence Comm Equip. 4
ADP Equip. 7
Combat Training Ranges 20
Items less than $5 million (Light Parachutes) 3
Mechanized Material Handling Equip. 8
Procurement, Defense-Wide:
Automatic Document Conversion System 15
Chem Bio Individual Protection 2.5
Chem/Bio Contamination Avoidance 0.9
TITLE II R, D, T, and E:
Army R, D, T & E:
Composite materials 6
Passive millimeter wave camera 2.5
MISSILE TECHNOLOGY: Advanced missile composite components 5
COMBAT VEHICLE AND AUTOMOTIVE TECHN.: Smart Truck Initiative 3.5
ELECTRONICS AND ELECTRONIC DEVICES: Portable hybrid electric power research 1.5
COUNTERMINE SYSTEMS: Acoustic mine detection 2.5
HUMAN FACTORS ENGINEERING TECHNOLOGY: Medical errors reduction research 2.5
MILITARY ENGINEERING TECHNOLOGY:
Thermoelectric power generation for mil. applications 1
Operational support 4
WARFIGHTER TECHNOLOGY: Thermal fluid based combat feeding system 1.5
MEDICAL TECHNOLOGY: Real time heart rate variability 2.5
MEDICAL ADVANCED TECHNOLOGY:
Life support for trauma and transportation 4
Anti-malarial research 2
Volumetrically controlled manufacturing/artificial hip 3.5
COMBAT VEHICLE AND AUTO. ADVANCED TECH:
National Automotive Center 3
Equipment Readiness 8
Fuel cell auxiliary power units 3
ARMY MISSILE DEFENSE SYSTEMS INTEGRATION:
Family of systems simulators 3
Army space control 3
Acoustic technology 4
Radar power technology 4

Specific Conference Report Earmarks—Continued

Scramjet acoustic combustion enhancement 1.5
Aero-acoustic instrumentation 3
Supercluster distributed memory 1.5
TANK AND MEDIUM CALIBER AMMUNITION: Trajectory correctable munition 3
C3—ENG. DEV.: Communications and networking technologies 12.5
DOD HIGH ENERGY LASER TEST FACILITY:
High-Energy laser test facility 3
Solid state high energy laser 10
AEROSTAT JOINT PROJECT OFFICE, DOMESTIC PREPAREDNESS AGAINST WMD: National Terrorism Preparedness Institute 3
ARMY TACTICAL UNMANNED AERIAL VEHICLES: Army tactical unmanned aerial vehicles PIP 4
END ITEM INDUSTRIAL PREPAREDNESS ACTS: Man Tech 10
RDT&E, NAVY:
AIR AND SURFACE LAUNCHED WEAPONS TECH: Free electron laser .. 5
SHIP, SUBMARINE & LOGISTICS TECHNOLOGY:
Biodegradable polymers 1.2
Bioenvironmental hazards research 2
MARINE CORPS LANDING FORCE TECHNOLOGY C3IS: Hyperspectral research 3
HUMAN SYSTEMS TECHNOLOGY: Cognitive research 2
MATERIALS, ELECTRONICS & COMPUTER TECH:
Intermediate modulus carbon fiber 2
Silicon carbide & gallium nitride semiconduct. substrates 4
Nanoscale sensor research .. 2.5
Ceramic and carbon based composites 2
Hybrid fiberoptic wireless communications 2
OCEANOGRAPHIC AND ATMOSPHERIC TECHN.:
Adv sensors for mine countermeasures & oceanogr .. 6
Distributed marine environment forecast system 2
Littoral area acoustic demo 2
UNDERSEA WARFARE WEAPONRY TECHN.: Computational engineering design 2
AIR SYSTEMS AND WEAPONS ADV. TECHN.:
DP–2 thrust vectoring sys proof of concept demo 4.5
IHPTET 1
SURFACE SHIP & SUBMARINE HM&E ADV. TECH:
Project M 3
Ship service fuel cell program 2
Advanced waterjet–21 4

Specific Conference Report Earmarks—Continued

Laser welding and cutting .. 2
MARINE CORPS ADV. TECHN. DEMO: Remote precision gun 1
ENVIRONMENTAL QUALITY & LOGISTICS ADV. TECH:
Hybrid light detection range lidar 3
Aviation depot maint tec demo 1.7
MINE & EXPEDITIONARY WARFARE ADV TECHN: Ocean modeling for mine & expeditionary warfare 3
ADVANCED TECHNOLOGY TRANSITION: USMC ATT Initiative 7.5
SHIP PRELIMINARY DESIGN & FEASIBILITY STUD: Shipboard simulation for marine corps operations 20
COMBAT SYSTEMS INTEGRATION: Optically multiplexed wideband radar beamformer 2
NONLETHAL WEAPONS–DEM/VAL: Nonlethal research and technology development 4
SPACE & ELECTRONIC WARFARE ARCH/ENG SUPP: Collaborative integrated information techn ... 4
MULTI-MISSION HELICOPTER UPGRADE DEVEL: Advanced threat infrared countermeasures ... 5
MEDICAL DEVELOPMENT: Mobile integrated diagnostic & data analysis system 1.5
INFORMATION TECHNOLOGY DEVELOPMENT: Single integrated human resources strategy 8
TECHNICAL INFORMATION SYSTEMS: Supply chain management & develop. best practices 4
MARINE CORPS PROGRAM WIDE SUPPORT—E2–C SQUADRONS:
E2–C2 Rotordome & control surface improvements 2
E2–C2 eight blade composite propeller 4
CONSOLIDATED TRAINING SYSTEMS DEVELOP: Battle force tactical trainer 5
MARINE CORPS COMMUNICATIONS SYSTEMS: Mobile electronic warfare support system 5
MARINE CORPS GROUND COMBAT/SUPPORT JOINT C4ISR BATTLE CENTER: Interoperability process software tools 2
TACTICAL UNMANNED AERIAL VEHICLES:
Joint forces command operational testbed 1
TUAV MSAG technology 7
MODELING AND SIMULATION SUPPORT: C4ISR modeling and simulation/distributed eng plant 5
INDUSTRIAL PREPAREDNESS: Man Tech 10

Specific Conference Report Earmarks—Continued

RDT&E, AIR FORCE:
DEFENSE RESEARCH SCIENCES: Upper atmosphere and astronomical research 3
MATERIALS:
Special aerospace materials & manufact. process 4.5
Ultra-high thermal conductivity graphite materials 1.8
Resin systems for engine applications 1.3
Laser processing tools 3.2
Thermal protection system 1
Weathering & corrosion on aircraft surfaces/parts 1
AEROSPACE FLIGHT DYNAMICS: Aeronautical research 2
AEROSPACE PROPULSION:
IHPTET/IHPRPT 3.8
Variable displacement vane pump 1.8
PBO membrane fuel cell 2.6
SPACE TECHNOLOGY:
Aluminum aerostructures .. 1.8
Space survivability 3
HAARP 7
CONVENTIONAL MUNITIONS: XSS–10 microsatellite technology 8
ADVANCED MATERIALS FOR WEAPON SYSTEMS: Special aerospace materials & manufact. process 4.5
FLIGHT VEHICLE TECHNOLOGY: Fiber optic control technologies 1.4
BALLISTIC MISSILE TECHNOLOGY: Ballistic missile technology 12
ADVANCED SPACECRAFT TECHNOLOGY:
Miniature satellite threat reporting system 1.5
Upper stage flight experiment 5
Scorpius/low cost launch 6.5
Space maneuver vehicle 6.5
Solar orbital transfer vehicle 2.6
EW DEVELOPMENT:
Precision location and identification technology 10
MALD 1.2
MILSTAR LDR/MDR SATELLITE COMMUNICATIONS: Automated communications satellite management 4.5
LIFE SUPPORT SYSTEMS: Standardized cockpit and crew seats 3.7
COMBAT TRAINING RANGES: AMODSM 4
RDT&E FOR AGING AIRCRAFT: Aging landing gear life extension 10
AF TENCAP:
Hyperspectral research on Predator UAV 2
Hyperspectral research on high alt. reconn platforms 2
INFORMATION SYSTEMS SECURITY PROGRAM:
Lighthouse cyber-security .. 3.8
U–2 SYERS/SYERS polarization project 5
AIRBORNE RECONNAISSANCE SYSTEMS: Wideband integrated common data link 7

Specific Conference Report Earmarks—Continued

MANNED RECONNAISSANCE SYSTEMS: ECARS 9.5
DISTRIBUTED COMMON GROUND SYSTEMS INDUSTRIAL PREPAREDNESS: Specialty Aerospace metals 3.8
Defense-Wide R,D,T & E:
Defense Research Sciences Spin Electronics 10
University Research Initiatives MEMS Sensors 9.5
Military Personnel Research Institute 4
Infrasound Detection Basic ... 1
Chem Agent Detection-Optical Computing 2
Thin Film Technology 1.7
Lincoln Lab Research Program Bio Defense Research 1.5
Chem Bio Defense Program Hybrid Sensor Suite 4.8
Tactical Technology Remotely Controlled Combat Sys Ini. 100
Integrated Comm and Cont. Tech. High Definition Sy 7
Materials and Electronics Tech. 3–D Structure Research 2
Nuclear Sustain. & Counter Prolif. Thermionics for Space 2.5
High Energy Laser R&D HEL Applied Research/Transfers 30
Explosives Demil. Tech. Ammunition Risk Analysis Cap. 2.8
Chem & Bio Def. Prog—Advanced—Chem-Bio Indiv. Samp. 2
Consequence Management Information System 4
Chem-Bio Advanced Material Research 2.8
Small Unit Bio Detector 0.75
Generic Logistics R&D Tech Demonstrations Competitive Sustain. 3
Air Logistics 0.3
Coop DoD/VA Med Research—Occupational Lung Disease 0.5
Adv. Concept Tech. Demonstrations—Ultra wideband Radar/Vision 1
Joint Wargaming Sim Management Office/WMD Simulation Cap. 3
Advanced Sensor Applications Program 9.5
HAARP 5
CALS Initiative Integrated Data Environment 2
Environ. Sec. Tech. Certif. Prog. Remediation of Unexploded Ord. 4
Defense Imagery and Mapping Program GeoSar 15
National Technology Alliance NIMA Viewer 3
Smart Maps/Spatio-temporal Database Research 2
Joint Technology Information Center Initiative 20
Live Fire Testing Reality Fire-Fighting Training 1.5
TITLE III OPERATIONS & MAINTENANCE:
Army O&M:
Military Gator/Battlefield Mobility Enhancements 3
Modern Burner Unit 3

Specific Conference Report Earmarks—Continued

Land Forces Depot Maintenance 50
Maintenance Automatic Identification Technology 1
Apprenticeship Program 3
Specialized Skill Training 5
WMD–CST 5.8
Navy O&M:
Operational Meteorology and Oceanography 7
Man Overboard System 2.5
MTAPP 2
USMC O&M: ULCANS 10
USAF O&M:
Keesler AFB, MI, Weatherproofing 2.8
Tethered Aerostat Radar System 8.5
Engine Reliability & Maintainability Program 2
Aircraft Spares 70.8
Defense Wide O&M:
Mobility Enhancements 25
IT Organization Composite Research 2
MOCAS Enhancememnts 1
Document Conversion 4
Clara Barton Center 1.5
CTMA–Depot Level Activities 6
Legacy (Recovery & Preservation of Civil War Vessels) ... 6.5
Army National Guard O&M: Additional Military Technicians 20.5

Total Pork (not including MILCON Authorization) 1,272.75

MILITARY CONSTRUCTION AUTHORIZATION ADD-ONS:
AL Redstone Space & Msl Defense Bldg 15.6
AK Eielson AFB Joint Mobility Complex 25
AK Elmendorf AFB Child Development Center 7.6
AK Air National Guard Kulis ANGB Corrosion Control Fac. 12
AZ Ft Huachuca Child Development Center 3.4
AZ Army National Guard Papago Mil. Res. Readiness Center 2.3
AZ ANG Yuma Readiness Center 1.6
AR Army Pine Bluff Arsenal Child Deve. Center 2.8
CA Army Presidio Monterey Barracks 2.6
CA Navy Barstow MCLF Paint Fac. 6.7
CA Lemoore NAS Child Dev. Center 3.8
CA Miramar MCAS Physical Fitness Center 6.4
CA Navy Monterey NPGS Bldg 245 Extension 5.3
CA Twenty Nine Palms BEQ 21.7
CA Beale Air Force Base Control Tower 6.3
CA Camp Parks Army National Guard Org. Maint. Shop 6.1
CA Fresno ANG Org. Maint Shop 2.8
CO Peterson AFB Computer Network Defense Fac 6.8
CO Peterson AFB Main Access Gate 2.3
CO Ft. Carson ANG Mobilization and Training Site 15.1
CO Buckley ANGB Jt Munitions Maint and Storage Fac 10.7

Specific Conference Report Earmarks—Continued

DE Smyrna ANG Readiness Center	7
DC Marine Corps Site Improvement	7.4
DC Washington NRL Nano Science Res. Lab	12.4
FL Mayport NS Aircraft Carrier Wharf Improvements	6.8
FL Panama City CSS Amphib Warfare Integration Fac	9.9
FL Tyndall AFB Weapons Controller Training School	6.2
FL Clearwater Army Reserve Army Aviation Support Fac	17.8
FL St. Petersburg Armed Forces Reserve Center	10
FL Homestead AFB Fire Station	2
GA Fort Gordon Army Consolidated Fire Station	2.6
GA Athens NSCS Fitness Center	2.9
GA Moody AFB Dormitory	8.9
GA Robbins AFB Storm Drainage System	11.7
GA Robbins AFB Airmen Dining Hall	4.1
HI Army Pohakuloa Trng Fac Saddle Access Road	12
HI Schofield Barracks, Army, Barracks Complex	43.8
HI Pearl Harbor NAVSTA Sewer Force Main on Ford Island	6.9
HI Maui ANG Readiness Center	11.6
ID ANG Gowan Field C–130 Assault Strip	9
IL Aurora ANG Readiness Center	2.8
IL Danville ANG Readiness Center	2.4
IN Ft. Wayne IAP Fuel Cell and Corr. Contr. Fac.	7
IN Grissom ARM Navy Reserve Training Center	4.7
IN Grissom Air Force Reserve Services Complex	11.3
KS Army Fort Riley Adv. Waste Water Treatment	22
KS McConnell AFB ANG B–1 Power Check Pad	1.5
KS McConnell AFB Approach lighting System	2.1
KS McConnell AFB KC–135 Squad Ops Fac	9.7
KY Ft. Knox ANG Parking at MATES	3.9
LS Barksdale AFB B–52H Fuel Cell Maint. Dock	14.1
LS New Orleans NAS Joint Reserve Center	7
LS New Orleans NAS Physical Fitness Rec Area	1.7
ME Portsmouth NSY Navy Standardized Waterfront Crane Rail Sys	4.9
MD Fort Meade Barracks	19
MD NAS Patuxent River Environmental Noise Reduction Wall	1.7
MD NAS Patuxent River RDT&E Support Fac	6.6
MD Aberdeen PG Munitions Assess/Proce Syst Fac	3.1
MA Hanscom AFB Renovate Acquisition Mgnt Fac	12
MA Barnes MAP Air Guard Relocate Taxiway	4
MA Otis ANG Upgrade Airfield Storm Water System	2
MA Westover AFRB Repair Alter Airmen Quarters	7.4
MA Westover Marine Reserve Trng Fac	9.1
MI Augusta Army Guard Org. Maint. Shop	3.6
MI Lansing Combined Maint. Shop	17
MI Selfridge ANGB Upgrade Runway	18
MS Stennis Space Center Warfighting Supp. Center	6.9
MS Columbus AFB Corrosion Control Fac	4.8
MS Camp McCain (Elliot) Modified Record Fire Range	2
MS Oxford Army Guard Readiness Center	3.4
MS Jackson IAP Air Nat. Guard C–17 Corrosion Cont. Fac	1.7
MO Maryville Army Guard Readiness Center	4.2
MO Whiteman AFB Navy Reserve Littoral Surveillance System	3.6
MT Malmstrom AFB Convert Commercial Gate	3.5
MT Malmstrom AFB Helicopter Operations Facility	2.4
MT Bozeman Army Guard Readiness Center	4.9
NV Fallon NAS Corrosion Control Hangar	6.3
NV Carson City Army Guard USP&FO Administrative Complex	4.5
NV ANG Reno-Tahoe IAP Fuel Storage Complex	5
NH ANG Pease Intl. Replace Medical Tng Fac	4
NJ Picatinny Arsenal Armament Software Eng Ctr	5.6
NJ McGuire AFB Air Freight/Base Supply Complex	10.6
NM Cannon AFB Control Tower	4.9
NM Holloman AFB Repair Bonito Pipeline	18.4
NM Kirtland AFB Fire/Crash Rescue Station	7.4
NY Fort Drum Battle Simulation Center	12
NY Hancock Field Syracuse Small Arms Range Trg Fac	1.3
NY Hancock Field Syracuse Upgrade Aircraft Maint Shop	9.1
NY Niagra Falls ANG IAP Upgrade runway/overrun	4.1
NC Camp Lejeune MCB Armories	4
NC Seymour Johnson AFB Repair Airfield Pavement	7.1
NC Charlotte Douglas IAP Replace Base Supply Warehouse	6.3
ND Wahpeton ANG Armed Forces Readiness Center	10.9
OH Wright Patterson AFB Consolidated Toxic Hazard Lab	14.9
OH Mansfield-Lahn MAP Replace Squad Ops and Comms	7.7
OH Springfield Buckley MAP Relocater Pwr Check & Arm Dearm	4
OH Columbus NMCRC Reserve Center Consolidation	7.7
OK Fort Sill Tactical Equip Shop	10.1
OK Altus AFB C–17 Cargo Compartment Trainer	2.9
OK Tinker AFB Dormitory	8.7
OK Vance AFB Maint. Hangar	10.5
OK Sand Springs Army Guard Armed Forces Reserve Center	13.5
OR Camp Rilea ANG Training Simulation Ctr	1.5
PA Philadelphia NSWC Gas Turbine Fac	10.7
PA Fort Indiantown Gap Army Guard Repair Waste Treatment	8.6
PA Johnstown Army Guard Regional Maint. Shop	4.5
PA Mansfield Army Guard Readiness Center	3.1
PA New Milford Army Guard Readiness Center	2.7
SC Charleston AFB Base Mobility Warehouse	9.4
SC Charleston AFB Repair Runway North Field	10.3
SC Shaw AFB Dining Fac	5.3
SC Beaufort Readiness Center	4.8
SC Leesburg Training Center	5.7
SC Fort Jackson Navy Reserve Readiness Center	5.2
SD Ellsworth AFB Civil Engineer Complex	10.3
SD Sioux Falls ANG Consolidated Barracks	0.1
TN Henderson ANG Readiness Center	5.2
TN New Tazwell ANG Readiness Center	3.5
TX Ft. Hood Command and Control Fac.	4
TX Ft. Hood Fire Station/Transportation Motor Pool	6.4
TX Corpus Christi NAS Parking Apron Expansion	4.8
TX Ingleside NS Mobile Mine Assembly Unit Fac	2.4
TX Kingsville NAS Aircraft Parking Apron	2.7
TX Dyess AFB Fitness Center	12.8
TX Lackland AFB Child Deve Ctr	4.8
TX Laughlin AFB Visitors Quarters	11.9
TX Sheppard AFB Dining Facility	6.5
TX William Beaumont Med Center Lab Renovation	4.2
TX Ellington Field Air National Guard Base Supply Complex	10
TX Fort Worth Navy Reserve Indoor Rifle Range	3.5
TX Fort Worth NAS Reserve Religious Ministry Facility	1.8
UT Hill AFB Dormitory	11.5
VT Burlington IAP Aircraft Maint Complex	9.3
VA Fort Eustis Aircraft Maint Instruct. Building	4.5
VA Dahlgren NSWC Joint Warfare Analysis Center	19.4
VA Langley AFB Fitness Center	12.2
VA Richlands Army Guard Org. Maintenance Shop	1.2
WA Bangor NSB Strategic Security Support Fac	4.6
WA Bremerton NS Fleet Recreation Fac	1.9
WA Everett NS Aquatic Combat Training Fac	5.5
WA Puget Sound Bremerton Industrial Skills Center	10
WA Army Guard Bremerton Readiness Center	1.7
WA Yakima Training Center Readiness Center	1.6
WA Fort Lawton Transfer	3.4
WV Yeagar ANG Upgrade Parking Apron and Taxiway	6
WV Eleanor Navy Reserve Center	2.5

Specific Conference Report Earmarks—Continued

WY Air Guard Cheyenne Control Tower	1.4
MILCON Pork	1,060.8
Pork not including MILCON	1,272.75
Total Add-ons, Increases and Earmarks	2,333.55

Mr. JEFFORDS. Mr. President, I rise today to express my profound disappointment that the Conference Report to the Fiscal Year 2001 Department of Defense Authorization bill does not contain language that was in the Senate passed bill to expand Federal jurisdiction in investigating hate crimes.

The language in the Senate passed bill was adopted by the Senate on June 20th by a vote of 57–42, and endorsed in the House on September 13th by a vote of 232–190. This language would expand Federal jurisdiction in investigating hate crimes by removing the requirement in Federal hate crime law that only allows federal prosecution if the perpetrator is interfering with a victim's federally protected right like voting or attending school. It would also extend the protection of current hate crime law to those who are victimized because of their gender, sexual orientation, or disability.

Mr. President, any crime hurts our society, but crimes motivated by hate are especially harmful. Many states, including my state of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor. An important principle of the amendment that was in the Senate-passed bill was that it allowed for Federal prosecution of hate crimes without impeding the rights of states to prosecute these crimes.

The adoption of this amendment by the Senate was an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. The American public knows that Congress should pass this legislation, and it is unfortunate that the conferees did not retain this important language.

Congress should pass this legislation, and I will continue to work to ensure that this legislation is enacted into law.

Mr. LEVIN. Mr. President, as the Senate completes action on this important legislation, I want to again congratulate the chairman of the Committee, Senator WARNER, for his leadership and determination in completing this important bill.

I also want to thank and congratulate all of the members of the Armed Services Committee for their hard work on this bill over the past year. The subcommittee chairpersons and ranking members carried the brunt of the workload in conference, but the fact is that every member of the committee played an active and constructive role in this legislation, from the committee and subcommittee hearings in the spring to the committee markup, to floor action and finally in conference.

Finally, Mr. President, I want to say a special word of thanks to the staff of the Armed Services Committee. The majority staff under the capable leadership of Les Brownlee works very cooperatively with the minority staff under David Lyles. The Committee's long tradition of bipartisanship among the members extends to the staff as well. They truly work together as a single team for the benefit of the men and women of the armed forces and for the national security of our nation.

In addition to David Lyles, I want to thank all of the members of the Armed Services Committee minority staff for their efforts this year: Peter Levine, Rick DeBobes; Richard Fieldhouse; Creighton Greene; Mike McCord; Gary Leeling; Dan Cox; Chris Cowart; and Jan Gordon. I also want to recognize the efforts of the associate staff members of all of the Democratic members of the committee for their efforts this year.

Mr. DODD. Mr. President, I rise today to express my gratitude to Chairman WARNER and Senator LEVIN for bringing to the Senate a strong Defense Authorization conference report. While I have long had the greatest respect for my friends from Virginia and Michigan, the task they complete today is a testament to their legislative skill, managerial expertise and leadership. Over the last year—and for many years—Senators WARNER and LEVIN have listened to our troops needs, and the needs of our troops' families. They have listened to our commanders and identified the equipment and modernization requirements needed to carry out the missions we, as a nation, expect of our military. They have listened to their colleagues, literally working through hundreds of amendments and incorporating many of them into this conference report. And today we consider a conference report which reflects all these influences and effectively balances the current national security requirements of our country with an eye toward the future needs of our military.

Broadly speaking, the Defense Authorization report we adopt today properly places the fighting men and women of this country at the heart of our military priorities. It increases pay, extends special pay and bonus programs to facilitate troop retention and it begins to address the housing, health care and educational needs of troops and their families. In addition this report extends retirement benefits including, most notably, the TRICARE-for-life program which will provide a prescription drug benefit and reduce out-of-pocket medical expenses for our Medicare-eligible military retirees—making a lifetime health care commitment to our fighting men and women. Taken as a whole, this report is a significant step in the right direction.

This conference agreement will ensure that the United States remains the world's preeminent superpower well into the 21st century. The report authorizes $38.9 billion for research, development, training and evaluation, including $4.8 billion for Ballistic Missile Defense, ensuring that we remain the most technologically advanced fighting force in the world and enabling our country to pursue a policy that will provide the greatest level of security in an ever-changing global environment.

I am proud of the central role Connecticut has earned when it comes to providing the men and women of our armed forces with the cutting edge in military equipment. I feel this conference report reflects that continued preeminence.

As many of my colleagues are aware, today is the 100th anniversary of the commissioning of the U.S.S. *Holland*, the United States Navy's first submarine. Today we mark 100 years of submarine operations by the United States Navy. I feel it is altogether appropriate that the Congress christen the next 100 years of submarine operations with a 21st century new attack submarine, the Virginia Class. It will be the most capable and most cost effective submarine class ever built.

Therefore, I commend the conferees for recognizing the growing need for, and expanding role of, our submarine force by authorizing the block buy of five New Attack Submarines, including $1.7 billion in fiscal year 2001 for a new Virginia Class submarine. I am proud to have the U.S.S. *Virginia*, the first of its class, taking shape in Connecticut today. The commitment we make here today will continue this essential program for years to come.

It is also encouraging that further planning and study for another innovative program, the conversion of four Trident submarines into guided missile submarines, remains a national priority, having been authorized for $37 million.

Further, in response to a force level requirement report produced earlier this year by the Joint Chiefs of Staff, this conference report requires the Secretary of Defense to report to Congress on how our country might maintain at least 55 fast attack submarines through 2015. I fully support this initiative.

The H–60 helicopter platform is once again recognized in this report for its unique versatility and combat-proven track record of survivability and performance. The agreement authorizes $206 million for 16 UH–60Ls and two UH–60Qs, and $280 million for 17 CH–60s. With respect to the demonstrated need of our armed forces, this authorization level represents an appropriate increase over the 21 helicopters requested by the Administration.

The conference agreement also authorizes $310 million for F–15 engine upgrades and $305 million for F–16 engine upgrades. This will extend the life and improve the performance of these vital air supremacy assets.

The New London Submarine Base is authorized to receive $3.1 million for much needed dry-dock construction which will enhance the base's ability to service and maintain our fighting force.

I might also mention a number of other authorizations which are contained in this conference report, including for the C–17 cargo aircraft program, the JPATS program, the Joint STARS ground surveillance aircraft program, the Comanche helicopter development program, the F–22 fighter engineering and development program and the ongoing, but slowed, Joint Strike Fighter development. All of these important national security priorities will draw upon the ingenuity and strength of the citizens of Connecticut.

I would also like to note the language in this conference report that will convey the national defense reserve fleet vessel *Glacier* to the Glacier Society of Bridgeport. The ship will be refurbished and docked in Bridgeport Harbor, becoming a museum to educate students and the general public about military service and the exploration of the North and South Poles. One of only a few ships to have served under both the U.S. Navy and the Coast Guard, the icebreaker *Glacier* made 39 trips to the North and South poles, including the deepest penetration of the of the Antarctic by sea in 1961. The *Glacier* will become a valuable civic asset for Bridgeport, and I am pleased to see the inclusion of this provision in the report.

And finally, I would like to take a moment to comment about one last provision. Senator DEWINE and I worked on the Firefighter Investment and Response Enhancement, FIRE, Act, which was designed to help reduce injuries among firefighters across the country. The original House version of the bill had previously been introduced by Congressman BILL PASCRELL, Jr. of New Jersey. Senator DEWINE and I worked hard to move the FIRE Act and we were pleased when Chairman WARNER and Senator LEVIN agreed to accept the FIRE Act as an amendment to the DOD Authorization bill.

Our original amendment has been modified by the Conference Committee, but the FIRE provision offered here today as part of this Conference Report authorizes more than $460 million dollars worth of federal assistance to local fire departments and for related research. This legislation represents a major step in developing an effective partnership between the Federal government and the men and women who every day put their lives on the line to protect Americans from all sorts of man-made and natural disasters.

The FIRE Act, is designed to provide local fire departments with the resources they need to keep firefighter safe and to protect the public. The bill is modeled on the very successful ''COPS'' program, which has helped towns and cities hire tens of thousands of police officers and to buy equipment to protect lives and property from crime. Now, under the FIRE Act the federal government will make a similar commitment to help protect lives and property from the ravages of fire, chemical spills, accidents, and natural disasters.

Each day, a million U.S. firefighters put their lives on the line to protect our families, our homes, and our businesses. Unfortunately, under the current funding regime, these unselfish men and women aren't always as well-equipped as they should be.

And in many ways the problems are getting worse. As our population grows, as our buildings and infrastructure age, as our suburbs expand and our highways and waterways become more congested, our firefighters and emergency medical technicians are being asked to respond to an increasing number and variety of dangerous situations.

There is a bright side, as well. Technology has kept pace with the increasing demands. We now have high-tech equipment, like thermal-imaging devices, that allow firefighters to see inside a building without going into the blaze. And modern science has produced incredible materials that can be integrated into protective gear that can shield firefighters from heat and falling debris. Unfortunately, technology is not cheap. And local governments are seldom able to fund the purchase of all of the wonderful tools becoming available.

There is a gap—a widening gap—between the leading edge of modern technology and our ability to put that technology to work to protect the public and our firefighters. I believe the Federal Government has an obligation to bridge the gap and help ensure that local firefighters have the financial resources they need to protect the public.

We can't eliminate all of the dangers that confront firefighters, but we can at least ensure that our local fire companies have up-to-date, safe and reliable equipment and today we are doing something about the problem.

By passing the FIRE Act today, Congress is saying to every firefighter in America: ''We have taken you for granted for too long. We won't ignore your needs any longer. We stand with you and we are committed to working together to ensure that America is as safe and as prepared for any catastrophe as it can be.''

Passage of the FIRE Act has been one of my highest legislative priorities this year. I want to thank Senator WARNER, Senator LEVIN, and Senator MCCAIN, Senator HOLLINGS, and, of course, Senator DEWINE for their vigilance and commitment on this most important issue. I also want to thank the experts at the National Safe Kids Campaign, International Association of Fire Fighters, International Association of Fire Chiefs, National Volunteer Fire Council, International Association of Arson Investigators, International Society of Fire Service Instructors, the National Fire Protection Association, and The Safety Equipment Association for all of the assistance and insight they have provided over the course of the last year.

Mr. ASHCROFT. Mr. President, today's final passage of the Defense Authorization Conference Report is a significant achievement. It fulfills past commitments, provides the necessary funds for our present obligations, and makes significant investments toward a secure future. I want to commend Senator WARNER and Senator LEVIN for the tremendous job they have done providing for our national defense. This bill authorizes $310 billion for the Department of Defense and the Department of Energy's defense related activities. This is $4.5 billion more than requested by President Clinton, and represents the first real increase in defense spending in 14 years.

One provision in the Defense Authorization bill of particular importance to the people of Missouri is that of military retiree health care. For generations, our military's career men and women have dedicated their lives to the protection of freedom and prosperity in America. One of the promises this country made to these men and women was a pledge that career members of the Armed Forces, their spouses, and dependents would have health care benefits on active duty and in retirement. While these benefits were not authorized by Congress, they were promised by the United States government, specifically, by the Department of Defense and its recruiters. Promises made need to be kept. Career members of the Armed Forces acted in good faith and relied on the statements of their government's representatives.

Mr. President, until recently, military retirees were provided with health care in military facilities here and abroad. However, due to major changes in the military health care program, multiple base closings, and a risky downsizing of the military by the current Administration, too many military retirees have been shut out of military facilities. Many have sought Medicare coverage or private insurance, or have been forced to do without access to care. In Missouri, where we have 76,439 military retirees, retiree family members, and survivors, this is a significant problem. Although we are fortunate to have Fort Leonard Wood

and Whiteman Air Force Base close at hand in Missouri, and Scott Air Force Base in Illinois and Fort Leavenworth, Kansas, both nearby, many military retirees in Missouri have told me that it is virtually impossible to get an appointment at these bases for a routine physical, let alone for critical care. It is clear that Washington is not keeping its promise to these patriotic men and women.

Through the strong and dedicated leadership of Senator WARNER, America's military retirees will again have access to quality health care, as promised. This Defense authorization bill includes a provision to expand the popular TRICARE Senior Prime demonstration project. It eliminates the current restrictions that require military retirees to lose their military health care benefits under the CHAMPUS and TRICARE programs after they reach age 65 and become eligible for Medicare. Military retirees will not be able to receive TRICARE Senior Prime, or ''TRICARE-for-life''—an HMO-type coverage plan for retirees that includes partial payment of the costs from Medicare. This program will finally ensure that all military retirees have access to quality health care throughout their life. This bill will also establish a military health care trust fund to ensure that retiree health care remains solvent for years to come. This valuable retiree health care provision is endorsed by most of the major veteran and military retiree organizations, and I support its inclusion in this legislation.

In addition to ''TRICARE-for-life,'' the Defense Authorization bill also extends to military retirees access to prescription drugs, by restoring the full DoD Prescription drug benefit, including mail order and retail pharmacy, to all Medicare-eligible uniformed services beneficiaries.

These break-through provisions for military retirees are not the only important provisions of the Defense Authorization bill. This bill includes several critical active-duty provisions including measures to bring our military families off the food-stamp roles, provide a well-deserved 3.7% pay increase, and eliminates the statutory requirement that service-members incur out-of-pocket housing costs, thus permitting the Deputy of Defense to increase housing allowances immediately. This will eliminate out-of-pocket cost for housing by October 1, 2004.

This bill also makes significant progress towards ensuring a strong defense for our country in the years to come. The legislation includes authorizations for additional F–15s and a new Extended-Range Cruise Missiles, as well as provides $63 billion dollars for other new weapons procurements. Furthermore, the bill provides an additional $1 billion in funding for key readiness accounts. These amounts are necessary to ensure our military is not only ready to fight today, but will remain ready for any challenges our country may face in the future.

Again, I want to thank Senator WARNER for his leadership in the area of national defense. I urge the Senate to support this bill, and to support our men and women in uniform, especially those who gave their lives in service today on the U.S.S. *Cole*, in far away Yemen. We extend our thoughts and prayers to their families and friends.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 3, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—90

Abraham	Durbin	Mack
Akaka	Edwards	McConnell
Allard	Enzi	Mikulski
Ashcroft	Fitzgerald	Miller
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Graham	Murray
Biden	Gramm	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
Craig	Landrieu	Stevens
Crapo	Lautenberg	Thomas
Daschle	Leahy	Thompson
DeWine	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wyden

NAYS—3

Feingold	Kerrey	Wellstone

NOT VOTING—7

Feinstein	Kennedy	Torricelli
Grams	Lieberman	
Helms	McCain	

The conference report was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. WELLSTONE. Mr. President, I ask unanimous consent to be able to change my vote to ''no.'' It does not change the outcome, most definitely.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. WARNER. Mr. President, I cannot think of a stronger message that we as a body of the U.S. Government—the legislative body—can send to the men and women of the armed services in this hour of need throughout the uniform ranks, the reserve ranks, and the Guard ranks than this strong vote. It is a salute to each and every one of them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I join the chairman in that sentiment. This is an extraordinarily strong vote for a Defense authorization bill. I think there were 90-plus votes for it.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the clerk will read H.J. Res. 111.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 111) making further continuing appropriations for fiscal year 2001.

The PRESIDING OFFICER. The question is on agreeing to the joint resolution.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 90, nays 1, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—90

Abraham	Enzi	McConnell
Akaka	Feingold	Mikulski
Allard	Fitzgerald	Miller
Ashcroft	Frist	Moynihan
Baucus	Gorton	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Hagel	Robb
Boxer	Harkin	Roberts
Breaux	Hatch	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee, L.	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kerrey	Smith (OR)
Conrad	Kerry	Snowe
Craig	Kohl	Specter
Crapo	Kyl	Stevens
Daschle	Landrieu	Thomas
DeWine	Lautenberg	Thompson
Dodd	Levin	Thurmond
Domenici	Lincoln	Voinovich
Dorgan	Lott	Warner
Durbin	Lugar	Wellstone
Edwards	Mack	Wyden

NAYS—1

Leahy

NOT VOTING—9

Brownback	Grams	Lieberman
Burns	Helms	McCain
Feinstein	Kennedy	Torricelli

The joint resolution (H.J. Res. 111) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. CRAIG. Mr. President, I thank Senator WARNER and Senator LEVIN for the fine work they have done on critical issues before us and, of course, on the DOD authorization bill.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate be in a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

MIDDLE EAST CRISIS

A COUNTRY UNITED

Ms. MIKULSKI. Mr. President, I want to take 5 minutes at this time to speak on the events occurring in the world today.

I stand here with the melancholy that any Senator would feel as a result of the loss of lives of our U.S. military men and women due to a despicable act of terrorism.

I say to the terrorists: You underestimate the United States. Right now we are in an orderly constitutional process to begin the transition of the executive branch to a new leader. Do not think because we are beginning a transition that we are weak.

I say to the terrorists anywhere in the world: When any American is under attack, all Americans are under attack. We will check our party hats at the door. We will be united as one nation. I believe the Congress and the American people will stand as one behind President Clinton to aggressively pursue and punish the terrorists who have engaged in this despicable act. You might have gotten away with this one, but do not think again about the next hour, the next day, or the next week. The United States of America is coming after you, and we are all together on this.

In addition, to our friends in the Middle East: We are deeply troubled by the violence that is ongoing. A peace agreement was within reach. Indeed, it was fragile. We say now, please, take a timeout, end the violence, let's step back to see if we cannot come forward under the leadership of the United States as an honest broker to move ahead. We are plunging into chaos. Chaos only means further retreat. It means that maybe for years violence will continue.

We say: Please, Mr. Arafat, do not work behind the scenes; work on the front lines; end your violence.

To the people of Israel: We know that the first act is the act of self-defense. We understand that. It is human. Please, we ask restraint, and we ask all to come back to the bargaining table. Let's put down the stones. Let's put down the guns. Let's see if we can move forward.

I come back to what has occurred on the Senate floor today. I say to people around the world: This is democracy. Good people who have been good friends differ. We can conduct ourselves with civility. We can have intellectual arguments. We can quote our lawyers and our National Academy of Sciences, and so on. Ultimately, the Congress will work its will. This is democracy. We invite the whole world to participate in it. War only leads to more war. Violence only leads to more violence. But democracy leads to more democracy, and democracy means ultimately peace and prosperity.

We invite the world: Please, constitutional governments, treaties, rules of law are what this 21st century should be all about.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished colleague for her very eloquent statement. I know she and others and all of us extend our deepest sympathies to the families, the loved ones of those sailors who were killed in the cowardly act in the Gulf of Aden today. The cause of peace and international security is one that is worth a major effort, and it is not without sacrifices, as we saw today.

I share the concerns and I share the strong commitment that we shall do everything in our power to identify the people behind this cowardly deed and take appropriate responsive action. We do not intend as a democracy committed to freedom and human rights to be deterred from our continuing efforts by these acts of terrorism. These do nothing but bring sorrow and heartache to the families and loved ones left behind, and they strengthen the will of the rest of us to say that we will not bow to the terrorists acts. They will not deter us. They only strengthen us not only in our prayers for those who have given the ultimate sacrifice but in our commitment to ensure it does not deter our activities.

A TRAGIC ACT OF TERRORISM ON THE U.S.S. COLE

Mr. MCCAIN. Mr. President, we are all now aware of a terrible tragedy, an act of despicable terrorism has taken place on the U.S.S. *Cole* and American lives have been lost.

All of us are appalled. On behalf of all of us, our thoughts and prayers go out to the family members of those on the U.S.S. *Cole*. We hope we can get all the information as quickly as possible.

The United States has the ability to find out who perpetrated this outrage. We will find those people. There will be a heavy price to pay. We cannot allow these kinds of acts of terror to take place. I am confident the President of the United States will ascertain who these individuals and organizations are, and the heaviest price must be paid for this outrage. In the meantime, our thoughts, hopes, and prayers go out to those who were injured, those missing in action, and those killed in this tragedy.

TERRORISM

Mr. KYL. Mr. President, first, let me concur with the remarks of my colleague, Senator MCCAIN. I join him in expressing concern for those families who have lost Americans in connection with the terrorist attack on the U.S.S. *Cole*.

I call upon my colleagues who are holding up my antiterrorism legislation to stop holding up this important piece of legislation and allow us to get it passed this year and sent to the President for his signature. The National Terrorism Commission made some very important recommendations about how we should deal with terrorists attacks, and the only response has been the legislation that Senator FEINSTEIN and I have proposed. I hope those who are holding this legislation as a result of this attack will recognize we

can't wait for the next terrorism attack. We need to act now.

MIDDLE EAST TENSIONS

Mrs. BOXER. Mr. President, my heart is so heavy this morning as we learn of the increasing tensions in the Middle East.

I join my friend from Arizona, Senator KYL, in expressing our condolences to those American families who are grieving at the loss of their children by an unprovoked attack on one of our ships off the coast of Yemen. We are not exactly sure who did this. We suspect that it was terrorism.

But, as Senator MCCAIN said on one of the shows this morning as I listened to him, we will find out, and we will respond. The world should make no mistake about that.

This morning I also want to call on Yasser Arafat to take control of the situation in the Middle East. There has been an incident where four Israeli soldiers were in Ramallah—the Israelis say that they had taken a wrong turn. They certainly weren't provoking anything. They were captured, and taken to the Palestinian authorities and to a detention center. Then a mob overtook the center and killed at least two of them. The reports vary. One report I heard said there was a lynching. I don't know that is accurate, but one report said that. You have now no rule of law. It is very difficult to negotiate a peace agreement when there is no rule of law on one side of the equation.

I had been closely following this. I was very hopeful yesterday. Things looked as if they were going in a better direction. The word was that Yasser Arafat was, in fact, calming his people down. But it is time for him to do this now publicly. It is one thing to quietly work behind the scenes; it is another thing to come out publicly and say enough of mob rule.

As I say, I come here with a very heavy heart, but always hopeful that the goodness in people will overcome everything else.

My heart is with the American families who will be grieving. My heart is with all the families in the Middle East who are suffering so much.

I believe Dwight Eisenhower once said—I may stand corrected—that people want peace so much that one of these days governments had better get out of the way and let them have it. I think people want peace. The vast majority of people want peace. How tragic it is that we can't seem to grasp that.

I praise President Clinton and Vice President GORE for doing everything they can. I give them my best. I offer myself as someone who will do what I can. I am on the Foreign Relations Committee. This is an area that we know is always a tinderbox. Yet we have faith that the peace process can get back on track.

BREAKDOWN OF CAMP DAVID PEACE PROPOSALS

Mr. MOYNIHAN. Mr. President, the news from the Middle East is deeply painful to all who pray for the peace of Jerusalem. Three months ago at Camp David the State of Israel offered the Palestine Authority unprecedented concessions in an effort to end the cycle of violence and hatred. The rejection of these proposals has tragically led to the loss of numerous lives and the resumption of the cycle of violence and hatred. Our Government must tell the Palestinian leadership that the destruction of holy sites and mob violence have no place in civilized society.

EVENTS IN THE MIDDLE EAST

Mr. FEINGOLD. Mr. President, I rise to offer my sincere condolences to the families of the U.S. Navy personnel killed in what appears to have been a terrorist attack on the U.S.S. *Cole*, and to express my outrage at this cowardly act of murder. This deplorable incident is a tragic reminder of the risk and sacrifice assumed by all of our men and women in uniform, and by their families. I know that the administration will be using all of the resources at its disposal to discern who is responsible for the attack, and that the U.S. will resolutely take appropriate action in response to this incident.

My certainty about that last point is based on a simple and irrefutable truth. No country would stand by while its soldiers and sailors are targeted and killed. The U.S. will certainly not stand for it and will not be intimidated in the wake of the cowardly attack on the Cole. By the same token, it should surprise no one that Israel retaliated in response to the brutal murder of Israeli soldiers at the hands of a mob in Ramallah.

But as difficult as it is, as raw as emotions are right now, we cannot afford to lose sight of one fundamental fact. All of us—we Americans, the rest of the international community, the Israelis and the Palestinians—know that there is no military solution to the terribly difficult issues that have made the Middle East a region of tension and violence for far too long. In recent days the promise of peace has been obscured by terrible violence in Jerusalem and elsewhere. Nearly 100 lives have been lost, including the lives of children. For the Israeli and Palestinian children who remain, in the name of providing them a future free from these horrors, I hope that the Israeli and Palestinian people will find the courage and the strength to stop the violence, and that they will find their way back on a path toward peace.

SITUATION IN ISRAEL

Mr. MACK. Mr. President, the United States commitment to Israel is strong. It has stood the test of time, and has only strengthened. It is strong because it is grounded in our shared principles of freedom and democracy. It is also strong because we respect and appreciate Israel's commitment to preserve and protect those religious sites considered by all people of the world to be holy.

I am very disturbed over recent events in the Middle East. America's response to Israel must be clear and reflect our total support. What we are witnessing is not, as it is often called, an ''outbreak of violence.'' What we are witnessing is a concerted attack against Israel; and this is occurring on the heels of the Israeli government taking the most conciliatory stance ever toward the Palestinians.

After the Camp David summit, President Clinton correctly blamed Palestinian Authority Chairman Yassir Arafat for rejecting the compromises that Israel was willing to consider. Since Camp David, Arafat has compounded his rejection of peace proposals with an embrace of violence. The United States must maintain its pressure on Arafat and the Palestinian leadership, and avoid retreating into the moral swamp of ''evenhandedness.'' We must stand with Israel.

I am deeply disappointed in the shameful U.S. abstention on a UN Security Council resolution that our own ambassador called ''unbalanced, biased, and really a lousy piece of work.''

Mr. President, I ask unanimous consent that the Jerusalem Post editorial of October 10, 2000 be printed in the RECORD.

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

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

[From the Jerusalem Post News & Feature Service, Oct. 10, 2000]

BETRAYAL AT THE U.N.

(Editorial)

The United States made a grave mistake in failing to veto what Secretary of State Madeleine Albright called a ''one-sided'' U.N. Security Council resolution condemning Israel. The U.S. abstention was a mistake, despite the three seemingly cogent arguments used to explain it: that a worse resolution was blocked, that Israel was consulted all along, and that ''U.S. interests'' dictated the move.

The U.N. resolution deplored ''the provocation carried out at al-Haram al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and at other holy places, as well as in other areas throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties.'' The resolution, which passed 14 to 0 with the U.S. abstaining, also condemned ''acts of violence, especially the excessive use of force against Palestinians.'' An innocent observer reading the resolution might reasonably conclude the Palestinians were quietly minding their own business when, out of the blue, Israeli forces decided to throw seven years of talks out the window and attack their negotiating partners. The opposite is the case.

After weeks of official Palestinian broadcasts encouraging violence and lionizing martyrs, and after attacks against Israelis in which both soldiers and civilians were killed, Yasser Arafat took advantage of Likud leader Ariel Sharon's visit to the Temple Mount to turn the flames on full burner.

In any case, the twisted nature of the resolution is not at issue—U.S. Ambassador to

the United Nations Richard Holbrooke called it ''unbalanced, biased, and really a lousy piece of work.'' This recognition begs the question, which was leveled at Albright and Holbrooke repeatedly over the weekend: If the resolution was so lousy, why did the U.S. not exercise its right to veto?

Standard answer No. 1—that a worse resolution was blocked—does not wash, because it is a truism. The Arab lobby at the United Nations always asks for the moon, in the hopes of passing a slightly less outrageous version after negotiations. According to Holbrooke, the U.S. would have vetoed an ''operational'' resolution, but it could oppose what was watered down to ''just empty rhetoric.'' Far from ''empty,'' the Security Council resolution was exactly what Arafat needed: an international judgment saddling the blame for his attack against Israel squarely on Israel's shoulders. Now the international commission of inquiry that Arafat fought for in Paris is redundant. The inquiry is over and the verdict is in: Israel is guilty.

The next line of defense used by Albright and Holbrooke was that Israel was closely consulted and ''understood'' the U.S. position. That the Israeli government ''understood'' this failure of American will and judgment is itself unfortunate, but in no way excuses U.S. behavior.

Having taken every ''risk for peace'' expected by the U.S. and more, Israel is now a victim of U.S. weakness, even betrayal. As a tactical matter, Israel may have had to choose its battles with the U.S., and therefore decided not to more openly resist the U.S. position. But an Israel under siege should not have been forced into giving the U.S. a pass in the Security Council, one of the few arenas where the U.S. has a decisive voice.

Albright argues that ''our role in the Middle East is to try to be the negotiator, the mediator, the honest broker.'' Could Albright mean that the U.S. must be an 'honest broker' in the face of a wholesale attack by the party that has rejected their peace proposals on the party that accepted them? An ''honest broker'' that cannot differentiate between aggressor and victim is not doing the peace process any favors. An ''honest broker'' role makes sense in the context of negotiations, not when the negotiating track has been unilaterally tossed out the window by one party.

Finally, Albright alludes to America's ''larger responsibilities within the whole region''' in explaining the U.S. abstention. This is veiled allusion to the risk of riots against American embassies and relations with the Arab world, but again the logic is backwards and dangerous.

A U.S. veto would have signaled to Arafat and the Arab world that this round of blaming the victim is over. Now Arafat, Hizbullah, Saddam Hussein (who just called again for Israel's destruction), and anyone else who wants to jump on the absurd bandwagon that Israel is threatening al-Aksa Mosque can see that Israel's great ally, the United States, is unwilling to come to her defense. This can only be bad for Israel, bad for the United States, and bad for peace.

Mr. MACK. Mr. President, we must speak the truth and stand on principle, so that Arafat cannot continue blaming Israel for the completely unjustified attack that he initiated. There is a word for a policy of rewarding violence, and that word is ''appeasement.''

Appeasement is not just wrong; it also does not work. Events of recent days have led many Israelis to conclude that their government's generosity toward the Palestinians has—far from being reciprocated—been taken as weakness and invited the beating of war drums against Israel throughout the Arab world.

As Israel begins to rethink its course, the United States must not push Israel towards appeasement. We must help Israel find the strength to stand up to aggression and continue the principled fight for justice.

As citizens of a democracy that desperately wants peace, Israelis are as pained as anyone by the heart-wrenching pictures of Palestinian children caught in the crossfire. Israel can be counted on to search its soul as to whether she could have defended herself and claimed fewer Palestinian casualties. The result of such an inquiry, however, will not shift the overarching burden of responsibility from the party that chose to abandon the negotiating table and open a shooting war—Palestinian leader Yassir Arafat.

Mr. President, I ask unanimous consent that the article by Natan Sharansky in today's Washington Post appear in the RECORD immediately following my statement.

Now is the time for us to publicly reaffirm our commitment to the freedom-seeking people of Israel. During Israel's time of need, we know that they will make the right choices—take the right actions for peace with freedom. And we will stand with Israel.

[From the Washington Post, Oct. 12, 2000]

AFRAID OF THE TRUTH

(By Natan Sharansky)

JERUSALEM.—Nearly 20 years ago, confined to an eight-by-ten cell in a prison on the border of Siberia, I was granted by my Soviet jailers the ''privilege'' of reading the latest copy of Pravda, official mouthpiece of the Communist regime. Splashed across the front page was a condemnation of Ronald Reagan for having the temerity to call the Soviet Union an ''evil empire.''

Tapping on walls and talking through toilets, prisoners quickly spread the word of Reagan's ''provocation'' throughout the prison. The dissidents were ecstatic. Finally, the leader of the free world had spoken the truth—a truth that burned inside the heart of each and every one of us.

For decades, with few exceptions, the moral authority of the Soviet Union had rarely been challenged. Some, particularly those who saw in communism's egalitarian ideals the antidote to all the ills of capitalism and democracy, were simply duped by a totalitarian society that could so easily manipulate the picture it presented to the outside world.

But sadly, most were not blind to the truth—they were just frightened by it. They understood what the Soviet Union represented but, knowing the price of confrontation, preferred to close their eyes to it. Rationalizing their cowardice with morally comforting words such as ''peace'' and ''coexistence,'' they pursued the path of appeasement.

Today the nations of the free world also prefer to close their eyes to the truth in the Middle East in general and the Arab-Israeli conflict in particular. While in practice the Arab states do not pose the threat of a belligerent superpower, the West's attitude toward these authoritarian regimes is all too familiar. Some, who see Palestinian stone throwers as David to Israel's Goliath, are again duped by the manipulations of a brutal dictator who sends children to the front lines to achieve through tragedy what he cannot achieve through diplomacy.

But most people are not so easily duped. They simply choose to blindfold themselves rather than confront a discomforting truth. Instead of pressuring Arab tyrants to free their own peoples from the yoke of oppression, the West prefers to view them as a ''stabilizing'' force.

When the peace process began, Israel and the West had a remarkable opportunity to use their influence to ensure that the emerging Palestinian society could evolve into a liberal, democratic state. Instead they spent the better part of 10 years subsidizing tyranny.

The goal was to strengthen Yasser Arafat and his PLO, supposedly a force for modernization and compromise. With his 40,000-man armed police force, Arafat was supposed to serve as Israel's proxy in the war on terror, and would do it, as the late prime minister Yitzhak Rabin said, ''without a Supreme Court, without human rights organizations and without bleeding-heart liberals.''

This policy, support by the West, was not designed to solve a genuine Palestinian human rights problem but to export it.

In the past two weeks we have seen the consequences of this folly. The man who promised at Oslo to renounce the violent struggle against the Jewish state once again uses violence as an instrument of negotiation. His police have turned their guns against the state that armed them, while his kangaroo courts have released dozens of Hamas terrorists drenched with the blood of his ''partner'' in peace.

Needing an external enemy to justify internal repression, he continues to incite against Israel. With new textbooks depicting a map of Palestine that stretches from the Mediterranean to the Dead Sea but does not include a Jewish state, he is educating the next generation of Palestinians that they will soon take up arms in a holy jihad.

In response to all this, the world can summon sufficient courage only to condemn a democratic Israel for defending itself against enemies within and without who seek its destruction. It is assailed for provoking the Palestinians by visiting our people's holiest site, when the real provocation is not our sovereignty over a Temple Mount that is the soul of the Jewish people but our sovereignty, period.

No doubt a government that is prepared to make far-reaching and dangerous concessions will soon be pressed to make more, so that the free states can remain safely behind their blindfolds. The only free state in this vast region to tyranny will be asked to concede more in the name of ''peace'' and ''coexistence'' to an Arab world that wants nothing of the sort.

Thirty years ago, Democratic Sen. Henry Jackson of Washington state courageously stood against the bipartisan forces of appeasement and issued a moral challenge to an immoral state. By speaking the same truth a decade later, Republican President Ronald Reagan helped free hundreds of millions of people around the world, and sparked a democratic flame that continues to engulf and threaten tyrannies. Who will speak the truth today and allow freedom to reach this

region where only one nation carries its torch?

The writer, a former Soviet dissident, is a member of the Israeli parliament and formerly served as interior minister in the Barak government.

CURRENT SITUATION IN ISRAEL

Mr. ASHCROFT. Mr. President, over the past two weeks, the Middle East has been in a state of grave turmoil and violence. With almost 100 people reported dead, Israel is dangerously close to internal war between the Jews and Palestinians. Even this morning, two Israeli soldiers were brutally murdered in Ramallah in connection with this ongoing violence. Although there are some reports of a decrease in violence, this conflict demonstrates how complex and difficult it will be to have real peace for the people of the Middle East.

Throughout the West Bank, Gaza Strip, and even Arab towns inside Israel proper, Palestinians have taken to the streets. They are demanding Israeli capitulation and withdrawal of Israel troops from Arab regions. Although the Palestinian Authority has claimed that the flashpoint for the violence was a visit to the Temple Mount by Israeli political leader Ariel Sharon, the violence's widespread and intense nature of the violence, along with Palestinian reaction, indicates that the violence may not be a simple and uncoordinated reaction.

Since the initial incident, the violence has rapidly spread with incredible fervor. According to published reports, ''The internal riots stunned Israeli police officials by their size and intensity.'' A simple incident was radically and almost instantaneously transformed into a dire situation that threatens the entire Middle East peace process. Although this outrageous reaction may appear isolated, Mr. Arafat has threatened over the years to cross out the peace accords and unleash a new uprising against Israel. He has often described the peace accords as simply a temporary truce.

Mr. Arafat's response to the recent situation raises many concerns. It appears he has done little to nothing to quell the violence. The Palestinian Authority's official media arm, the Palestinian Broadcasting Corporation, has consistently broadcast incitement against Israel, including a children's program where martyrdom as ''suicide warriors'' is glorified. Palestinian television is also running a story about an alleged brutal killing of a Palestinian by Jewish settlers. The audience is told that the 40-year-old man's skull was crushed, his bones broken and his body burned by the settlers. Pictures of a charred and mutilated body are being used continually to incite already combative protesters and mourners. Although Israeli officials have stated that the man, Isam Hamad, 36, died in a car crash north of Ramallah and that the Palestinians chose to exploit the terrible condition of his body, Palestinian officials have refused to investigate the real cause of death and instead some have stated that the killing justifies an ''open season on settlers.''

Hassan Asfour, a Palestinian cabinet minister, told the Reuters News Service that, ''The settlers must now be a target by every Palestinian in order to stop their terrorism and they must be uprooted from our Palestinian occupied lands.'' These are not the words of a leadership that wants peace.

Mr. President, we must continually remember that Israel is in one of the most dangerous and unstable regions of the world. Since the beginning of the Oslo process in 1993, Israel has lost more than 280 of its citizens to terrorist violence (a portion of the Israeli population comparable to 15,000 Americans) in over 1,000 terrorist attacks. That death toll is worse than in the 15 years prior to Oslo. Rather than eradicate terrorist infrastructure in Palestinian territory, the Palestinian Authority apparently has maintained its revolving door policy in detaining terrorists. Over 20 prominent terrorists have been released since President Clinton's visit to Gaza in December 1998. Israeli reaction to violence must be seen in this context.

During this current situation, President Clinton has failed to stand firm with our long-time friend and ally, Israel. Although I appreciate the President's interest in bringing about peace in the Middle East, his desire to play the role of the ''honest broker'' is sadly misguided. Until Mr. Arafat begins to demonstrate otherwise, it appears clear that the Palestinian Authority is simply not an ''honest player''.

Mr. President, it is time to stand with Israel in the effort to find real and lasting peace. We must continue to work with our friends and allies around the world, including moderate Arab countries, to bring the Palestinian Authority into line with appropriate international behavior that will contribute to the process of peace, not to war. I call on Prime Minister Barak and Chairman Arafat to honestly work towards an end to this latest violence and come back to the negotiating table with the goal of reaching a workable and lasting peace.

MIDDLE EAST TRAGEDY

Mr. BROWNBACK. Mr. President, there is a tragedy ongoing in the Middle East, and the first thing I want to do is express heartfelt sorrow for the families of those who have lost their lives.

The events of the last two weeks are deeply disturbing, and the clear first step is to find a way to calm the violence. The onus is on Yasser Arafat and the Palestinian Authority to call a cease fire. If the Palestinian leadership and the Palestinian people are in the midst of a quest for a state, and are trying to prove they have the maturity to lead more than a terrorist organization, the moment of truth has come and gone. What many have long suspected about the Palestinian leadership is being confirmed: They are not committed to peace, they are committed to victory.

Unfortunately, the reaction of the international community to the violence in the Middle East has only emboldened Yasser Arafat. For proof we need look no further than the one-sided, dishonest U.N. Security Council resolution that passed last weekend. The resolution ignores the role of the Palestinians in the violence now taking place. It unfairly blames Israel for sparking the violence, forgetting that it is the right of any person of any religion to visit the Temple Mount. The United States' failure to veto this resolution is an embarrassment—a sell-out of our friends, a sell-out of the peace process.

Arfat insists on an international inquiry into the violence before he will call for its cessation. But is it any wonder that Prime Minister Barak is reluctant to accept such an inquiry when the international community has ranged itself so clearly on one side. Condemn first and ask questions later.

The actions of Arafat and the Palestinian Authority on the question of treatment of holy sites are equally troubling. First, the use of Ariel Sharon's visit to the Temple Mount and the use of that holy site to incite violence: How can we believe any commitment to allow access to all people of all faiths when the Palestinians believe it is their right to sow mayhem after one visit?

Second, the sacking of Joseph's Tomb. Palestinian police stood by as a mob of Palestinians destroyed Joseph's tomb in Nablus—a location from which Israeli forces had retreated in an attempt to calm the situation. They ripped apart Torah scrolls and desecrated a holy place. I have heard it said that the authenticity of the site has been questioned. I can just picture the mob looking for that certificate of authenticity before they went ahead and destroyed a holy book of the Jews.

There is no excuse—no excuse—for the behavior of the Palestinians or their leadership. Prime Minister Barak has offered concessions previously through taboo by most Israelis. Chairman Arafat has responded by demanding yet more and using violence to get it when negotiations failed. He has broken every agreement made in the past months and years, and has released dozens of notorious Hamas and Islamic Jihad terrorists in recent days. Perhaps Israel's intensified reaction following the mob killing of three Israeli soldiers will convince Arafat that he cannot win with violence. But I wonder.

And for the United States, being an honest broker does not necesitate our

staying neutral. It should mean embracing a policy of honesty and telling one side when enough is enough. Instead, the Clinton-Gore Administration has shied away from the kind of frankness needed from our nation, and has stood aside in the face of an international political assault on our most important friend in the Middle East.

That lack of resolve is noticed. It has been noticed by those who defy sanctions on Iraq. It has been noticed by the Palestinians. And it was surely noticed by those who attacked the U.S.S.*Cole* and murdered six, maybe more American servicemen. When will this nation show the resolve needed to crush the cowards and criminals who threaten us and our allies?

I hope that the diplomatic efforts underway can lead to a calming of the situation and that the future will see a lasting peace between Israel and the Palestinians. However, for this peace to be truly lasting—and truly be peace—it must come when the parties are ready, on a timetable agreed by them. More important, it can only come when the Palestinians are ready to take upon themselves the mantle of nationhood and abandon their legacy of terrorism. And finally, peace will come when those who stand with the United States know that they have a forthright and loyal ally and those who stand against us fear our resolve.

ALASKAN SLED DOGS

Mr. STEVEN. Mr. President, I wish to speak about some Good Samaritans.

Recent fish disasters in Alaska have made it extremely difficult for Alaskans along the Yukon River and the surrounding areas of that river.

Dog mushers rely upon protein-rich chum salmon to feed their families, as well as their sled dogs. It takes about 100 chum salmon a year to feed one sled dog.

As a result of the fish disaster, an alarming dilemma has confronted the dog mushers. They watch their sled dogs starve or they shoot them. Now that is a terrible dilemma. Healthy Alaskan sled dogs ought not to lose their lives because of a shortage, but that is the situation that we faced. The alternative to end their misery is not one that a dog musher wants to face. It is totally unacceptable as far as I am concerned. Working with my staff, I have tried to find a solution to this problem.

Villages along the Yukon rely upon sled dogs for the transportation of goods. Use of sled dogs in rural Alaska is equivalent to the use of a vehicle in most of our Nation. Today I am able to announce, thanks to the generosity of Jim von der Heydt, executive vice president of Ralston Purina, 22½ tons of dog food will be donated by that company to Alaska's Native people from Purina's Iowa plant. It is the plant in Clinton, IA.

That food is now going to be shipped to Alaska by Lynden Transport with the assistance from the Totem Ocean Trailer Express, which we call TOTE, and the Alaska Railroad. I am extremely grateful to Jim Jansen of Lynden, Robert McGee of TOTE, and our former Governor, Bill Sheffield, who is now the head of the Alaska Railroad, for agreeing to deliver this relief to the dog mushers.

The dog food will be distributed to the dog teams by the Alaska Federation of Natives. Julie Kitka, the head of the Alaska Federation of Natives, has agreed to take on this task. I am grateful for her support and cooperation.

Lastly, let me commend James Lee Witt, the head of FEMA, for his personal assistance in this effort.

I think this is good news. I am happy to be here to talk about good Samaritans for a change.

I yield the floor.

TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT

Mr. MCCAIN. Mr. President, yesterday, the Senate took an important and critical step forward to improve our Nation's motor vehicle safety laws by passing H.R. 5164, the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act. The bill is in response to the more than 100 deaths associated with defective Bridgestone/Firestone tires. During the debate, I intended to include a letter from Congressman BLILEY, chairman of the House Commerce Committee clarifying the intent of a provision of the bill relating to the ability of the Department of Transportation to request material from manufacturers. I ask that the letter be included in the RECORD at the conclusion of my remarks. The letter makes it clear that the provisions would not enable manufacturers to conceal or destroy information requested by the Secretary.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, October 11, 2000.

Hon. JOHN MCCAIN,
Chairman, Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR JOHN: I am writing to clarify the intent of section 3(b) of H.R. 5164, the TREAD Act, as passed by the House last night.

I understand that there are concerns about the Committee's construction of the amendment to section 31066(m)(4)(B) of title 49, United States Code, relating to the Secretary's ability to request information not in possession of the manufacturer. This provision provides, in relevant part, that the Secretary may not "require a manufacturer * * * to maintain or submit records respecting information not in the possession of the manufacturer." This restriction was not intended to provide manufacturers with an easy way to withhold information from the Secretary by destroying or transferring the possession of records; rather, it is intended to ensure that the Secretary does not promulgate requirements that require the manufacturer to submit information not reasonably within its possession or control.

Further, any orchestrated effort to withhold information from the Secretary with the intent to mislead him, whether through an intentional "transfer" of possession or other method, is precisely the kind of activity that could potentially subject a manufacturer to the criminal penalties under section 4 of the bill. The fundamental purpose of this legislation is to ensure that the Secretary receives the information he needs to identify defects related to motor vehicle safety at the earliest possible opportunity.

I hope that you find this explanation helpful.

Sincerely,

TOM BLILEY,
Chairman.

NEED FOR ACTION ON DEBT RELIEF

Mr. BIDEN. Mr. President, in the last days of this Congress, as we scramble to compete our work, I am worried that one of the most important issues before us may slip through the cracks.

Last week, I attended an extraordinary meeting at the White House, where President Clinton called together religious and political leaders to discuss the urgent need to provide debt relief for the poorest countries of the world. Looking around the table, it was clear that this was no ordinary issue, no ordinary meeting.

Just a partial list of the people in that room speaks volumes about this issue. There were bishops of several denominations, and a rabbi. The Reverend Pat Robertson was there, as was the Reverend Andrew Young. Democratic Congresswoman MAXINE WATERS was at the table, not far from Republican Congressman SPENCER BACHUS. A few seats from the President himself sat near the rock star Bono, who has become one of the most prominent spokesmen for the cause of debt relief.

President Clinton called us together because the need for debt relief is great, the logic of debt relief is compelling, and time left for us to pass debt relief legislation is alarmingly short. Failure to act now would be nothing less than a failure of the United States to lead what could be the most important international effort to bring the poorest nations of the world into a more positive, constructive role in the world economy.

Here are the facts, Mr. President. Around the world today, many poor nations actually pay more in interest payments to advanced industrial nations, and to international development banks, than they do on childhood immunizations, primary education, and other essential services.

Tragically, Mr. President, many of these countries are suffering through

an AIDS epidemic that dwarfs any public health crisis the world has ever seen. No responsible person can argue that we have no interest in helping such countries fight against communicable diseases that are just a jet flight away from our cities. No moral person can argue that we should sit idly by while a continent loses a generation to disease.

The debts these countries owe are often the legacy of earlier governments, propped up by lending that suited the purposes of Cold War geopolitics, but that did precious little for the poorest of the poor in those countries. Today, the prospects of repayment by these countries is so small that the loans are now carried on our books at just a few cents on the dollar. A sensible business decision—made every day in this country and around the world—is to simply write off bad debts, and let both borrower and lender move on.

Following that sound economic logic, with the leadership and commitment of the United States, the major creditor nations of the world agreed several years ago to forgive some of the debt owed by the poorest of these countries. That program, known as the HIPC Initiative—for the ''Highly Indebted Poor Countries''—requires significant commitments by the poor countries if they are to qualify. They must commit to market-oriented economic reforms, reduce corruption, and use the savings from debt relief for essential poverty reduction programs.

Already under way in several countries, the HIPC program has achieved tangible results—the kind of results we all want to see, and the kind of results that will be put at risk if we fail to fully fund our participation. In Uganda, money saved by debt relief under the HIPC program has allowed the government to end the fees for primary school students, fees that had kept enrollment down. Over the last four years, primary school enrollment there virtually doubled. That is what a well-designed debt relief program can do.

Because those debts are such a large part of the poor countries' income—often as high as thirty or forty percent—and because those same debts are realistically worth so little to us, a relatively small financial commitment on our part buys important economic assistance many times over. And because we are the leading economy in the world, Mr. President, our leverage is even greater. Other nations are waiting for us to act—the only prudent course for creditors working out this kind of deal—and that means that our relatively small contribution will trigger a major international initiative.

But that leverage works both ways. Without us, the viability of the whole initiative remains in doubt. Our inaction has stalled any further action on debt relief in Latin America, and will prevent all but a few eligible African countries from participating.

Something more than sensible, effective foreign policy is at stake here, Mr. President, which brings me back to that extraordinary meeting at the White House. The world's religious leaders, from the Pope to Billy Graham, in an interfaith, ecumenical unanimity rarely seen on any issue, have joined to challenge our nation's conscience. They have asked us to face the embarrassing fact that while we talk about providing assistance to the poorest nations—while in fact we do send a tiny fraction of our own record income and wealth abroad—at the same time we continue to collect interest payments on those nations' old debts.

They have challenged us to follow the Biblical injunction to lift the burden of debt, in effect to put our money where we say our values are. They call on us to deal with the least fortunate in the way all of the world's great religions command. Now, when we are enjoying the best economic times in our history, as we stand as the most fortunate of nations, surely we can underwrite less than four percent of the overall cost of debt relief. That's right, Mr. President: our share is less than four percent of the total cost of the whole HIPC program.

For that contribution, we will assure the full implementation of nearly 30 billion dollars of debt relief for the poorest 33 countries of the world.

This program presents us with a powerful combination of economic logic and moral imperative. Here, in the last days and hours of this session of Congress, we must not let this opportunity slip away.

Earlier this year, the Foreign Relations Committee passed full authorization of two key funding mechanisms for our participation in the HIPC program. First, we authorized use of the balance of the funds made available through a revaluation of the IMF's gold holdings, to provide them with the resources to finance their share of the debt forgiveness—an action that will have no budgetary impact, that will not cost us a dime.

The Foreign Relations Committee also authorized the appropriation of $600 million for our share, between 2000 and 2003, of the HIPC initiative. Senator HELMS, Senator HAGEL, and Senator SARBANES and I agreed on a set of conditions that would hold the Administration accountable for policies that will promote more focused, better monitored international financial institutions. But we agreed, in the end, that the program was too important to impose unworkable conditions or to require the kind of delay that could be fatal. It took compromise and good faith to achieve that agreement, which was reported out of our committee unanimously.

Mr. President, I am here today to say that those principles must guide any final agreement. That means there must be no new, unworkable demands for overhauling international financial institutions like the IMF and the World Bank before debt relief can go forward. That will require the spirit of bipartisan accommodation that we achieved in our committee.

So far the Senate has only appropriated $75 million for debt relief. This is only a place holder for a final amount, now under negotiation. The House has done somewhat better, but is still far short of the mark. One of the problems is that full authorization has not reached the Senate floor, where I am confident it would receive overwhelming bipartisan support.

Right now, as I speak, there is still hope that we can reach an accommodation on authorizing language that the Appropriations Committee is seeking before it provides the full amount of debt relief needed to make the HIPC program a reality.

But time is running out, Mr. President, and we are dangerously close to forfeiting our international leadership on this issue. That means forfeiting not just our leadership in international financial affairs, Mr. President. If we fail to provide full funding for our participation in the international debt relief effort, we will forfeit something even more valuable: our moral leadership.

IN REMEMBRANCE OF THE HONORABLE SID YATES

Mr. CAMPBELL. Mr. President, Sid Yates, former Congressman from Ohio and a long-time friend of Indian country passed away last week.

I am particularly saddened because in the last 2 years, we have lost Morris Thompson, the Alaska Native tribal leader and one of the instrumental leaders in Alaska politics, Dr. Helen Peterson one of the founders of the National Congress of American Indians (NCAI), and now our long-time friend Sid Yates.

Indian country is losing far too many friends and most unfortunate is that we seem to be losing more friends than we are gaining.

As a Congressman from the State of Ohio with no federally-recognized Indian Tribes Sid Yates had no political reason to become the champion for Indian causes that he was known for. His dedication was not part of constituent service and he stood to lose more than he gained from his advocacy. Nonetheless, Sid Yates' commitment and determination to do the right thing never wavered.

I am saddened to be making this statement because all who knew or came in contact with Sid Yates were awed by his generous heart and humbled by the patience he showed with his

colleagues and with the public—even when they disagreed with him.

His patience and focus in the legislative realm were legendary. Sid Yates started what I believe an appropriate protocol in the House Subcommittee by affording every Tribal Leader wishing to come before the subcommittee the brief opportunity to describe the most pressing needs of his or her Tribe.

When I came to the House of Representatives in 1986, I became deeply involved in issues that affect my State of Colorado, natural resource issues and of course issues that affect American Indians. In pursuing and working on these matters, I worked with Sid Yates time and again and benefitted from that association both as a legislator and as a man.

Sid Yates also knew when generosity of spirit and patience were not the appropriate response. In the mid 1980's a series of newspaper articles appeared in the Arizona Republic that revealed a breathtaking level of corruption and waste in the Federal Bureau of Indian Affairs. Millions of dollars were being siphoned off or wasted and were not getting to the Indian beneficiaries as Congress intended.

As Chairman of the House Subcommittee on Interior Appropriations, Sid Yates took bold steps to ensure that this would not happen again and launched the Tribal Self Governance Demonstration Project. I am proud to say that in August the President signed legislation that I sponsored in the Senate to make permanent Self Governance in Health Care.

The auditorium in the U.S. Department of Interior was appropriately named the ''Sid Yates Auditorium'' and his name will carry with it the kind of dedication and honesty that was his hallmark.

It is customary and protocol to add the prefix ''The Honorable'' when talking of elected leaders and if there was ever a man who fulfilled that moniker it was the Honorable Sid Yates.

TAXPAYER PROTECTION AND CONTRACTOR INTEGRITY ACT

Mr. HARKIN. Mr. President, yesterday I introduced the Taxpayer Protection and Contractor Integrity Act. This legislation, which was introduced concurrently by Rep. PETER DEFAZIO in the House, is intended to crack down on fraud and abuse in government contracts. It would say to federal government contractors that have been convicted or had civil judgement rendered against them at least three times for procurement fraud and related offenses: you do not deserve further taxpayer support; you are suspended from new contracts for three years. Three strikes and you're out.

A recent report by the General Accounting Office on procurement fraud by the 100 largest Department of Defense contractors during the years 1995–1999 found: 8 criminal cases in which contractors pled guilty and paid fines totaling $66 million, and 95 civil cases, including 94 settlements and one judgment, in which awards totaled $368 million. The offenses included overcharging, kickbacks, defective products, procurement fraud, misuse/diversion of government furnished materials, cost/labor mischarging, and others. A number of companies, including some of the largest DOD contractors, had several criminal convictions or civil judgments for similar offenses over a few years. This clearly demonstrates a pattern of misconduct.

But the Department of Defense continued to conduct business with contractors even after these companies had committed multiple frauds against the government. Not one of the top military contractors guilty of procurement fraud was barred from future contracts. According to a recent Associated Press analysis, there are 1,020 contractors government-wide that were sued or prosecuted for fraud in the past five years. Of these, 737 remain eligible for future contracts.

It is disgraceful that the Pentagon and other agencies seem to hear and see no evil in the criminal fraud committed by contractors. Now it's up to Congress to step in and start cracking down on big contractors who have been swindling the federal government out of billions of dollars. I am hopeful that the bill we're introducing today will force all contractors to play by the rules and stop ripping off American taxpayers.

Under current law, a contracting officer is required to make a determination regarding the integrity and responsibility of a potential contractor prior to awarding a new contract. In making this determination, prior convictions can be taken into account, but even with several convictions an individual or company may still be granted a contract award.

The bill I introduced would require contractors to disclose the number of convictions or civil judgments, the nature of the offense, and whether any fines, penalties, or damages were assessed. Any contractor who has three or more convictions or civil judgements for fraud and similar offenses related to government contracts would be prohibited from receiving future contracts. Existing contracts would not be impacted. The prohibition on future contracts would last three years. If, during that period, the contractor demonstrates a satisfactory record of ethics and integrity by avoiding additional criminal convictions, the contractor may become eligible for future federal contracts. The bill also allows a waiver by the President in the interest of national security or to prevent serious injury to the government. Note that the bill does not prevent debarment under current procedures for fewer than three violations or broader consideration of ethics under the proposed OMB regulations. But recognizing that some agencies will not use these discretionary procedures, the bill sets a firm limit.

The bill was crafted much like the Violent Crime Control and Law Enforcement Act of 1994, which made life in prison mandatory for criminals convicted of their third federal felony. That's why we sometimes call this the ''Three strikes and you're out'' bill. This bill, however, is much softer, as the suspension can be lifted after three years. We've made a commitment in this country to be tough on crime. That resolve should apply to federal contractors too. It is time to stop rewarding criminal contractors with American taxpayers' hard-earned dollars.

GAMBLING

Mr. BROWNBACK. Mr. President, I would like to make a few remarks todays regarding the recent proposals put forth by the Nevada Gaming Commission yesterday that would place a $550 cap on all legalized gambling on college sports and prohibits all gambling on high school and the Olympic sporting events. I believe that the proposed rule changes in Nevada are a significant first step in protecting our student athletes and the integrity of college sports.

The Chairman of the Nevada Gaming Commission stated yesterday that the changes proposed ''will provide protection for Nevada athletes and for Nevada games. They will also protect athletes in the other 49 states. The proposals are intended to discourage illegal bookmakers and fixers from attempting to use Nevada's legal sports books as a place to place bets.''

It is obvious from these proposals that the Nevada Gaming Commission knows that gambling has an unseemly influence on our colleges and universities. Ironically, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's own gaming regulations currently prohibit gambling on any of Nevada's teams because of the potential to jeopardize the integrity of those sporting events. The frequency of gambling scandals over the last decade is a clear indication that legal gambling on college sports stretches beyond the borders of Nevada, impacting the integrity of other state's sporting events.

While I am encouraged by the proposed rule changes from the Nevada Gaming Commission, I do not believe it goes far enough. I will continue to insist that the Senate take up and pass, The Amateur Sports Integrity Act, which is in response to a recommendation made by the National Gambling

Impact Study Commission (NGISC), which last year concluded a two-year study on the impact of legalized gambling on our country. The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the National Collegiate Athletic Association (NCAA), coaches, teachers, athletic directors, commissioners, university presidents, school principals and family groups from across the country.

Banning all legalized gambling on amateur sports serves notice that betting on college games or student athletes are not only inappropriate but can result in significant social costs. The National Gambling Impact Study Commission Report recognized the potential harm of legalized gambling by stating that sports gambling ''can serve as gateway behavior for adolescent gamblers, and can devastate individuals and careers.''

Some of its findings include: more than 5 million Americans suffer from pathological gambling; another 15 million are ''at risk'' for it; and about 1.1 million adolescents, ages 12 to 17, or 5% of America's 20 million teenager engage in severe pathological gambling each year.

According to the American Psychiatric Association: Pathological gambling is a chronic and progressive psychiatric disorder characterized by emotional dependence, loss of control and leads to adverse consequences at school and at home. Teens are more than twice as vulnerable to gambling addictions than adults because they are prone to high-risk behaviors during adolescence. Ninety percent of the nations compulsive gamblers start at an adolescent age. According to the Minnesota Council on Compulsive Gambling, gambling on sporting events is a favorite preference of teenage gamblers.

A study conducted by the University of Michigan found that most student athletes gamble. According to this study, ''72% of students athletes have gambled in some way since entering college (80% among male student athletes).'' Many student athletes gamble on sports. This study found ''35% of all students athletes have gambled on sports while attending college (45% among male student athletes).'' This study found that a considerable number of student athletes acted in ways that call into question the integrity of their contests. ''Over 5% of male student athletes provided inside information for gambling purposes, bet on a game in which they participated, or accepted money for performing poorly in a game.''

A study recently conducted by the University of Michigan found that ''84% of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40% also admitted placing bets on sporting events and 20% said they gambled on the NCAA basketball tournament. Two referees said they were aware of the spread on a game and that it affected the way they officiated the contest. Some reported being asked to fix games they were officiating and others were aware of referees who ''did not call a game fairly because of gambling reasons.''

Gambling on college kids is banned in 49 states. Prior to 1992 when any state could have allowed gambling on amateur sporting events, they didn't. No states have asked to have this federal law repealed. Why do you think that is? It is because it is inappropriate.

The bottom line—it is inappropriate to bet on college kids. This is about protecting the integrity of amateur athletics, it is about the effect that legal, government sanctioned betting has on the games, it is about the gateway college sports betting provides youth gamblers, and most importantly, it is about the impropriety of betting on teenagers.

SUPPORT WILDLIFE CONSERVATION

Mr. JOHNSON. Mr. President, I rise today to request that the provisions of Title III of H.R. 701, the Conservation and Reinvestment Act be included in the Commerce-Justice-State Appropriations conference report. The Interior Appropriations conference report passed last week included increased funding for land, water and wildlife conservation programs. While the bill is a positive first step towards providing permanent funding for these programs, I would have preferred to see enactment of the Conservation and Reinvestment Act, CARA, especially the wildlife conservation provisions in Title III of the bill. To this end, I am requesting that Title III of H.R. 701 be included in the conference report of the Commerce-Justice-State Appropriations bill. I was a strong supporter of CARA when it was reported out of the Senate Energy and Natural Resources Committee, of which I am a member. It is the most important conservation and wildlife measure that Congress has written in the last 50 years. In particular, I am very pleased with Title III of the bill, which addresses wildlife conservation. I was actively involved early in the process and worked with the Committee to see that the wildlife provisions were included in the final product.

Title III would provide funding for a diverse array of fish and wildlife species, with an emphasis on preventing species, both game and non-game, from becoming endangered. These goals would be achieved by conserving important wildlife habitat, funding wildlife inventories to design better management plans, and working cooperatively with private landowners in a non-regulatory, incentive-based manner. Moreover, it gives the States the flexibility to set their own goals to meet their needs in a way that works for them. In addition, the emphasis on preventing species from becoming endangered will go a long way to help private property owners. Addressing concerns for endangered species on their lands is a costly process. Preventing species now from becoming endangered later is an investment that will save landowners valuable time and money that would occur after the species have been depleted. In addition, CARA will make it easier on hunters and anglers—-more than 90 percent of all State fish and wildlife agency funding is from user fees. The passage of Title III and of CARA would create more equity in funding preservation efforts.

I am concerned that the language in the Interior bill, while providing funding for a new wildlife conservation fund'' does not provide enough funding for the States to meet their needs and leaves discretion to the Fish and Wildlife Service without giving States the proper flexibility to administer the programs. Wildlife conservation efforts have been chronically underfunded over the years. Including Title III of CARA would help to guarantee that sufficient resources are available so that States and the Nation can meet these important needs.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 12, 1999:

Michael S. Chambers, 43, Seattle, WA;

Rueben M. Clark, 22, Memphis, TN;

Kenneth Ditter, 30, Philadelphia, PA;

Charles Guerra, 28, Houston, TX;

Joel Holbrook, 33, Kansas City, MO;

Walton Jerry Holmes, 68, Euless, TX;

J.C. Jones, 48, Miami-Dade County, FL;

Gregory Mabrey, 27, Baltimore, MD;

Khidetra S. McBride, 22, Memphis, TN;

Jorge Millan, 40, Miami-Dade County, FL;

John Ray, 23, Fort Wayne, IN;

Michael SHELBY, 34, Detroit, MI;

Nicholas Singleton, 19, New Orleans, LA;

Honore Sissoko, 46, Philadelphia, PA;

George THOMAS, 19, St. Louis, MO; and

Duane G. Weigelt, 69, St. Paul, MN.

One of the victims of gun violence I mentioned, 19-year-old Nicholas Singleton of New Orleans, was shot and killed one year ago today by a 19-year-old friend while the two were having an argument.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

SECURITY AND PENSION REFORM ACT

Mr. L. CHAFEE. Mr. President, I rise today to express my support for H.R. 1102, the Comprehensive Retirement Security and Pension Reform Act.

In my short time in the Senate, I have supported pension and savings reform and expansion, including cosponsoring S. 741, the Pension Coverage and Portability Act, and voting in favor of a pension and savings amendment offered by Finance Committee Chairman ROTH during consideration of H.R. 8, the estate tax phase out bill. I strongly believe that enacting H.R. 1102 will benefit millions of Americans, help boost America's savings rate, and bolster long-term economic growth. Indeed, economists agree that the increased personal savings and investment that would result from expanding pensions hold the key to long-term economic growth, and would shore up the country's savings tendencies.

Currently, only half of all workers have a pension plan. That means about 75 million Americans don't have access to one of the key components to a comfortable retirement. Pension laws have become so convoluted and the annual contribution limit so diminished that many small businesses simply do not bother setting them up.

In fact, the contribution limits to Individual Retirement Accounts (IRAs) have not changed since 1981. At that time, when the $2,000 limit was set, according to the U.S. Census Bureau the U.S. means the U.S. mean household income was under $23,000. In 1998, mean household income was almost $52,000, an increase of more than 130 percent. Still, the maximum IRA contribution hasn't budged from $2,000.

Setting aside $5,000, rather than $2,000, will provide the retiree with significant additional savings. For workers who don't have access to an employer-sponsored retirement plan, the IRA is their primary savings vehicle. Increasing the contribution to $5,000 helps put these people on a more equal footing with their fellow citizens covered by employer-sponsored plans. Also, it is estimated that more than 61 percent of IRA participants with incomes under $50,000 contribute the $2,000 maximum; and 69 percent of all IRA participants contribute the maximum. Workers are ready to invest more—if we in Congress will open the door for them.

H.R. 1102 includes an income tax credit to help those who might not be able to fund their retirement accounts without additional help, or who need more incentive to save. Under this legislation, joint filers of tax returns earning under $50,000, heads of households earning under $37,500, and all other taxpayers earning less than $25,000 will receive non-refundable tax credits for each of five years on a sliding scale from five to 50 percent for contributions to a broad range of existing retirement savings choices. In effect, the federal government will be matching these savers contributions dollar for dollar—through the tax credit—up to the maximum allowable based on their income and filing status.

Another provision will help workers approaching retirement age to jump start, or catch up with, their retirement savings. Many of our younger workers are limited in what they can invest toward retirement due to the other priorities such as saving for a house, starting a family, or setting aside funds for their children's education. With retirement beginning to loom as they turn 50, the current limits on contributions both to their IRAs and to their employer-sponsored retirement plans make catching up extremely difficult. H.R. 1102 allows taxpayers 50 and older to contribute $7,500 annually to an IRA, or $5,000 to their employees' retirement plan when fully phased in.

Today, it is commonplace for workers to switch jobs frequently. But, under current regulations, these workers often cannot carry the retirement benefits they have accumulated with one employer to a new job. Provisions in H.R. 1102 remove the final obstacles to full retirement portability, meaning that a worker easily can take his or her accumulated benefits to a new job. This component of the legislation is particularly important to state and local government employees who currently cannot roll over their qualified retirement savings to a new employer when they move to private sector jobs.

In Rhode Island, small businesses are the heart of the economy. Indeed, 98 percent of Rhode Island businesses are small. And, they are important forces in developing two emerging segments of the state's economy: service and technology. H.R. 1102 also will remove disincentives which currently prevent many small business owners from offering retirement plans to their employees. In addition, it will make it easier for long-serving union members to collect the full pension benefits they have earned.

Some provisions in the bill have stirred debate. One relates to cash balance pension plans. I recognize and appreciate the hard work that the Senate Finance Committee has done with respect to this issue, and understand that negotiations are still under way. I hope that the final product of these negotiations will help workers that are negatively affected by cash balance pension plan conversions.

The House approved H.R. 1102 by a vote of 401–25 on July 19th. I hope that we in the Senate act soon to approve this bill and send it to the President so that millions of hard working Americans will accrue its benefits.

HONORING HISPANIC HERITAGE MONTH

Mr. TORRICELLI. Mr. President, I rise today to recognize the celebration of National Hispanic Heritage Month. As one of America's largest ethnic groups, the Hispanic American community embodies the true spirit of our country as a land where people from all over the world can come to for the chance to pursue their dreams.

For countless years, Hispanic Americans have played an integral role in American society. This has been characterized by a strong work ethic, deep sense of faith and unwavering commitment to both family and community. Throughout the history of our country, the contributions of Hispanic Americans in areas such as public service, business, entertainment, and the sciences have been lasting and have made America a stronger nation.

Today, there are more than 31 million Hispanic Americans living in the United States, and they represent nearly 12 percent of our total population. The Hispanic American community in New Jersey includes more than 1 million residents, with roots from all over the world, including Europe, the Carribean, and both South and Central America.

I am proud to have the opportunity to represent a State with one of the largest concentrations of Hispanic Americans in the entire country. The vibrant Hispanic American communities across the State have given New Jerseyans a window into their cultures and heritage. We have also been fortunate to have members of these communities take on important roles in our public life. In New Jersey, we have Hispanic Americans representing some of our nation's most diverse communities in both the State legislature and the United States Congress, and dozens more hold elected office at the county and local levels.

As we begin a new century, it is projected that nearly 25 percent of America will be of Hispanic origin by 2050. At the same time, the widespread influence of Hispanic Americans is touching all of our communities, transcending

racial and ethnic boundaries on a daily basis. I have no doubt that as America's Hispanic American community grows, it will maintain the legacy that it has built while also adding a new chapter to its rich history as an important piece of the American mosaic.

TIRE STANDARDS

Mr. ASHCROFT. I would like to engage in a brief colloquy with Senator MCCAIN the Chairman of the Senate Commerce Committee. Yesterday, the Senate took an important step forward in improving our nation's motor vehicle safety laws. One of the most important aspects of that bill was a provision to require Department of Transportation to upgrade the Federal Motor Vehicle Safety Standard for tires for the first time in nearly 30 years.

Because it has been so long since the standards have been revised, they do not apply to tires used on sport utility vehicles (SUVs). In fact, SUVs weren't even around when these standards were last developed. Given the relationship of tires to the rollover propensity of SUVs, I would expect that the Department should first upgrade the standards for those tires used on SUVs. In addition, since the tire standard was put in place technology for the construction and design of tires has improved dramatically. For example, nylon ply caps can significantly improve the performance of tires. The types vehicles on the road has also changed as more and more people choose to drive sport utility vehicles. Chairman MCCAIN would you agree that the Department should consider new technologies that would improve tire safety as they establish the new tire standard and that they should also consider the different mix of vehicles on the road as they set their priorities for implementing the new standard.

Mr. MCCAIN. I concur with the Senator from Missouri that a variety of new technologies are available to improve the design and construction of tires. The improved federal motor vehicle safety standard for tires should take into account all of these new technologies to ensure that consumers are provided with safe tires. Additionally, the Department should implement the rule in light of the changing mix of types of vehicles that consumers are driving.

Mr. ASHCROFT. Well, I thank the Chairman for taking the time to answer my questions and the hard work he has done to get a bill passed this year.

FREIGHT RAIL TRANSPORTATION

• Mr. CLELAND. Mr. President, today I am addressing the Senate to express my view on a vital part of our Nation's transportation infrastructure—the freight railroads.

I am aware of concerns that have been raised by some companies that ship by rail about the service and rates available to them. Certainly, the ability to safely, economically and efficiently transport raw materials to plants and finished products to both domestic and international consumers is as critical as the actual production of these commodities and goods.

Since 1827 with the founding of the Nation's first commercial railroad, the B&O, we have depended on the rails to perform this function. In its heyday, the iron horse dominated transportation of goods and passengers. Today, after surviving nearly total collapse in the 1970s, a streamlined, modernized rail industry continues to play a role, albeit a considerably downsized one, in the transportation marketplace. Our transportation infrastructure has evolved—now trucks on the interstate highways are by far the predominant mode of transportation, and inland barges carry coal and grain on our nation's waterways.

As many of you know, I have always been interested in rail history. Indeed, Atlanta was originally known as Terminus because of the railroads which were sited there. What history has taught us is that the rails require a continuing, massive capital investment to operate safely. In the late 1970s, Congress faced the dilemma of a severely under-capitalized system with a dismal safety performance. The rails would have to be supported by massive federal subsidy or freed to compete in the marketplace in an effort to generate needed capital. Congress wisely chose the latter course, and the railroads have been able to generate the quarter trillion dollars needed since 1980 to support the infrastructure. In 1999 alone, the private investment was $16.2 billion, with $2.87 of assets needed for every dollar of revenue produced. The industry's vastly improved safety record in large part is a testament to the wisdom of that infrastructure investment. Let me add that although progress in this area has been significant, nevertheless this safety record can be further improved. It is my hope that management and labor will work together toward that end.

The world is not perfect, of course, and in the intervening years issues have arisen which must be addressed—issues such as the need to honor the hard earned collective bargaining agreements of railroad workers. Many of these issues have been brought to the attention of Congress, the Interstate Commerce Commission and now its successor, the Surface Transportation Board, STB. Indeed, the Congress took a comprehensive look at rail regulation in 1995 when it created the STB. I know some companies believe their rail rates are excessive. While rates have declined more than 50 percent since 1981, some customers have benefitted more than others, reflecting the differential pricing put into place by the Staggers Rail Act of 1980. This has led in part to complaints being heard from segments of the shipping public. Many have suffered from service disruptions following recent mergers and consolidations. While I am very concerned about these situations, I believe the STB has worked within its mandate to address them.

I have an open mind on whether these matters need to be examined further. If that is the case, I urge that we move carefully. We should not return to the very regulatory schemes that led to near disaster a generation ago. I would not favor policies that deprive the railroads of their ability to generate capital, resulting in the federal government—rather than the private sector—having to assume the costs of maintaining and operating the freight rail network.•

TRIBUTE TO LT. BOB DOUGLAS

• Mr. BUNNING. Mr. President, I rise to pay tribute to an outstanding Kentuckian, Lt. Bob Douglas (ret).

For almost 30 years, Bob has crusaded against the scourge of drugs and served the people of Kentucky, helping to make the Commonwealth a safer place to live.

Bob worked for 25 years as a member of the Erlanger, Kentucky Police Department. For the last nine of those years, he was the primary instructor for the anti-drug program, D.A.R.E. When Bob retired from the police force in 1998, he became the Executive Director of the Kentucky Crime Prevention Coalition. He is also a new member of the steering committee of the National Crime Prevention Council.

For his efforts, Bob was recently presented with a 2000 Mac Gray Award for his outstanding effort to promote the National Citizens' Crime Prevention Campaign. The award recognizes those who have made extraordinary contributions and pledged personal commitment to work with the media to promote anti-drug public service announcements and crime prevention education.

Some have kidded Bob about the Columbo-style overcoat he wears. But like Peter Falk's character, Bob gets results. For years, he visited children in schools to teach them about the dangers of drugs and to urge them to stay out of trouble. With his partner, the canine character, Officer McGruff, there is no doubt that Bob made an impression and steered more than a few children in the right direction.

Too often we hear about our problems and the trouble-makers in society, and we don't hear enough about our heroes and the everyday citizens who make a difference and improve our quality of life. Bob Douglas is one of those heroes, and he deserves our commendation.

I ask that an article on Lt. Douglas be printed in the RECORD.

The article follows:

DOUGLAS TAKES BITE OUT OF AWARD

(By Juli Hale)

With his Columbo-style overcoat, some might think Bob Douglas' long-time partner needs to call the fashion police. But one look at the partner's big brown eyes and black, wet nose is usually all it takes to draw in a crowd of kids to listen to the pair's message of drug resistance and crime prevention.

Douglas and Officer McGruff, the tough-talking cartoon canine, spent years visiting school classrooms trying to turn at least one student away from a life of drug abuse and crime, Douglas and others believe they did much more. Today, the pair appears at community events and keeps spreading the message.

For his efforts in drug and crime prevention and for sharing the spotlight with McGruff, Douglas was presented with a 2000 Mac Gray Award last week in Washington. The Mac Gray Award honors outstanding efforts to promote the National Citizens' Crime Prevention Campaign. It memorializes Berkeley McCabe ''Mac'' Gray II, the late executive deputy director of the National Crime Prevention Council.

The award was one of only two presented in the nation this year to officers who use McGruff as part of their message. The award recognizes two winners each year—one at the national/state level and one at the local/regional level—who have made extraordinary contributions and personal commitments to work with the media to secure donated advertising for public service announcements as well as promoting McGruff and crime prevention education. Douglas won for the national/state level.

''I personally see this as an Erlanger award and I wanted to share it with you,'' Douglas said to City Council Tuesday night after showing a short video presentation about the award. Obviously touched by the video, which showed Douglas working with students over the years, Douglas held the glass award high for everyone to see. The video also highlighted Douglas' other achievements, such as his having McGruff's image painted on the side of a new police cruiser and pushing for the McGruff message ''take a bite out of crime'' to be placed on billboards.

Douglas worked for the Erlanger Police Department for 25 years, the last nine as the primary DARE instructor. Douglas retired in 1998 and became executive director of the Kentucky Crime Prevention Coalition, which also used McGruff-related material. He was awarded the title of Kentucky DARE Officer of the Year in 1997.

''You never cease to amaze me,'' Mayor Marc Otto told Douglas. ''Keep up the good work.''

Douglas will continue his work both as the executive director of the Crime Prevention Coalition and as a new member of the steering committee of the National Crime Prevention Council. Douglas was asked to join that committee last week.●

CELEBRATING THE ARRIVAL OF THE ''BAT'KIVSHCHYNA''

● Mr. DODD. Mr. President, I rise to speak of a special event taking place in my home State on Saturday. After much hard work and preparation, the people of the City of Norwich and the State of Connecticut will proudly welcome the Ukrainian schooner, *Bat'Kivshchyna*, and her dedicated crew to their winter port at The Marina at American Wharf in Norwich Harbor.

It is a great honor for the State of Connecticut to host the *Bat'Kivshchyna* and her crew. This past summer, the *Bat'Kivshchyna* was a popular participant in Operation Sail 2000, a millennial event that showcased numerous tall ships from around the globe in eight North American ports from San Juan, Puerto Rico, to Portland, Maine. I had the opportunity to view these vessels when they visited New London, Connecticut, between July 12 and July 15. I was deeply impressed with the immense and graceful design of these ships and enjoyed visiting with the crews who hail from across the world.

The *Bat'Kivshchyna* hails from the Ukraine, a country which only ten years ago shed Soviet domination and embraced the principles of democracy. Led by her captain and owner, Dmytro Birioukovych, the *Bat'Kivshchyna* is on an ambitious multi-year mission called ''Discover Ukraine.'' The goal of this mission is to arouse local awareness and interest in Ukrainian culture and in the Ukrainian economy. Thus, the *Bat'Kivshchyna*, which is Ukrainian for ''Fatherland,'' has become an important ambassador for her nation as she makes ports-of-call in Europe, the Americas, Asia, and Oceania.

Much of the *Bat'Kivshchyna's* success is owed to Captain Birioukovych. Having purchased the *Bat'Kivshchyna* in 1988, he transformed an aging fishing vessel into a world-class tall ship. Encouraged by Ukrainian independence from the former Soviet Union in 1991, Captain Birioukovych co-founded ''Discover Ukraine'' with his Canadian son-in-law, Roy Kellogg, and decided to use his vessel to promote his nation's history and culture. When asked about his global expedition, Captain Birioukovych proudly calls himself, his crew and his ship ''folk ambassadors of good will.''

The *Bat'Kivshchyna* had a difficult journey from her home port in Kiev, Ukraine, to the Americas for the commencement of Operation Sail 2000. Regional political tensions, rough seas, and numerous technical difficulties threatened the *Bat'Kivshchyna's* mission in several instances throughout the late spring and early summer. However, the dedicated crew persevered and overcame each hurdle to arrive for their first OpSail2000 event in Miami, Florida.

In July, Captain Birioukovych put forth an appeal for a North American port in which to dock the *Bat'Kivshchyna* during the winter. With plans to attend the 2001 Great Lakes Sailing Expedition, it was economically unfeasible for the *Bat'Kivshchyna* to sail back to Kiev only to return to the United States in the following spring. With numerous offers from ports across the Northeast, I am proud to say that Captain Birioukovych chose the great city of Norwich as his ''winter refuge.''

Connecticut's honor of hosting the *Bat'Kivshchyna* in Norwich could not have been possible without the tireless effort of those in the Constitution State dedicated to providing a winter home for the vessel. I would like to thank especially Mr. Michael Lamperelli of the Connecticut Friends of the Ukraine Expedition, Mr. Ron D. Aliano of The Marina at American Wharf in Norwich, and City Council President Mr. Richard Abele of Norwich. I would also like to thank all of those who are helping to prepare for Saturday's arrival of the *Bat'Kivshchyna* in Norwich Harbor: the Norwich Fire Department, the Norwich Police Department, the American Ambulance Service, Inc., the United States Coast Guard Academy, the Integrated Charter School of Norwich, and the Norwich Adult Education Center.

I know that Saturday's event will be a great day for the people of the City of Norwich and the State of Connecticut. The *Bat'Kivshchyna's* visit to the city will provide for a rich cultural exchange between the Ukraine and the State of Connecticut. I am proud that we, as a State, could provide a winter refuge for the *Bat'Kivshchyna* as she continues her global expedition, and I wish her crew success in future voyages.●

NINETY YEARS OF GIVING

● Mr. L. CHAFEE. Mr. President, next month a remarkable woman, who is a constituent of mine, will celebrate her ninetieth birthday; although, if you ask her, she will tell you that she still feels like a sixteen year-old.

Alice B. Dwyer—known to family and close friends as ''Lally'' and to literally thousands of Rhode Islanders, who learned in her classroom, as ''Miss Dwyer''—was born on November 12, 1910. She was the second of four children of Matthew S. Dwyer and Alice Barry Dwyer of Providence. Her older sister, Matt, suffered from crippling polio at a time long before public accommodations for people with disabilities. Nevertheless, they set off together for Manhattanville College in New York City.

Alice Dwyer shies way from any words of recognition for her part in enabling her older sister, who had an insatiable lust for learning, to attend college. Alice simply was doing what has always come most naturally to her, giving to others.

After college, Alice went on to receive a Masters Degree in English Literature from Brown University, my own alma mater. With degrees in hand she began a lifetime of service to children in the Providence Public School

system. The majority of her years teaching were spent at Classical High School where she taught sophomore English.

Today's public opinion polls tell us that education is the number one issue on the minds of Americans. We hear and talk a lot about holding students to high academic standards. But Alice Dwyer never needed pollsters and politicians to tell her about the importance of high standards. The students who read Shakespeare in her classroom knew that she expected each of them to do his or her best.

In addition to her love of teaching, Alice always has been an avid admirer of acting. She was among the Rhode Islanders to answer the casting call for ''The Great Gatsby,'' starring Robert Redford and Mia Farrow. At sunset each evening for weeks, she would cross the bridge to Newport, where she would don a glittering 1920s flapper gown and join the guests at Hollywood's most recent rendition of Jay Gatsby's famed summer parties.

After retiring from the Providence Public School system, Alice took on various volunteer activities. She read to children and worked in the library of the Fox Point Elementary School in Providence, and she was a regular in the phone bank on New London Avenue in Cranston, making calls to turn out the vote for my father's 1982 Senate campaign. She worked relentlessly on the two unsuccessful campaigns of Fred Lippitt to be mayor of Providence.

In 1994 when my father ran for his fourth Senate term, difficulty walking kept Alice away from campaign headquarters. However, as a woman who cannot do enough for others, she found a way to help. Campaign workers would drop off box loads of envelopes and lists of names and addresses with her. When one box was done, it would be picked up and another delivered in its place.

Combining her love of reading with her natural tendency to help others, Alice spent a great deal of time taping textbooks for blind and visually impaired students.

Whether it's the young person working at the Newport Creamery on Wayland Square where Alice is known for liking her coffee piping hot, or the students (now middle-aged men and women) who recall the lessons they learned from her at Classical High School, or her own family members, all agree that Alice Dwyer has filled their lives with her own giving spirit.

Alice Dwyer will celebrate her ninetieth year with her sister, Rita Scotti, with her eleven nieces and nephews and their families, and with dozens of friends and neighbors. It is my great privilege to wish this woman, who has warmed so many hearts with her unfailing kindness and generosity, a very Happy Birthday.●

TRIBUTE TO VIRGINIA SHEHEE

● Mr. BREAUX. Mr. President, on the evening of Friday, November 3, the people of Shreveport will gather to pay tribute to one of the most exceptional people the State of Louisiana has ever produced, Virginia Shehee. The tribute to Virginia is organized by the Biomedical Research Foundation of northwest Louisiana, whose establishment is but one of the remarkable achievements in the life of this remarkable woman.

It is my pleasure and honor to tell my colleagues in the United States Senate about my friend Virginia Shehee. She is a superb model for everything she has done: wife, mother, businesswoman, political leader, community activist and economic visionary. My former colleague, Senator Bennett Johnston, once said, ''In a state that is blessed with an abundance of natural resources, Virginia Shehee may be Louisiana's single greatest natural resource.'' I certainly know that is a view shared by many of those who know Virginia best and who have benefited from her lifetime of dedication to improve lives in Shreveport and northwest Louisiana.

Nothing better exemplifies her accomplishments than the creation of the Biomedical Research Foundation, and the construction of the Biomedical Research Institute that today stands proudly adjacent to the LSU Medical Center in Shreveport. It is an understatement to say that none of this would have been possible without the foresight, determination and hard work of Virginia, and other community leaders nearly 20 years ago.

Like so many advances in today's new economy, Shreveport's move into the world of biomedicine and biotechnology emerged from the difficulties caused by the decline of the old economy. In northwest Louisiana, where the steadily declining price in oil in the early 1980's caused community leaders to conclude that efforts had to be undertaken quickly to produce other economic sustenance for the area, they of course turned to Virginia Shehee.

In a matter of a few short years, Virginia had formed the Biomedical Research Foundation and gathered several million dollars in local support. She leveraged local dollars into a much larger state support and then converted that into significant support by the Congress and the Department of Energy. As a result, a 10-story, $40 million, state-of-the-art wet-lab research facility was built that today houses world-class researchers and serves as a growing economic engine, producing knowledge-based jobs for northwest Louisiana.

Beyond the work taking place in its own facilities, Biomed can point with great pride to the growing number of companies it has attracted to Shreveport's own technology park, InterTech, with technologies ranging from manufacturing and diagnostics to telemedicine and orthopedic devices. We in the Louisiana delegation often point to the success of Biomed as a textbook model of partnerships between Washington and local communities looking to build a better future for their citizens.

It is true, Mr. President, that Biomed has become a success because it has merit on its side. But all of us who have played some small part in this effort know that a big reason for the success is Virginia Shehee is someone who long ago learned not to take no for an answer. Her efforts have led to a mighty legacy in science and economic development in Shreveport. It is fitting the facility is now the ''Virginia K. Shehee Biomedical Research Institute,'' and it is fitting the community is gathering next month to say thanks. It is my pleasure to join so many in saying how blessed Louisiana is to have Virginia Shehee's generous service and how fortunate I am to have her friendship.●

IN RECOGNITION OF THE RETIREMENT OF MR. DONALD W. JENSEN

● Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. Donald W. Jensen, who is retiring on January 1, 2001, after 13 years of service as a member of the Oakland County Board of Commissioners. Since 1987, Commissioner Jensen has represented the citizens of District 15 to the best of his ability, which has been in an exemplary manner.

Commissioner Jensen graduated from the University of Detroit with a degree in Business Administration. He spent much of his work career with Burroughs Corporation, where he served as Director of Advertising and Public Relations. His primary responsibility was the design and production of promotional and technical literature, though he was also responsible for media advertising, the public relations department, and the operation of their international literature distribution facility. While at Burroughs, Mr. Jensen was a Board Member and President of the National Trade Show Exhibitors Association.

Public service has always played an essential role in Commissioner Jensen's life. Prior to being elected to his current position, he served for nine years as a member of the Birmingham, Michigan, City Commission and then later as Mayor of Birmingham. He was a Founder and Board Member of the Foundation for Birmingham Senior Residents, an organization which enables seniors to remain in their homes. He has also served on the Board of numerous other organizations, including the American Cancer Society and the Center for Independent Living.

As a County Commissioner representing the Cities of Berkley and Birmingham and a portion of the City of Royal Oak, Mr. Jensen has served as Chairman of the General Government Committee from 1993–94, as Vice Chairman of the Finance Committee, and has been a member of the Oakland Livingston Human Service Agency, the Southeast Michigan Council of Governments, the Oakland County Board of Commissioners' Public Services Committee, and the Health and Human Services Committee. He has also been a Trustee of the County Library Board for 12 years, and served on the Taxation and Finance Committee of the National Association of Counties.

I would like to thank Commissioner Jensen for his dedication and many efforts throughout his career in public service. His leadership during this time has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate Mr. Donald W. Jensen on a wonderful and successful career, and wish him the best of luck in retirement.●

A TRIBUTE TO JIM HURD

● Mr. WYDEN. Mr. President, I wish to take a moment to pay tribute to Jim Hurd, the founding CEO of Planar Systems, who passed away this summer after a year-long battle with leukemia. Jim was a pioneering technical and business leader in the U.S. flat panel industry, and led Planar Systems of Beaverton, Oregon to become one of the largest flat panel display companies in the U.S. and Europe. Jim was actively involved at the national level in helping to shape federal policy on flat panel displays, and worked on the national flat panel initiative and in the formation of consortia to address critical issues for the flat panel display industry.

Mr. Hurd was a leader in Oregon's business community, serving as the Chair of the Oregon Council of the American Electronics Association. During his term in 1992, he helped develop the Oregon technical benchmark annual survey and conference. He was also active in supporting technical education efforts in Oregon, and was a member of the Board of Trustees of the Oregon Graduate Institute. For services to the industry and community, the American Electronics Association awarded Jim Oregon's technology executive of the year award in 1993.

A native of the Pacific Northeast, Jim was born in 1948 in Spokane, and grew up in Kennewick, Washington. He received his bachelors's degree in physics from Lewis & Clark College in Portland in 1970, where he met his wife Alice. Jim joined Tektronics Corporation soon after graduation. In 1983, Jim left Tektronics to co-found Planar Systems with Chris King and John Laney. Today, Planer employs over 850 people in the United States. Jim also lent his wisdom to help other start-up companies achieve success by serving on the Board of the Oregon Resource and Technology Development Fund, a state-sponsored venture capital fund.

Jim had a rare ability to balance his successful professional life with an active private life that included mountain climbing, running, bicycling, tennis, scuba diving and a love for auto racing. He was a wonderful husband to Alice and a terrific father to his sons, Owen and Peter.

Mr. Hurd will be missed by all of us who knew him.●

IN RECOGNITION OF THE RETIREMENT OF MR. GEORGE W. KUHN

● Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. George W. Kuhn, who is retiring this year after a 60-year career during which he split time between the United States Navy, the Ford Motor Company, and being a public servant. Whatever the forum, he has been a leader and an inspiration to those around him.

Mr. Kuhn graduated from Central Michigan University, majoring in business administration, economics, and political science. In 1943, he entered the Naval Service and served aboard the Tender U.S.S. *Pelias* as a Finance Officer. He returned to active duty during the Korean War and served at U.S. Naval Stations in New York and in the Panama Canal Zone. Ultimately, he retired as a Navy Captain after completing 39 years of service, both on active duty and in the Naval Reserves.

Following the Korean War, Mr. Kuhn completed Ford Motor Company's Management Training Program. He served on the staff of the Vice President of Product Development for 20 years, coordinating the development phases of styling, engineering, purchasing and manufacturing of future car programs.

Mr. Kuhn's passion has always been in public service, though. He has been a leader within the Oakland County Republican Party for nearly 50 years, since his involvement in Eisenhower's first presidential campaign. In 1959, he was elected Mayor of the City of Berkley, Michigan. He served as Mayor until being elected to serve as a State Senator in 1966. During his four year tenure in the Michigan State Senate, he served as Chairman of the Corporations and Banking Committee, Chairman of the Senate Municipalities and Election Committee, and as Senate Majority Whip in 1970. In November of 1972, he was elected Oakland County Drain Commissioner, and he has served admirably in this position for the past 28 years, making him the longest active member of the Oakland County Parks and Recreation Commission.

Mr. Kuhn has often been recognized for his efforts. He has received the Ford Outstanding Citizen of the Year Award, the Distinguished Alumni Award at the 75th Anniversary of Central Michigan University, he has been honored by the Michigan Associated Underground Contractors, Inc., in appreciation of his contributions to the underground construction industry, and is a recent recipient of the Oakland County's annual Quality People, Quality County (Q2) Award which recognizes outstanding service to the community.

I applaud Mr. Kuhn on his extraordinary service to Oakland County, the State of Michigan, and our Nation. His leadership in all phases of his 60 year career has been exceptional and will be dearly missed. On behalf of the entire United States Senate, I congratulate and thank Mr. George W. Kuhn on a wonderful and successful career, and wish him the best of luck in retirement.●

TECKLENBURG NAMED PRESIDENT OF BELL ASSOCIATION

● Mr. HOLLINGS. Mr. President, I rise today to recognize an outstanding South Carolina native, Michael Tecklenburg, who has been named president of the Alexander Graham Bell Association for the Deaf and Hard of Hearing. I have had the privilege of knowing Michael and his family in Charleston for many years and I can't think of an individual more deserving of this honor.

As a young child, Michael was initially diagnosed as being mentally disabled, but his parents recognized their son's abilities and did not give up until doctors discovered his true condition—deafness. Michael went on to excel in his studies at St. Joseph Institute for the Deaf in St. Louis and later at the University of South Carolina Honors College. In 1989, he became the first deaf graduate of Columbia Law School.

Since 1999, Michael has been the Washington, D.C. director of the South Carolina Governor's Office. Prior to joining the Governor's staff, Michael practiced law with the Washington firm of Verner, Liipfert, Bernhard, McPherson and Hand. He has also served as litigation counsel of the U.S. Department of Justice's anti-trust division and as assistant counsel in the Presidential Personnel Office.

At 37, Michael is the youngest person to serve as the Bell Association's president, a small fact that attests to his very large talent. I have no doubt that he will guide the Association to many successes during his two-year tenure. He is a credit to South Carolina and to the Nation.●

IN RECOGNITION OF THE RETIREMENT OF THE HONORABLE GUS CIFELLI

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Honorable Gus Cifelli, who will retire later this year

from a career which has included a Purple Heart, a world championship, and nearly 30 years of exemplary service as a District Court Judge in the State of Michigan. Throughout each phase of this career, he has been a leader and an inspiration to those around him.

During World War II, Judge Cifelli served in the United States Marine Corps in the Pacific theater of operations, and was awarded the Purple Heart for bravery. Upon returning home, he attended school at the University of Notre Dame, where he played tackle for four undefeated football teams. Following graduation, he played professional football, and was a member of the 1952 World Champion Detroit Lions, the Green Bay Packers, the Philadelphia Eagles and the Pittsburgh Steelers.

Following his professional football career, Judge Cifelli worked as a casualty insurance agent and investigator and a labor relations representative for the Ford Motor Company. In 1972, the citizens of the State of Michigan's 48th District elected him to serve as their District Court Judge.

During his time on the bench, Mr. Cifelli has been credited with initiating and implementing the Court's small claims mediation procedures, staffed by volunteer attorneys. He has also created the Volunteer in Probation Program, which involves citizens as probation officers, and been responsible for the establishment of many procedures and standards for the Court's operation. To say the least, he has indelibly left his mark upon the 48th Circuit Court.

Judge Cifelli is a member of the American and Michigan Bar Associations, the American Judges' Association, the Justinian Society of Jurists and the American Judicature Society. He is also a member of the Italian American Foundation, the Oakland County Association for Retarded Citizens, and is a former board member of Families in Transition and the Jewish Association for Residential Care.

Judge Cifelli has often been recognized for his efforts. In 1994, he was named Italian American Man of the Year. In 1997, he was the recipient of the Eleanor Roosevelt Humanitarian Award from the State of Israel Bonds. And in 1998, he received the Law Enforcement Award.

I would like to thank Judge Cifelli for a lifetime of extraordinary achievement. Wherever he has gone, he has stood as a role model within the community, and his leadership will be dearly missed. On behalf of the entire United States Senate, I congratulate the Honorable Gus Cifelli on a wonderful and successful career, and wish him the best of luck in retirement.●

IN RECOGNITION OF BEN JOHNSON

● Mr. LEVIN. Mr. President, it gives me great pleasure to acknowledge a distinguished public servant and tireless advocate for our nation's cities, Ben Johnson. The people in my hometown of Detroit, Michigan, realize that ours is a nation of cities. Later this month, many individuals will gather there to celebrate the career of this man who devoted his life to ensuring that all Americans are able to share in our nation's wealth and prosperity.

Ben Johnson has dedicated his professional life to expanding opportunity for all Americans. For over two decades, he has tirelessly worked to assist communities, particularly minority communities, in their efforts to fully participate in the pursuit of the American dream.

Since 1993, Mr. Johnson has honorably served in the Clinton Administration. During his tenure in this Administration, he worked in the Office of Public Liaison, and served as both a Special and a Deputy Assistant to the President. Currently, Ben Johnson serves as the Assistant to the President and Director of The White House Office on the President's One America Initiative. The One America Initiative office he oversees is the first free-standing White House office established to close opportunity gaps that exist for minorities and the underserved in this nation. In all of these capacities, he has shown a steadfast commitment to ensure economic opportunities for all people.

Serving in the Clinton Administration was not Mr. Johnson's first job at 1600 Pennsylvania Avenue. During the Carter Administration he was Director of Consumer Programs and Special Assistant to Esther Peterson, the Special Assistant to the President for Consumer Affairs. In the years between his service at the White House, Mr. Johnson served in a variety of capacities within the District of Columbia's city government, and worked to ensure that the residents of our nation's capital lived in an efficient, safe and clean city.

Ben Johnson can take pride in his long career of service and dedication to assisting minorities and the underserved in our nation. He has been a vocal advocate for the people of Detroit and all the United States. I know my colleagues will join me in saluting Ben Johnson, and in wishing him well in the years ahead.●

GLENN W. LEVEY MIDDLE SCHOOL NAMED 1999–2000 BLUE RIBBON SCHOOL

● Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Glenn W. Levey Middle School in Southfield, Michigan, one of these nine schools.

Glenn W. Levey Middle School takes pride in its tradition of addressing the learning needs of the whole child at a crucial stage in his or her development. The staff is firmly commited to educating all students through a challenging curriculum, a strong academic program, and a collaborative professional development program. This program takes into account the multiple needs of a middle-school population, needs which Levey has long worked to meet.

Levey was one of the first schools in the district to implement interdisciplinary teaming, block scheduling, and to align its curriculum with state and national standards. It is one of a select group of schools in the United States to successfully implement an IMAST (Integrated Mathematics, Science and Technology) Program. As a result of its success in these areas, Levey was one of the first schools in its district to acquire North Central Accreditation, NCA, receiving the highest scores in every NCA category.

The staff and students of Levey Middle School are proud of its history as a leading middle school, and the fact that it has been a catalyst for change inside the district and beyond. The staff and the community continue to set higher standards and hold greater expectations. With supportive parents, hardworking students, and a skilled and dedicated staff, I am confident that Levey Middle School will continue to set the precedent for years to come.

I applaud the students, parents, faculty and administration of Glenn W. Levey Middle School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Dr. Linda Paramore-Ford, the Principal of Glenn W. Levey Middle School, whose dedication to making her school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Glenn W. Levey Middle School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.●

LAKE ORION HIGH SCHOOL NAMED 1999–2000 BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize Lake Orion High School in Lake Orion, Michigan, one of these nine schools.

In fall of 1992, Lake Orion High School set about to create school improvement that was purposeful to the lives of teachers and students. Their goals included a desire to maintain high academic standards, engage the learner, relieve stress, facilitate networking, expand curricular opportunities, curb attendance problems, and raise the responsibility of the student for his or her own learning. Ultimately, the mission was to reach the students of today and help them become the leaders of tomorrow.

All this required an enormous amount of time and extensive research. First, a staff committee devised a minimum restructuring of their normal six period days by allotting three hours on Wednesday morning for professional development, a program which was implemented in the fall of 1994. In February of 1994, the Vision of Hope staff committee was formed to investigate the restructuring of the school day. Extensive research, visitations, debate and discussion followed and, in the fall of 1996, a 4 by 4 block schedule was adopted. The block system has resulted in better teacher cooperation, greater flexibility in scheduling, increased student choices and a more meaningful and relevant curriculum for Lake Orion High School students.

Lake Orion High School moved into a new building in the fall of 1997, a state of the art facility which has become an ideal setting for the many innovative changes that have become a part of the curriculum. More importantly, the new building stands as the perfect representation of the overall growth that has occurred at Lake Orion High since the fall of 1992, growth which is a tribute to the shared goals and shared vision that administration and faculty together committed themselves to eight years ago.

I applaud the students, parents, faculty and administration of Lake Orion High School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Dr. John S. Kastran, the Principal of Lake Orion High School, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Lake Orion High School on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future. •

L'ANSE CREUSE MIDDLE SCHOOL—NORTH NAMED 1999–2000 BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999–2000 are located in the State of Michigan, and I rise today to recognize L'Anse Creuse Middle School-North in Macomb, Michigan, one of these nine schools.

The mission of L'Anse Creuse Middle School—North, MSN, is for each student, with the support of staff, parents and the community, to ''attain measurable growth intellectually, physically, and socially in a safe, positive environment.'' Being recognized as a Blue Ribbon School is a tribute to the success that MSN has achieved in this regard.

Increased staffing, thoughtful scheduling and a dedicated staff have been the primary keys to this success. They have also been the keys to MSN completely ''teaming'' its students, the only school in its district to have done so. Teachers also work as parts of instructional teams—most academic teachers have been teammates for at least three years. This fact illustrates one of the greatest strengths of the school, which is the high level of cooperation that exists between members of the faculty, cooperation which in turn facilitates student learning.

The administration and faculty at MSN quickly realized the advantages that technology offered to their new learning program and made a strong commitment to improving the ability of their students to access computers. Indeed, this commitment to technology has revolutionized the teaching process and the management of the school. Two computer laboratories are now available to staff and students. Students can also sign out laptop computers for overnight use to help them with their homework. In addition, telephones have been placed in each classroom, which allow teachers to better communicate with parents and school offices, as well as with one another.

The administration and faculty of MSN recognize that a truly successful middle school is one that takes elementary school students and prepares them to succeed in the adult world of high school. Their philosophy is represented in this statement from the book The Middle School—and Beyond: ''High quality middle schools result from the creative balance between elementary and secondary perspectives, between specialization and generalization, between curriculum and community, between equity and excellence, between teaching the mind and touching the heart.'' This is the core belief of all MSN faculty and administration, and the programs they have adopted, which have been so successful, reflect their commitment to this belief.

I applaud the students, parents, faculty and administration of MSN, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Mr. Erick Alsup, the Principal of MSN, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate L'Anse Creuse Middle School—North on being named a Blue Ribbon School for 1999–2000, and wish the school continued success in the future.•

RETIREMENT OF THE HONORABLE ROMAN S. GRIBBS

• Mr. ABRAHAM. Mr. President, I rise today to recognize the Honorable Roman S. Gribbs, who will retire this year after a long and successful career of service to the State of Michigan. As Sheriff of Wayne County, Mayor of Detroit, and, for the last 18 years, a judge on the State of Michigan Court of Appeals, Judge Gribbs has been a statewide leader for over 30 years, and he has led with a strong and fair hand.

Judge Gribbs was born on December 29, 1925. After graduating from Capac High School in the Michigan Thumb area, he enlisted in the United States Army, from which he received an honorable discharge in 1948, having attained the rank of Sergeant. In 1952, he graduated Magna Cum Laude from the University of Detroit with a degree in Economics and Accounting, and in 1954 he graduated from the University of Detroit Law School with a Juris Doctor degree.

Following graduation, Judge Gribbs remained at the University of Detroit

Law School for two years as an instructor. He then spent two years as Assistant Wayne County Prosecutor before moving into private practice with the firm of Shaheen, Gribbs and Shaheen. In 1966, he was named Presiding Traffic Court Referee for the City of Detroit, and in June of 1968 he was appointed Sheriff of Wayne County.

In November of 1970, Judge Gribbs was elected Mayor of the City of Detroit. In his four years as Mayor, he became known not only as a solid leader, but a solid man, who was willing to work with individuals from both sides of the aisle to get things done. He played a large role in helping the city put the unruliness of the late 1960's behind it, and once again begin to move in a forward direction. During this time, he also served as President of the National League of Cities, a fact which illustrates that his leadership capabilities were well recognized by his colleagues.

Following his term as Mayor, Judge Gribbs briefly returned to private practice before being appointed to serve as a Judge for the Third Judicial Court in 1976. In 1982, he was elected to the State of Michigan Court of Appeals, and he has served in this position ever since. Judge Gribbs brings to the bench a keen understanding of the law. More importantly, he carries with him an approach to its application that is deeply rooted in common sense. He makes many difficult decisions each year, and he makes these decisions with his first and foremost priority being to find a just solution to the problem at hand. It is for this reason that he has become a well respected Jurist.

Judge Gribbs is a member of numerous organizations, which will allow him to remain an active member of society following his retirement. These include the Michigan Judicial Institute, the Detroit Institute of Arts, the Michigan Judges' Association, and the Friends of the Archbishop of Detroit. He has also been very active in the Boy Scouts of America, the American Judicature Society, the Family Conciliation Court, the Michigan Commission on Law Enforcement and Criminal Justice, the Michigan Youth Commission, the World Trade Club of Detroit and the Slavic American National Foundation. In addition, he is presently on the Board of Directors of the Thomas M. Cooley Law School, the Public Administration Foundation and the Northville Township Community Foundation.

Mr. President, Judge Gribbs' contributions to the City of Detroit and the State of Michigan are truly immeasurable. I would like to thank him for his dedication and his many efforts throughout his career. His leadership during this time has been exceptional, and it will be dearly missed by the State of Michigan. On behalf of the entire United States Senate, I congratulate the Honorable Roman S. Gribbs on a wonderful and successful career, and wish him the best of luck in retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed 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. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution; in which it requests the concurrence of the Senate:

H.J. Res. 111. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution; without amendment:

S. Con. Res. 133. Concurrent resolution to correct the enrollment of S. 1809.

The message further announced that the House has passed the following bills, without amendment:

S. 1809. An act to improve service systems for individuals with development disabilities, and for other purposes.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that House has agreed 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. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 12, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

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–11110. A communication from the National Service Officer, American Gold Star

Mothers, Inc., transmitting, pursuant to law, a report relative to the CPA audit; to the Committee on the Judiciary.

EC–11111. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice for Hearings'' (R–1083) received on October 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11112. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Disposition of HUD Acquired Single Family Property; Officer Next Door Sales Program'' (RIN2502–AH37) (FR–4277–F–03) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11113. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Single Family Mortgage Insurance: Electronic Underwriting: Final Rule'' (RIN2502–AH) (FR–4311–F–02) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11114. A communication from the Director of the Office of Thrift Supervision, transmitting, pursuant to law, the consumer report for calendar year 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–11115. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to License Exception CTP'' (RIN0694–AC14) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11116. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions and Clarifications to the Commerce Control List (ECCNS 1C350, 1C351, 1C991, 2B350, and 2B351); Chemical and Biological Weapons Controls; Australia Group'' (RIN0694–AC13) received on October 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11117. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–11118. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation entitled ''Supplemental Subsistence Benefit for Certain Members of the Armed Forces''; to the Committee on Armed Services.

EC–11119. A communication from the Acting Under Secretary of the Navy, transmitting, pursuant to law, a report relative to the contract for Navy Marine Corps Intranet (NMCI) services; to the Committee on Armed Services.

EC–11120. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement; to the Committee on Armed Services.

EC–11121. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 1999 through 2004; to the Committee on Armed Services.

EC–11122. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to the National Security Education Program for calendar year 1999; to the Committee on Armed Services.

EC–11123. A communication from the Assistant General Counsel for Regulatory Law, Office of Field Integration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Deactivation Implementation Guide'' (DOE G 430.1–3) received on October 10, 2000; to the Committee on Energy and Natural Resources.

EC–11124. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Native Hawaiian Revolving Loan Fund (NHRLF) for fiscal years 1998 through 1999; to the Committee on Indian Affairs.

EC–11125. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Information System for the Community Services Block Grant (CSBG) Program for fiscal year 1997; to the Committee on Health, Education, Labor, and Pensions.

EC–11126. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled ''Listing of Color Additives for Coloring Sutures; D&C Violet No. 2; Confirmation of Effective Date'' (Docket No. 99C–1455) received on October 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11127. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims and Labeling Statements; Dietary Fiber and Cancer; Antioxidant Vitamins and Cancer; Omega-3 Fatty Acids and Coronary Heart Disease; Folate and Neural Tube Defects; Revocation'' (RIN0910–AA19) received on October 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11128. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled ''Regulations on Statements Made for Dietary Supplements Concerning the Effect of the Product on the Structure or Function of the Body; Partial Stay or Compliance'' (RIN0910–0044) received on October 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11129. A communication from the Under Secretary for Domestic Finance , Department of the Treasury, transmitting, a draft of proposed legislation entitled ''Amendments to Statutes Referencing Yield on 52-Week Treasury Bills''; to the Committee on Finance.

EC–11130. A communication from the Commissioner of Social Security, transmitting, a draft of proposed legislation entitled ''Social Security Amendments of 2000''; to the Committee on Finance.

EC–11131. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled ''Black Lung Disability Trust Fund Debt Restructuring Act''; to the Committee on Finance.

EC–11132. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2000–42 Checklist for Section 1503(d) Closing Agreement Requests'' (RP–117821–99) received on October 10, 2000; to the Committee on Finance.

EC–11133. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Ex Parte Communications Prohibition'' (Rev. Proc. . 2000–43, 2000–43 I.R.B.) received on October 10, 2000; to the Committee on Finance.

EC–11134. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling'' (RR–112269–00) received on October 10, 2000; to the Committee on Finance.

EC–11135. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–44; Transactions Between Partner and Partnership'' (RP–112228–00) received on October 10, 2000; to the Committee on Finance.

EC–11136. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure 2000–43'' (RP–112269–00) received on October 10, 2000; to the Committee on Finance.

EC–11137. A communication from the Director of Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to Establish a Nonessential Experimental Population of Black-Footed Ferrets in North-Central South Dakota'' (RIN1018–AG26) received on October 10, 2000; to the Committee on Environment and Public Works.

EC–11138. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Utah: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6885–5) received on October 12, 2000; to the Committee on Environment and Public Works.

EC–11139. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes, Dent Township'' (FRL #6885–6) received on October 12, 2000 ; to the Committee on Environment and Public Works.

EC–11140. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arkansas; Regulation 19 and 26'' (FRL #6885–1) received on October 12, 2000 ; to the Committee on Environment and Public Works.

EC–11141. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Colorado butterfly plant (Gaura neomexicana ssp. coloradensis) from southeastern Wyoming, northcentral Colorado, and extreme western Nebraska'' (RIN1018–

AE87) received on October 12, 2000; to the Committee on Environment and Public Works.

EC–11142. A communication from the Assistant Secretary, Division of Endangered Species, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Final determination of critical habitat for the Alameda whipsnake (Masticophis lateralis euryxanthus)'' (RIN1018–AF98) received on October 12, 2000; to the Committee on Environment and Public Works.

EC–11143. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey'' received on October 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11144. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; 2000 Specifications; Inseason Adjustments of Loligo Squid annual specifications'' received on October 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11145. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting'' received on October 11, 2000; to the Committee on Commerce , Science, and Transportation.

EC–11146. A communication from the Director of the Office of Regulations Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reservists Education: Monthly Verification of Enrollment and Other Reports'' (RIN2900–AI68) received on October 11, 2000; to the Committee on Veterans' Affairs.

EC–11147. A communication from the Office of the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–11148. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on October 11, 2000; to the Committee on Governmental Affairs.

EC–11149. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Azoxystrobin; Pesticide Tolerances for Emergency Exemptions'' (FRL #6742–9) received on October 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11150. A communication from Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR Part 1724, Electric Engineering, Architectural Services and Design Policies and Procedure'' (RIN0572–AB54) received on October 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11151. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Hong Kong; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–628. A resolution adopted by the National Conference of Lieutenant Governors relative to a national dialogue on long term car financing reform; to the Committee on Finance.

POM–629. A concurrent resolution adopted by Legislature of the Assembly of the State of Ohio relative to the funding of the employment security system; to the Committee on Appropriations.

H. CON. RES. NO. 60

Whereas, Employers pay a federal tax under the Federal Unemployment Tax Act (FUTA), 53 Stat. 183 (1939), 26 U.S.C.A. 3301, as a payroll tax that produces revenue dedicated solely to use in the federal-state employment security system; and

Whereas, These employers' payroll taxes pay for administering the employment security system, providing veterans' reemployment assistance, and producing labor market information to assist in matching workers' skills with the employment needs of employers; and

Whereas, Congressional appropriations do not return dollar-for-dollar funds to states, despite adequate availability of funds from dedicated employer taxes, and only thirty-nine cents of every dollar of FUTA taxes paid by Ohio employers is returned to Ohio for dedicated employment security purposes; and

Whereas, Congressional appropriations do not provide adequate, predictable resources and have not kept pace with the fixed costs of operating the employment security system, administering the employment security system, providing veterans' reemployment assistance, and producing labor market information; and

Whereas, The Ohio General Assembly has been forced to provide state general revenue funding to maintain quality service and make technological enhancements because of the unavailability of FUTA tax revenue dedicated for this purpose; now therefore be it

Resolved, That the General Assembly of the State of Ohio urges the Congress of the United States to propose and pass legislation to return adequate funding to states to fund the employment security system, ensuring a fair return to employers for the FUTA taxes they pay; and be it further

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the members of the Ohio Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, and to the news media of Ohio.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled ''Further Revised Allocation To Subcommittees Of Budget Totals for Fiscal Year 2001'' (Rept. No. 106–499).

By Mr. CAMPBELL, from the Committee on Appropriations:

Report to accompany S. 2900, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–500).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 3031: A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes (Rept. No. 106–501).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 3030: A bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes (Rept. No. 106–502).

By Mr. ROBB, from the Committee on Finance:

Report to accompany H.R. 4868, a bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes (Rept. No. 106–503).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 3190. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. TORRICELLI:

S. 3191. A bill to create a Federal drug court program, and for other purposes; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 3192. A bill to provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 3193. A bill to amend section 527 of the Internal Revenue Code of 1986 to exempt State and local political committees from required notification of section 527 status; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 3194. A bill to designate the facility of the United States Postal Service located at 431 George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office''; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 3195. A bill to establish the United States Open Society Commission; to the

Committee on Environment and Public Works.

By Mr. AKAKA (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. BAYH, Mr. REID, and Mr. INOUYE):

S. 3196. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3197. A bill to amend the Child Nutrition Act of 1966 to increase the minimum amount available to States for State administrative expenses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 3198. A bill to provide a pool credit under Federal milk marketing orders for handlers of certified organic milk used for Class I purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMPSON:

S. 3199. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities; to the Committee on Finance.

By Mr. KERREY (for himself, Mr. SANTORUM, Mr. MOYNIHAN, Mr. GRASSLEY, and Mr. BREAUX):

S. 3200. A bill to amend the Social Security Act to provide each American child with a KidSave Account, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. COCHRAN, and Mr. MOYNIHAN):

S. 3201. A bill to rename the National Museum of American Art; considered and passed.

By Mr. BIDEN:

S. 3202. A bill to amend title 18, United States Code, with respect to biological weapons; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3203. A bill to make certain corrections in copyright law; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3204. A bill to make certain corrections in copyright law; to the Committee on the Judiciary.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3205. A bill to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests; 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. DASCHLE (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. LEVIN, Mr. CONRAD, and Mr. REID):

S. Res. 371. A resolution expressing the sense of the Senate that a commemorative postage stamp should be issued to honor sculptor Korczak Ziolkowski; to the Committee on Governmental Affairs.

By Mr. LOTT (for Mr. GRAMS (for himself and Mr. BROWNBACK)):

S. Res. 372. A resolution expressing the sense of the Senate with respect to United Nations General Assembly Resolution 1322; to the Committee on Foreign Relations.

By Mr. LUGAR (for himself, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. MOYNIHAN, Mr. ROBB, Mr. COCHRAN, Mr. KERREY, and Mr. MILLER):

S. Res. 373. A resolution recognizing the 225th birthday of the United States Navy; to the Committee on Armed Services.

By Mrs. MURRAY (for herself and Mr. WARNER):

S. Res. 374. A resolution designating October 17, 2000, as a ''Day of National Concern About Young People and Gun Violence''; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. DODD, Mr. HELMS, Mr. DEWINE, and Mr. GRAHAM):

S. Res. 375. A resolution supporting the efforts of Bolivia's democratically elected government; to the Committee on Foreign Relations.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. Res. 376. A resolution expressing the sense of the Senate that the men and women who fought the Jasper Fire in the Black Hills of South Dakota should be commended for their heroic efforts; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. TORRICELLI):

S. Con. Res. 150. A concurrent resolution relating to the reestablishment of representative government in Afghanistan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. AKAKA (for himself and Mr. LEVIN):

S. 3190. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protection, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Governmental Affairs.

WHISTLEBLOWER PROTECTION ACT

Mr. AKAKA. Mr. President, as the ranking member of the Federal Services Subcommittee, I am pleased to introduce legislation to amend the Whistleblower Protection Act, WPA, one of the cornerstone of our nation's good government laws. Enacted in 1989, the WPA is intended to protect federal employees from workplace retaliation when disclosing waste, fraud, or abuse. The law was passed unanimously in 1989, and strengthened through amendments in 1994, again with unanimous support of both houses of Congress. I am joined today by Senator LEVIN, who was a primary sponsor of the landmark 1989 Act and the 1994 amendments.

A key goal of the Whistleblower Protection Act was to close the loopholes that had developed under prior law. Back in 1978, Congress passed the Civil Service Reform Act, which included statutory whistleblower rights that elevated certain disclosures to absolute protection due to their public policy significance. The 1978 Act protected ''a'' disclosure evidencing a reasonable belief of specified misconduct, with certain listed statutory exceptions—classified or other information whose release was specifically barred by other statutes. Despite statutory language, the Federal Court of Appeals, the Merit Systems Protection Board, and the Office of Special Counsel—all created in 1978 to investigate and adjudicate the WPA—appeared to interpret the law as discretionary rather than absolute.

This removed the law's foundation. Congress, in 1978, had intended to create absolute categories of protection to end the inherent chilling effect in constitutional balancing tests that required employees to guess whether they were covered by the First Amendment. Congress sought to eliminate the confusion by resolving the balance in favor of free speech rights for serious misconduct listed in the statute. Unfortunately, the Federal Circuit and administrative agencies did not respect this mandate and created loopholes based on factors irrelevant to the public, such as whether an employee had selfless motives or was the first to expose particular misconduct.

As a result, a cornerstone of the Whistleblower Protection Act was to close these loopholes that arose under prior law by amending protection of ''a'' disclosure to ''any'' disclosure which meets the law's standards. The purpose was to clearly prohibit any new exceptions to the law's coverage. Only Congress has that authority. Again, however, in both formal and informal interpretations of the Act, loopholes continued to proliferate.

Congress responded to this reluctance to abide by congressional intent through the passage of the 1994 amendments. The Governmental Affairs Committee report on the amendments rebutted prior interpretations by the Federal Circuit, the Merit Systems Protection Board, and the Office of Special Counsel that there were exceptions to ''any.'' The Committee report concluded, ''The plain language of the Whistleblower Protection Act extends to retaliation for 'any disclosure,' regardless of the setting of the disclosure, the form of the disclosure, or the person to whom the disclosure is made.''

I am pleased to note that since the enactment of the 1994 amendments, both the Office of the Special Counsel and the Merit Systems Protection Board generally have honored congressional boundaries. However, the Federal Circuit continues to disregard clear statutory language that the Act covers disclosures made to supervisors, to possible wrongdoers (Horton v. Dept. of Navy 66 F.3d 279, 1995), or as part of their job duties. (Willis v. Dept. of Agriculture, 141 F.3d 1139, 1998).

In order to protect the statute's cornerstone that ''any″ lawful disclosure

evidencing significant abuse is covered by the Whistleblower Protection Act, our bill would codify the repeated and unconditional statements of congressional intent and legislative history. It would amend sections 2302(b)(8)(A) and 2302(b)(8)(B) of title 5, U.S.C. to protect any disclosure of information. This would be without restriction to time, place, form, motive or context, made to any audience unless specifically excluded in section 2302(b)(8) by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, which the employee or applicant reasonably believes evidences any violation of any law, rule, or regulation, or other misconduct specified in section 2302(b)(8). These include gross waste, gross mismanagement, abuse of authority, or a substantial and specific danger to public health or safety. Consistent with current law, if the disclosure evidences a prohibited personnel practice against the employee making the disclosure, his or her remedy will continue to be available through section 2302(b)(9), rather than section 2302(b)(8).

The exceptions resulting from the Federal Circuit's rulings defeat the underlying good government goals of the Whistleblower Protection Act by removing protection where it counts the most: for federal employees, who acting as public servants, are carrying out their responsibilities to the public as employees of their agencies. By stripping protection from in-house disclosures, the Federal Circuit imposed loopholes that chill employees from working within their agencies to address potential waste, mismanagement, or abuse issues. If employees seek to solve problems within the chain of command, they could forfeit their rights to whistleblower protection from subsequent retaliation under the Court's rulings in Horton and Willis. To maintain protection against reprisal, federal employees must now bypass normal organizational activities responsible for implementing the law. Moreover, the loophole created by Willis removes protection when employees are performing their job duties. Because of the Court's rulings, the intent of the Act to create an environment where federal employees can safely serve the public on the job has been compromised.

Secondly, the legislation would institutionalize a principle currently expressed by a ban on spending on enforcement of any nondisclosure agreement that does not contain language specifically protecting an employee's rights under various open government statutes. This includes the Whistleblower Protection Act, the Military Whistleblower Protection Act, and the Lloyd Lafollette Act, which prohibits discrimination against government employees who communicate with Congress. This prohibition has been passed on an annual basis since 1988 as part of the yearly appropriations process. Our bill would make it a prohibited personnel practice to take a personnel action implementing or enforcing nondisclosure rules without specific notice of the listed statutes and their supremacy in the event of a conflict.

The appropriations provision, known as the ''anti-gag statute,'' has proved effective against attempts by agencies to override the Whistleblower Protection Act through prior restraint. The law originally passed as a spending control against abuses of national security secrecy, in which as a procedural prerequisite for security clearances, employees had to waive their constitutional and statutory free speech rights. Since its passage, however, it has been useful against gag orders in broad areas of specific and generic public concerns, including gag orders imposed as a precondition for employment and resolution of disputes, as well as general agency policies barring employees from communicating directly with Congress or the public. Prior restraint not only has a severe chilling effect, but strikes at the heart of this body's ability to perform its oversight duties by negating the repeatedly reaffirmed unequivocal congressional policy that whistleblowers have the right to make protected disclosures anonymously as a way to prevent retaliation.

Disclosing classified information is prohibited by law except to specific audiences listed in section 2302 and would not be a protected disclosure under this legislation. Nor would this legislation require the Merit System Protection Board to review security clearance determinations. The Supreme Court clearly spoke on this issue in Dept. of the Navy v. Egan, 484 U.S. 518 (1988), which found that denial of a security clearance is not . . . an ''adverse action.'' The Court upheld the Board's jurisdiction over due process procedures underlying a clearance decision. Egan stands as a bright line test, and if an employee requests review of the substantive judgments underlying a security clearance, OSC examiners, administrative judges, and members of the MSPB would be justified in denying jurisdiction. However, the Board could have jurisdiction if an employee complained that he or she suffered a prohibited personnel practice, because he or she was forced to sign an illegal nondisclosure agreement or its terms were enforced, regardless of context.

Congress repeatedly has reaffirmed its intent that employees should not be forced to sign agreements that supercede an employee's rights under good government statutes. Moreover, Congress has unanimously supported the concept that federal employees should not be subject to prior restraint from disclosing wrongdoing nor suffer retaliation for speaking out.

Lastly, the bill provides the Special Counsel with authority to appear and represent the interests of the Office of Special Counsel in civil actions brought in connection with the exercise of its authority to protect the merit system against prohibited personnel practices under section 2302(b)(8) and violations of the Hatch Act. It also gives the Special Counsel the right to seek review of decisions by the Merit Systems Protection Board before the Federal Circuit where the Special Counsel determines that the Board issued an erroneous decision in a whistleblower retaliation case or in a case arising under the Hatch Act, or that the Board's decision will have a substantial impact on the enforcement of those laws.

Under the bill, in Board cases in which the Special Counsel was not a party, the Special Counsel must first petition the Board for reconsideration of its decision before seeking review. The Court of Appeals shall grant petitions for review by the Special Counsel at its discretion.

This additional authority would enable the Office of Special Counsel to fulfill its statutory missions more effectively to protect federal whistleblowers against retaliation and to enforce the Hatch Act. While OSC, under current law, has a central role as public prosecutor in cases before the Merit Systems Protection Board, it in no way authorizes OSC to seek judicial review of an MSPB decision that the Special Counsel considers erroneous. Our legislation recognizes that providing the Special Counsel the authority to seek such review—in precedential cases—is crucial to ensuring the promotion of the public interests furthered by these statutes.

Moreover, under existing law, the Special Counsel cannot appear to represent himself or herself as a party, or even as an amicus curiae, where another party has invoked the jurisdiction of the Court of Appeals in a whistleblower retaliation or Hatch Act case. As a result, the Special Counsel, who Congress intended would be a vigorous, independent advocate for protection of the merit system, cannot participate at all in the arena in which the law is largely shaped: the Court of Appeals for the Federal Circuit. This bill reflects our conviction that the public interests underlying the whistleblower retaliation laws and the Hatch Act are best served by ensuring that the Special Counsel's views are considered by the Court in important cases.

Mr. President, there is significant history that defines congressional intent with respect to ensuring that federal whistleblowers are protected from retaliatory measures. It is my intention that this bill will begin the needed dialogue to guarantee that any disclosures within the boundaries of the statutory language are protected. As the

ranking member of the Federal Services Subcommittee, I will seek hearings in the next Congress on the Whistleblower Protection Act and the amendments I am proposing today. It is my intention to request a hearing that would be independent of any reauthorization hearing held for the MSPB and the OSC, both of whose authority expires in 2002.

There is strong support for the legislation Senator LEVIN and I are introducing today. I ask unanimous consent, in addition to the text of the bill, that I be allowed to insert into the RECORD immediately following my statement, a petition signed by the heads of 72 organizations urging Congress to restore the Whistleblower Protection Act to its 1994 boundaries. Among the 70-plus groups that support this effort are the AFL-CIO, American Federation of Government Employees, Blacks in Government, National Association of Treasury Agents, National Treasury Employees Union, Common Cause, and the Federation of American Scientists. I also wish to extend my appreciation to the Special Counsel and the Acting Chair of the Merit Systems Protection Board for the technical assistance they provided. Lastly, I would like to commend the Government Accountability Project for its dedication and perseverance over the years. Since 1977, GAP has sought to protect the public interest and promote government accountability by defending whistleblowers.

I urge my colleagues to join me in the effort to ensure that congressional intent embodied in the Whistleblower Protection Act is codified to ensure that the law is not weakened further.

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

S. 3190

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

SECTION 1. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8)(A) of title 5, United States Code, is amended—

(1) by striking ''by an employee or applicant'' and inserting '', without restriction to time, place, form, motive, or context, made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties,''; and

(2) in clause (i) by striking ''a violation'' and inserting ''any violation''.

(b) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x) by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

'' 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ''.

(c) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.''.

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

''(e) The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board's decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

WHISTLEBLOWER PROTECTION ACT PETITION—SIGNERS AS OF OCTOBER 3, 2000

Whereas: The undersigned organizations believe that freedom of speech is the foundation of democracy, and agree with Congress' repeated judgment that it is sound public policy to prohibit reprisals against whistleblowers who challenge Executive branch misconduct through disclosures of illegality, mismanagement, abuse of authority, gross waste and substantial and specific danger to public health or safety; and

Whereas: The Whistleblower Protection Act (WPA) is the nation's premier good government statute to protect federal workers who risk retaliation by disclosing betrayals of the public trust; and

Whereas: There is an overwhelming legislative mandate for this law, which Congress passed unanimously in 1989 and unanimously strengthened in 1994; and

Whereas: The law needs to be further strengthened, rather than weakened. Government surveys have confirmed that some half million employees annually witness serious government misconduct but choose to do nothing; and

Whereas: The Federal Circuit Court of Appeals, which has a monopoly of judicial review for the Act, has functionally overturned the law since congressional approval of 1994 amendments strengthening it; and

Whereas: The Court has created a series of loopholes in the WPA removing the Act's coverage in the most common scenarios where it is needed:

when employees blow the whistle to coworkers, superiors or others in the chain of command, or to suspected wrongdoers;

when employees' disclosures challenge policies that are illegal or otherwise improper, or

when employees make disclosures in the course of doing their jobs.

These loopholes flatly contradict explicit 1989 statutory language, which protects disclosures in ''any'' context, and 1994 legislative history warning the Federal Circuit that ''any'' means ''any,'' without restrictions and defining it to ban exceptions for ''time, place, motive or context;'' and

Whereas: In 1999 the Court made it practically impossible or anyone to be recognized as deserving whistleblower protection regardless of circumstances. Under the Act passed by Congress, whistleblowers qualify for protection if they make disclosures that they ''reasonably believe evidences'' wrongdoing. However, without an explanation of the basis for overturning some twenty years of prior precedent, the Court ruled that an employee does not qualify for protection without ''irrefragable proof'' of the alleged wrongdoing. Webster's Dictionary defines ''irrefragable'' as ''incontrovertible, undeniable, incapable of being overthrown;'' and

Whereas: The practical impact of the decision is that if there are two sides to a story about alleged misconduct, it is not possible for a federal employee to be protected as a whistleblower. In light of this decision, no organization can responsibly advise whistleblowers that they have a realistic chance of defending themselves; and

Whereas: In the same 1999 decision, the Court ordered that every employee who exercise Whistleblower Protection Act rights must be investigated to determine whether the employee had a conflict of interest for raising the issue in the first place. As a result, the Act actually subjects whistleblowers to intimidation and harassment rather than protecting them from it. This violates Congress' 1994 ban on retaliatory investigations for engaging in protected activity such as exercising appeal rights; and

Whereas: There has never been any expression of legislative support either for the

loopholes created by the Court or its requirement that whistleblowers prove their charges ''irrefragably.'' The court' extremist activism overturned the repeatedly stated unanimous intent. Restoring the congressional mandate does not require opening any new debates on previously resolved issues; and

Whereas: A cornerstone of any free speech law is prohibiting prior restraint, threats and pre-emptive strikes that silence employees through mandatory nondisclosure agreements and gag orders. For over 12 years Congress has passed an annual spending ban on enforcing such gag orders. The time has come to eliminate the uncertainty of annual renewal for this free speech cornerstone.

Therefore: We, the undersigned organizations, petition Congress to restore the Whistleblower Protection Act to its 1994 boundaries, prevent recurrence of judicial activism that neutralizes the value of this good government law and permanently pass the prohibition on gag orders. This can occur by codifying current appropriations language and prior WPA legislative history to cancel judicial decisions that unraveled the law, and by restoring normal judicial review in any U.S. Circuit Court of Appeals—the normal course under the Administrative Procedures Act and the structure approved by Congress when the Civil Service Reform Act of 1978 was passed.

James K. Wyerman, Executive Director, 20/20 Vision.

Laurence E. Gold, Associate General Counsel, AFL–CIO.

Joseph LeBeau, Director, Alaska Center for the Environment, Palmer, AK.

Ross Coen, Executive Director Alaska Forum on Environmental Responsibility, Fairbanks, AK.

Charles Hamel, on behalf of AlaskaGroupSix.org (the anonymous Trans-Alaska pipeline whistleblowers).

Cindy Shogun, Executive Director, Alaska Wilderness League.

Carol Bernstein, Ph.D., American Association of University Professors, Arizona Conference, Tucson, AZ.

Bobby Harnage, President, American Federation of Government Employees (AFGE).

Charles M. Loveless, Director of Legislation, American Federation of State, County & Municipal Employees (AFSCME).

Mary Ellen McNish, General Secretary, American Friends Service Committee, Philadelphia, PA.

Steve Holmer, Campaign Coordinator, American Lands Alliance.

D.W. Bennett, Executive Director, American Littoral Society, Broad Channel, NY.

J. Terrence Brunner, Executive Director, Better Government Association, Chicago, IL.

Gerald Reed, National President, Blacks In Government.

Michael Cavallo, President, Cavallo Foundation, Cambridge, MA.

Ron Daniels, Executive Director, Center for Constitutional Rights, New York, NY.

Joseph Mendelson, III, Legal Director, Center for Food Safety.

David Hunter, Executive Director, Center for International Environmental Law.

Robert E. White, President & William Goodfellow, Executive Director, Center for International Policy.

Craig Williams Director, Chemical Weapons Working Group and Common Ground, Berea, KY.

Gwen Lachelt, Executive Director, Citizens Oil and Gas Support Center, Durango, CO.

Phil Doe, Citizens Progressive Alliance, Denver, CO.

Anne Hemenway, Treasurer, Citizen's Vote, Inc.

Lynn Thorp, National Programs Coordinator, Clean Water Action.

Scott Harshbarger, President, Common Cause.

Joan Kiley, Executive Director, Community Recovery Services, Berkley, CA.

Joni Arends, Waste Programs Director, Concerned Citizens for Nuclear Safety, Santa Fe, NM.

Travis Plunkett, Legislative Director, Consumer Federation of America.

James Love, Director, Consumer Project on Technology.

Marc Rotenberg, Executive Director, Electronic Privacy Information Center.

Richard J. Baldes, Senior Biologist, Environmental Legacy, Washakie, WY.

John Richard, Executive Director, Essential Information.

Steve Aftergood, Project Director, Federation of American Scientists.

John C. Horning, Watershed Protection Program, Forest Guardians, Santa Fe, NM.

Andy Stahl, Executive Director, & Jeff DeBonis, Founder, Forest Service Employees for Environmental Ethics (FSEEE), Eugene, OR.

Courtney Cuff, Legislative Director, Friends of the Earth.

Conrad Martin, Executive Director, Fund for Constitutional Government.

Tom Devine, Legal Director, Government Accountability Project.

Bill Hedden, Utah Conservation Director, Grand Canyon Trust, Moab, UT.

Bill Sheehan, Network Coordinator, Grass-Roots Recycling Network, Athens, GA.

Gary Wolf, Co-Chair, Green Party of Tennessee.

James C. Turner, Executive Director, HALT: An Organization of Americans for Legal Reform.

Rebecca Clarren, Assistant Editor, High Country News, Paonia, Colorado.

Scott Armstrong, Executive Director, Information Trust.

Don Soeken, Ph.D., Director, Integrity International, Laurel, MD.

Peter Hille, Chairman, Kentucky Environmental Foundation, Berea, KY.

Steve D'Esposito, Executive Director, Mineral Policy Center.

Russell Hemenway, President, National Committee for an Effective Congress.

Brett Kay, Health Policy Associate, National Consumers League.

Patricia Ireland, President, National Organization for Women.

Colleen M. Kelley, National President, National Treasury Employees Union.

Stephen M. Kohn, Chairperson, Board of Directors, National Whistleblower Center.

Audrie Krause, Executive Director, NetAction.

Elizabeth Crowe, Director, Non-Stockpile Chemical Weapons, Citizens Coalition, Berea, KY.

Bill Smirnow, Director, Nuclear Free New York, Huntington, NY.

Michael Mariotte, Executive Director, Nuclear Information and Resource Service.

Fred Fellerman, Northwest Director, Ocean Advocates, Seattle, WA.

Gary Bass, Executive Director, OMB Watch.

Ken Rait, Conservation Director, Oregon Natural Resources Council, Portland, OR.

Danielle Brian, Executive Director, Project On Government Oversight.

Frank Clemente, Director, Public Citizen Congress Watch.

Wenonah Hauter, Executive Director, Public Citizen Critical Mass Energy and Environment Program.

Jeff DeBonis, Founder & Dan Meyer, General Counsel, Public Employees for Environmental Responsibility.

Lucy Dalglish, Executive Director, Reporters Committee for Freedom of the Press.

Tim Little, Executive Director, Rose Foundation for Communities and the Environment, Oakland, CA.

Scott Denman, Executive Director, Safe Energy Communication Council.

James W. Moorman, President, Taxpayers Against Fraud.

Jude Filler, Executive Director, Texas Alliance for Human Needs, Austin, TX.

Ann Hoffman, Legislative Director, Union of Needletrades, Industrial and Textile Employees (UNITE).

Marcia Hanscom, Executive Director, Wetlands Action Network, Malibu, CA.

Dan Heilig, Executive Director, Wyoming Outdoor Council, Lander, WY.

By Mr. TORRICELLI:

S. 3191. A bill to create a Federal drug court program, and for other purposes; to the Committee on the Judiciary.

FEDERAL DRUG COURTS FOUNDATION ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to introduce the ''Federal Drug Courts Foundation Act of 2000.'' This legislation will usher in an new era in the struggle against drug-related crime by establishing a system of federal drug courts. These courts will help bring an end to the cycle of repeated and escalating crimes committed by small-time drug offenders. As General Barry McCaffrey has said: ''The establishment of drug courts . . . constitutes one of the most monumental changes in social justice in this country since World War II.''

Mr. President, I have long fought against the scourge of drug-related crime that has plagued this nation. The legislation I introduce today will continue that fight by creating a three-year pilot program establishing federal drug courts in ten cities selected by the Department of Justice.

Drug courts are a response to the fact that more than fifty percent of state parole violators were under the influence of drugs, alcohol, or both when they committed their new offense. They represent a creative new way to address this disturbing fact and are aimed at cleaning up first-time, small-time offenders through comprehensive supervision, drug testing and treatment.

Drug court programs have been successfully implemented at the state level. Since 1989, more than 100,000 drug offenders have participated in drug court programs at the state level and there are now more than 400 drug courts in existence. These drug courts have proven to be both effective and cost-efficient. A study in one New York drug court showed that only 11% of offenders were rearrested as compared to 27% in the general prison population. And while the incarceration of a drug offender costs between $20,000 and $50,000 annually, a drug court costs less than $2,500 per offender.

Drugs continue to be one of the greatest threats to our children and to the well-being of our communities. For this reason, we must continue to fight against the scourge of illegal drugs ravaging our communities. To that end, I am introducing the ''Federal Drug Courts Foundations Act of 2000,'' legislation designed to sensibly combat the epidemic of drug-related crime. I hope that this much-needed legislation will enjoy your support and I look forward to working with each and every one of you in order to get this legislation enacted into law.

I ask unanimous consent the text of the legislation be included in the RECORD.

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

S. 3191

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 ''Drug Court Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DRUG COURTS.—The term ''drug courts'' means a Federal district court of general jurisdiction in a high drug crime district, as defined by the Department of Justice, that will—

(A) expedite the criminal justice process for eligible offenders until such time as they are declared ineligible or selected for inclusion in a drug court program; and

(B) maintain jurisdiction over the offenders' cases before, during, and after participation in the program.

(2) DRUG COURT PROGRAM.—The term ''drug court program'' means a program for substance abuse treatment and rehabilitation for eligible offenders that—

(A) requires a successful plea agreement immediately following conviction or in lieu of incarceration; and

(B) is operated by a drug court in a State criminal justice system that has agreed to accept, for a fee per offender, all offenders selected for inclusion in such a program by a Federal drug court.

(3) ELIGIBLE OFFENDER.—The term ''eligible offender'' means a person who meets the requirements established in section 4 of this Act.

(4) OFFICE.—The term ''Office'' means the Office of Justice Programs of the Department of Justice.

SEC. 3. AUTHORIZATION OF DRUG COURTS.

(a) ESTABLISHMENT OF DRUG COURTS.—10 Federal district courts in the United States, as selected by the Office, are authorized to establish drug courts under this Act.

(b) DRUG COURT RESPONSIBILITIES.—Each Federal drug court shall enter into an agreement with a State drug court program that will allow all eligible offenders to participate in the drug court program of that State, in exchange for the payment of a fee equal to the amount of the cost of the program for that offender. Each such agreement shall be subject to the approval of the Office.

(c) OVERSIGHT.—Except as specified in this Act, rules governing drug courts will be promulgated separately by each participating Federal district court, with the advice of the Office, and subject to Department of Justice approval.

SEC. 4. ELIGIBLE OFFENDERS.

(a) IN GENERAL.—An ''eligible offender'' means a person who, by virtue of a Federal crime committed and other factors that the drug court may consider, may be considered for inclusion in the drug court program.

(b) PROGRAM PARTICIPANTS.—Drug court program eligibility under this Act shall not be available to any offender who—

(1) is accused of violent criminal offenses;

(2) is not accused of drug, drug-related, or drug-motivated offenses;

(3) has previously been convicted of a Federal or State violent felony offense; or

(4) for any other reason within the discretion of the court, does not meet all requirements of the applicable drug court.

(b) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the criteria in subsection (a), no offender will be considered eligible for participation in a drug court program unless, following a reasonable investigation conducted according to standards set by the court, and one or more hearings before the court, consensus agreement is achieved among the prosecutor, the defense counsel, and the presiding judge, that the offender is a person who—

(1) currently suffers from a drug dependency;

(2) would benefit from the drug court program; and

(3) is appropriate for inclusion in the drug court program.

(c) INELIGIBLE OFFENDER HANDLING.—If at any point before admission into the drug court program, an offender is found ineligible for participation in a drug court program under this Act, the case of that offender shall be processed by the Federal district court under the applicable rules of procedure and sentencing.

(d) REQUIREMENTS FOR DRUG PROGRAM PARTICIPANTS.—Each eligible offender shall understand, sign, and acknowledge understanding of drug court documents, including—

(1) a waiver of the right of the offender to a speedy trial;

(2) a written plea agreement that sets forth the offense charged, the sanction to be imposed in the event of a breach of the agreement, and the penalty to be imposed, if any, in the event of a successful completion of the drug court program, except that incarceration may not be imposed upon successful completion of the program;

(3) a written treatment plan that is subject to modification at any time during the drug court program;

(4) a written performance contract requiring the offender to enter the drug court program as directed by the court and participate until completion, withdrawal, or removal by the court; and

(5) a limited applicability waiver of confidentiality for information relating to the treatment program of the offender, and progress in that program, limited only to agencies and parties participating in the drug court program, and agencies and parties participating in oversight of the case of the offender by the drug court.

SEC. 5. DRUG COURT OPERATIONS.

(a) IDENTIFICATION OF DRUG PROGRAM PARTICIPANTS.—The Office of the United States Attorney office in a Federal drug court, through the Office, shall establish procedures for the identification of eligible offenders not later than 30 days after the date of arrest of the alleged offender.

(b) PARTICIPANT FITNESS EXAMINATION.—A United States Attorney, defense counsel, and a treatment professional affiliated with the drug court program in which the offender would be placed, shall separately conduct investigations regarding the eligibility of an offender for inclusion in the drug court program. Upon a finding by any of the examining parties that the offender is ineligible to participate in the drug court program, the alleged offender shall be subject to prosecution under the applicable rules of procedure and sentencing.

(c) HEARING.—Upon agreement of the prosecutor, defense counsel, and treatment professional that an offender is eligible for the drug court program, the prosecutor, defense counsel, treatment professional, and offender shall appear for a hearing before a drug court judge, who shall receive testimony from each of the examining parties.

(d) JUDICIAL DISCRETION.—Upon a finding by the judge that the offender is eligible for inclusion in the drug court program, the judge shall obtain from the offender all appropriate drug court documents, and the offender shall immediately be removed to the custody of the drug treatment program. Should the offender not agree to any of the conditions of participation in the drug court program, the offender shall be subject to prosecution under the applicable rules of procedure and sentencing.

(e) DRUG COURT RESPONSIBILITIES.—The drug court shall—

(1) assign to the drug court program responsibility over all treatment, supervision, education, job skills training, and other ancillary services incidental to the program;

(2) hold regular hearings, attended by the judge, prosecutor, defense counsel, and treatment professional to assess the progress of the offender within the drug court program; and

(3) assess any and all disciplinary sanctions, penalties, and fines resulting from a violation by the offender of the drug court program plea agreement.

(f) DISCIPLINARY SANCTIONS.—The drug court shall establish methods for measuring application of disciplinary sanctions, which may include—

(1) short term confinement;

(2) reintroducing the offender into the drug court program after a disciplinary action for a minor violation of the treatment plan; and

(3) removal from the drug court program and reinstatement of the criminal case.

(g) DRUG COURT RECORDS.—All drug courts shall maintain records regarding rates of recidivism, relapses, restarts, sanctions imposed, and incentives given. All such data shall be collected and reported annually by the Office.

(h) ADMINISTRATIVE FEES.—For each offender admitted to the drug court program, the drug court shall pay to the drug court program an amount agreed upon at the outset of the relationship between the drug court and drug court program. This amount shall represent payment for the cost of treatment, supervision, rehabilitation, education, job skills training, and other ancillary services that the program of the offender shall require.

SEC. 6. DRUG COURT PROGRAM PARTICIPANT SUPPORT.

(a) IN GENERAL.—Each drug court program shall provide all participating offenders with a personalized program, including elements of treatment, supervision, rehabilitation, education, and job skills training, and other ancillary services that the program of the offender shall require.

(b) PARTICIPANT DEVELOPMENT.—Each drug court program shall ensure, at a minimum—

(1) strong linkage between all agencies participating in the drug court program, and

the drug court judge, prosecutor, and defense counsel responsible for oversight of the case;

(2) access for all participating agencies to information on the progress of the offender within the program, notwithstanding normally confidential treatment and counseling information;

(3) vigilant supervision and monitoring procedures;

(4) random substance abuse testing not less frequently than weekly;

(5) provisions for noncompliance, modification of the treatment plan, and revocation proceedings;

(6) availability of residential treatment facilities and outpatient services; and

(7) methods for measuring performance-based effectiveness of the services of individual treatment providers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Subject to an appropriations Act, there is authorized to be appropriated for each of fiscal years 2000 through 2004, the following amounts:

(1) $15,000,000, to the Office, to carry out a pilot program to establish a Federal drug court in each of 10 cities in the United States that are statistically considered high drug crime areas.

(2) $5,000,000 to the Department of Justice, for additional prosecutorial resources, including personnel, dedicated to drug enforcement in each of the 10 cities in which a Federal drug court is established under this Act.

By Mr. TORRICELLI:

S. 3192. A bill to provide grants to law enforcement agencies to purchase firearms needed to perform law enforcement duties; to the Committee on the Judiciary.

POLICE GUN BUYBACK ASSISTANCE ACT

Mr. TORRECELLI. Mr. President, I rise today to introduce a bill that will reduce the number of firearms on the street and help guns out of the hands of criminals. In the wake of the tragic shootings this year in Michigan and Pennsylvania, we are reminded of what happens when the wrong people have access to guns. These tragic shootings become even more troubling when they involve a former police gun or firearms previously involved in a crime.

It is vital that law enforcement agencies have the very best equipment available to ensure their safety and to protect America's communities, but purchasing new weapons can be expensive, particularly for cash-strapped municipalities. To deal with this problem, for almost two decades law enforcement agencies have been reselling their old guns to dealers or auctioning them off to the public to offset the cost of purchasing new guns. However, this practice has led to an unintended result—increased risk that these guns would end up back on the streets and in the hands of criminals.

In the past nine years, firearms once used by law enforcement agencies have been involved in more than 3,000 crimes, including 293 homicides, 301 assaults and 279 drug-related crimes throughout the United States. Just last year, Bufford Furrow, a white supremacist, used a Glock pistol that was decommissioned and sold by a police agency in the State of Washington to terrorize and shoot children at a Jewish community center in Los Angeles and then kill a postal worker. Members of the Latin Kings, a violent Chicago street gang, used guns formerly owned by the Miami-Dade Police Department in Florida to commit violent crimes in Illinois. And a 1996 investigation by the New York State inspector general found that weapons used by New York law enforcement officers had been used in crimes in at least two other states.

In is time that we help our law enforcement agencies do what they have long tried to do—get out of the business of selling guns. Under the bill I introduce today, law enforcement agencies will no longer be forced to resell their old guns or guns seized from criminals to help them obtain the new weapons that are necessary to carry out their duties. Instead, this bill would provide grants to state or local law enforcement agencys to assist them in purchasing new firearms so that they will no longer be forced to sell their decommissioned firearms to anyone. In order to receive these grants, the law enforcement agencies must simply agree to either destroy their decommissioned guns or not sell them to the public.

A growing number of states and cities have already decided to ban the practice of pouring old police guns into the consumer market. They recognize that the extra money gained from selling old police guns is not worth the price of possible human suffering or loss of life. It is simply bad policy for governments to be suppliers of guns and potentially add to the problem of gun violence in America. Regardless of where one stands on gun control, logic, and common sense and decency demand that we also recognize this simple truth and unite behind moving this bill to passage.

I ask unanimous consent that a copy of the legislation appear in the RECORD.

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

S. 3192

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 ''Police Gun Buyback Assistance Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Buford Furrow, a white supremacist, used a Glock pistol decommissioned and sold by a law enforcement agency in the State of Washington, to shoot children at a Jewish community center in Los Angeles and kill a postal worker.

(2) Twelve firearms were recently stolen during shipment from the Miami-Dade Police Department to Chicago, Illinois. Four of these firearms have been traced to crimes in Chicago, Illinois, including a shooting near a playground.

(3) In the past 9 years, decommissioned firearms once used by law enforcement agencies have been involved in more than 3,000 crimes, including 293 homicides, 301 assaults, and 279 drug-related crimes.

(4) Many State and local law enforcement departments also engage in the practice of reselling firearms involved in the commission of a crime and confiscated. Often these firearms are assault weapons that were in circulation prior to the restrictions imposed by the Violent Crime Control and Law Enforcement Act of 1994.

(5) Law enforcement departments in the States of New York and Georgia, the City of Chicago, and other localities have adopted the practice of destroying decommissioned firearms.

(b) PURPOSE.—The purpose of this Act is to reduce the number of firearms on the streets by assisting State and local law enforcement agencies to eliminate the practice of transferring decommissioned firearms to any person.

SEC. 3. PROGRAM AUTHORIZED.

(a) GRANTS.—The Attorney General may make grants to States or units of local government—

(1) to assist States and units of local government in purchasing new firearms without transferring decommissioned firearms to any person; and

(2) to destroy decommissioned firearms.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), to be eligible to receive a grant under this Act, a State or unit of local government shall certify that it has in effect a law or official policy that—

(A) eliminates the practice of transferring any decommissioned firearm to any person; and

(B) provides for the destruction of a decommissioned firearm.

(2) EXCEPTION.—A State or unit of local government may transfer a decommissioned firearm to another law enforcement agency.

(c) USE OF FUNDS.—A State or unit of local government that receives a grant under this Act shall use such grant only to purchase new firearms.

SEC. 4. APPLICATIONS.

(a) STATE APPLICATIONS.—To request a grant under this Act, the chief executive of a State shall submit an application, signed by the Attorney General of the State requesting the grant, to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) LOCAL APPLICATIONS.—To request a grant under this Act, the chief executive of a unit of local government shall submit an application, signed by the chief law enforcement officer in the unit of local government requesting the grant, to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

SEC. 5. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to implement this Act, which shall specify the information that must be included and the requirements that the States and units of local government must meet in submitting applications for grants under this Act.

SEC. 6. REPORTING.

A State or unit of local government shall report to the Attorney General not later than 2 years after funds are received under this Act, regarding the implementation of

this Act. Such report shall include budget assurances that any future purchase of a firearm by the law enforcement agency will be possible without transferring a decommissioned firearm.

SEC. 7. DEFINITION.

For purposes of this Act—

(1) the term ''firearm'' has the same meaning given such term in section 921(a)(3) of title 18, United States Code;

(2) the term ''decommissioned firearm'' means a firearm—

(A) no longer in service or use by a law enforcement agency; or

(B) involved in the commission of a crime and confiscated and no longer needed for evidentiary purposes; and

(3) the term ''person'' has the same meaning given such term in section 1 of title 1 of the United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $10,000,000 for each of the fiscal years 2001 through 2005.

By Mr. MURKOWSKI:

S. 3193. A bill to amend section 527 of the Internal Revenue Code of 1986 to exempt State and local political committees from required notification of section 527 status; to the Committee on Finance.

FINANCE DISCLOSURE LEGISLATION

Mr. MURKOWSKI. Mr. President, in our desire to close the so-called 527 loophole involving campaign financing earlier this year, I believe we may have gone too far in the disclosure requirements.

In the bill ultimately creating P.L. 106–230, we essentially adopted the House language without any amendments. When it became law on July 1, 2000, one of the provisions required candidates for state and local offices to file Form 8871 by July 31, 2000.

The goal of the new law is to find out who is contributing to 527 political organizations that have proliferated in recent years. The organizations. including the Sierra Club's 527, were taking in large size donations and yet not have and to reveal who the donors were.

Under the new law, contributions in excess of $200 by a single person must be disclosed. Expenditures by a 527 organization in excess of $500 also would have to be disclosed. However, these financial disclosures—the heart and soul of the bill—do not apply to candidates for state and local elections. Clearly, the rules for state and local elections are to be regulated by the states, not the federal government.

Yet, under the new law, candidates for state and local offices must file Form 8871 with the IRS. This form essentially notifies IRS that state or local officeholder has established a 527 organization. It must also list the name and address of the organization, the purpose of the organization; the names and addresses of its officers and highly compensated persons and identify a contact person and custodian of records and its Board of Directors (if any).

Since we have exempted state and local candidates from having to file financial disclosure statements, I see no reason why they should be burdened with filing Form 8857. This requirement serves no purpose except to create needless paperwork for both the candidates and the IRS.

That is why I am introducing legislation to exempt state and local candidates from this burden just as the current law exempts 527 Organizations that do not expect that they will raise $25,000 do not have to file this information.

My bill is retroactive so that some candidates for local office who were caught unaware of the filing requirement do not face any penalties.

It is my hope that after this election, when campaign finance reform will be debated in a less political environment, that this common sense technical amendment will be included in reform legislation.

By Mr. AKAKA (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. BAYH, Mr. REID, and Mr. INOUYE):

S. 3196. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources

GEORGE E. BROWN, JR. HYRODGEN FUTURE ACT

Mr. AKAKA. Mr. President, I rise today with Senator MURKOWSKI and Senator BINGAMAN, Chairman and Ranking Member of Senate Committee on Energy and Natural Resources, my colleague on the Committee, Senator BAYH, my friend from Nevada, Senator REID, and my senior colleague from Hawaii, Senator INOUYE, to introduce legislation that will accelerate the ongoing efforts for the development of a fuel for the future—hydrogen. Hydrogen is an efficient and environmentally friendly energy carrier that can be obtained using conventional or renewable resources. There is strong evidence that hydrogen can be a solution for America's long-term energy needs.

All indications suggest that America's summer of discontent is going to continue and become the winter of discontent with respect to energy prices. Americans have paid record-breaking prices at the pump this summer. They will continue to suffer escalating prices this winter too. Higher energy prices hit most those Americans who can afford it the least.

Our Nation is heavily dependent on fossil fuels. We rely on imports to meet our needs. Our dependence on imported oil has been increasing for years. Oil imports have been rising for the past two decades. The combination of lower domestic production and increased demand has led to imports making up a larger share of total oil consumed in the United States. In 1992, crude oil imports accounted for approximately 45 percent of our domestic demand. Last year crude oil imports amounted for 58 percent. The Energy Information Administration's Short-Term Outlook forecasts that oil imports will exceed 60 percent of total demand this year. EIA's long-term forecasts have oil imports constituting 66 percent of U.S. supply by 2010, and more than 71 percent by 2000.

Continued reliance on such large quantities of imported oil will frustrate our efforts to develop a national energy policy and set the stage for energy emergencies in the future.

Mr. President, the way to improve our energy outlook is to adopt energy conservation, encourage energy efficiency, and support renewable energy programs. Above all, we must develop energy resources that diversify our energy mix and strengthen our energy security.

Now is the time to increase our efforts to develop new sources of energy. Growing evidence points to hydrogen as a fuel to resolve our energy problems and satisfy a wide variety of the world's energy needs.

Hydrogen as a fuel is not a new concept. For more than two decades there has been global interest in hydrogen as a renewable fuel. Progress is being made at an accelerating pace. Fuel cells for distributed stationary power are being commercialized and installed in various locations in the United States and worldwide. Transit bus demonstrations are underway in both the United States and Europe. Major automobile companies are poised to deploy fuel cell passengers cars within the next few years. All these activities involve government and private sector cooperation.

But many problems and challenges remain. Hydrogen production costs from both fossil and renewable energy sources remain high. Attractive low-cost storage technologies are not available. There is an inadequate infrastructure.

We need to address these challenges and barriers if we are to enjoy the fruits of an efficient and environmentally friendly energy source. This Senator believes that an aggressive research and development program can help us overcome many of these challenges such as bringing down the production costs from fossil and renewable sources, by advancing storage technologies, and addressing safety concerns with efforts in establishing codes and standards.

Our Nation needs an active and focused research, development, and demonstration program to make the breakthroughs necessary to make hydrogen a viable source of energy.

My predecessor, Senator Spark Matsunaga was one of the first to focus attention on hydrogen by sponsoring hydrogen research legislation. The Matsunaga Hydrogen Act, as this legislation has come to be known, was designed to accelerate development of domestic capability to produce an economically renewable energy source in sufficient quantities to reduce the Nation's dependence on conventional fuels. As a result of Senator Matsunaga's vision, the Department of Energy has been conducting research that will advance technologies for cost-effective production, storage, and utilization of hydrogen. The Hydrogen Future Act of 1996 expanded the research, and development, and demonstration program under the Matsunaga Act. It authorized activities leading to production, storage, transformation, and use of hydrogen for industrial, residential, transportation, and utility applications.

My good friend and former colleague in the House, Representative George E. Brown, Jr., was instrumental in the introduction and passage of the Hydrogen Future Act. Serving as the Chairman and Ranking Member of the House Science Committee, Congressman Brown earned a reputation as a true champion and advocate for science. He was an early supporter of hydrogen as a source of energy. He was the principal sponsor of the companion legislation to Senator Matsunaga's bill in the House. Congressman Brown passed away on July 15, 1999.

Mr. President, the legislation I am introducing today reauthorizes and amends the Hydrogen Future Act of 1996. I propose that Congress dedicate this legislation to George Brown's memory and cite the Act as George E. Brown, Jr. Hydrogen Future Act.

The legislation I am introducing today is consistent with the thinking of experts who have looked at this issue. The President's Committee of Advisors on Science and Technology (PCAST) issued a report titled ''Federal Energy Research and Development for the Challenges of the Twenty-First Century'' in response to a request from President Clinton to review the national energy R&D portfolio and make recommendations on how to ensure that the U.S. has a program that addresses its energy needs for the next century. In its report issued in November 1997, PCAST proposed a substantial increase in Federal spending for applied energy technology R&D, with the largest share going to energy efficiency and renewable energy technologies. This was a major change in focus. With this new R&D emphasis, the PCAST report acknowledges and supports advances in a wide range of both hydrogen-producing and hydrogen-using technologies. The bill I am introducing today supports the recommendations of PCAST.

The Hydrogen Technical Advisory Panel (HTAP) was established pursuant to the Spark Matsunaga Hydrogen Act. The panel's primary functions are to advise the Secretary of Energy on the implementation and conduct of the Department of Energy's Hydrogen Program and to review and make recommendations on the economic, technical, and environmental consequences of deploying hydrogen energy systems. The Hydrogen Future Act gave additional functions to HTAP. The Act requires HTAP to evaluate the effectiveness of the Department's Hydrogen Program and make recommendations for improvements. HTAP is also required to make recommendations for future legislation.

The panel, appointed by the Secretary of Energy, has broad representation from industry, government, and academia. While some members of the panel represent the hydrogen community, others represent fossil energy, industrial gases, transportation, and environment groups—areas affected by the development and deployment of hydrogen energy systems. This mix provides the panel with a balanced perspective that allows diversity of viewpoints. Members serve on a pro-bono basis.

HTAP, in its report to Congress has strongly endorsed reauthorizing the Hydrogen Future Act. Today's bill reflects most of the recommendations of this expert body.

The long-term vision for hydrogen energy is that sometime well into 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources. But fossil fuels will be a significant long-term transitional resource. In the next twenty years, increasing concerns about global climate changes and energy security concerns will help bring about penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both transportation and electricity sectors.

We are a long way from realizing this vision for hydrogen energy. But progress is being made and many challenges and barriers remain. Sustained effort is the only way to overcome these challenges and barriers. We need to support a strategy that focuses on mid-term and long-term goals. We must support development of technologies that enable distributed electric-generation fuel cell systems and hydrogen fuel cell vehicles for transportation applications. For the long-term, we should look to hydrogen technologies that enhance renewable systems and offer society the promise of clean, abundant fuels.

Significant forces are coming together that may accelerate wider acceptance of hydrogen as an energy source. Industry is moving ahead with fuel cell developments at a rapid pace. Many companies are forming partnerships to bring new technologies to the market place. Daimler-Chrysler, Ford, and Ballard have formed a partnership and pledged $1.5 billion for commercialization of automotive fuel cells. Edison Development Company, General Electric, SoCal Gas, and Plug Power have agreement to commercialize residential fuel cells. There are other companies pursuing the same market sector and are developing high performance fuel cell technology for automotive and electrical generation systems.

Initiatives for controls of emissions from automobiles such as California's zero emissions vehicle requirements favor early introduction of hydrogen powered vehicles. There is significant industry interest in bringing fuel cell technology to mining operations.

The Department of Energy administers the Hydrogen Program that supports a broad range of research and development projects in the areas of hydrogen production, storage, and use in a safer and less expensive manner in the near future. Progress in several research and development areas shows promise that some of these new technologies may become available for wider use in the next few years. Some of the promising technologies include advanced natural gas- and biomass-based hydrogen production technologies, high pressure gaseous and cryogas storage systems, reversible PEM fuel cell systems. Others lay the groundwork for long range opportunities.

The Hydrogen Program utilizes the talents of our national laboratories and our universities. National Renewable Energy Laboratory, Sandia, Lawrence Livermore, Los Alamos, and Oak Ridge, as well as Jet Propulsion Laboratory are involved in the program. DOE Field Office at Golden, Colorado, and Nevada Operations Office in Nevada are also involved. University-led centers-of-excellence have been established at Florida Solar Energy Center at University of Miami and University of Hawaii. The U.S. participation in the International Energy Agency contributes to the advancement of DOE hydrogen research through international cooperation.

The DOE Hydrogen Program is well managed and run by dedicated managers and capable and talented technologists. The program has also built strong links with the industry. This has resulted in strong industry participation and cost sharing. HTAP, in its review of the program reached similar conclusions.

The legislation I am introducing today reauthorizes the Hydrogen Future Act and adds provisions for the demonstration of hydrogen technologies at government facilities. It highlights the potential of hydrogen as

an efficient and environmentally friendly source of energy, the need for a strong partnership between the Federal government, industry, and academia, and the importance of continued support for hydrogen research. It fosters collaboration between Federal agencies, state and local governments, universities, and industry. It encourages private sector investment and cost sharing in the development of hydrogen as an energy source.

The legislation authorizes $250 million over the next five years for research and development of technologies for hydrogen production, storage and use. This will allow advancement of technologies such as smaller-scale production systems that are applicable to distributed-generation and vehicle applications, advanced pressure vessels, photobiological and photocatalytic production of hydrogen, and carbon nanotubes, graphite nanofibers, and fullerenes.

It also authorizes $50 million for conducting integrated demonstrations of hydrogen technologies at government facilities. This will help secure industry participation through competitive solicitations for technology development and testing. It may encourage integration of renewable energy resources with hydrogen storage in distributed power scenarios. It will test the viability of hydrogen production, storage, and use. It will lead to development of hydrogen-based operating experience acceptable to meet safety codes and standards.

By supporting the development of hydrogen technologies, we will be ushering in an era of a non-polluting source of energy that will reduce our dependence on foreign oil. The price we will pay for development of this clean and renewable energy is minuscule compared to the benefits. And Mr. President, if we develop hydrogen technologies, we will be less likely to be held hostage by our friends in the Middle East.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 3196

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 ''George E. Brown, Jr. Hydrogen Future Act''.

SEC. 2. PURPOSES.

Section 102(b)(2) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401(b)(2)) is amended by striking ''among the Federal agencies and aerospace, transportation, energy, and other entities'' and inserting '', including education, among the Federal agencies and industry, transportation entities, energy entities, and other entities''.

SEC. 3. REPORT TO CONGRESS.

Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12402) is amended—

(1) in subsection (a), by striking ''1999,'' and inserting ''2003,'';

(2) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) an analysis of hydrogen-related activities throughout the United States Government to identify productive areas for increased intergovernmental collaboration; and''; and

(3) by adding at the end the following:

''(c) REQUIREMENTS.—The report under subsection (a) shall—

''(1) be based on a comprehensive coordination plan for hydrogen energy prepared by the Department with other Federal agencies; and

''(2) to the extent practicable, include State and local activities.''.

SEC. 4. TECHNOLOGY TRANSFER.

Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12405) is amended—

(1) in subsection (b)—

(A) in the first sentence—

(i) in paragraph (1), by striking ''an inventory'' and inserting ''an update of the inventory''; and

(ii) in paragraph (2), by inserting ''other Federal agencies as appropriate,'' before ''and industry''; and

(B) by striking the second and third sentences; and

(2) by adding at the end the following:

''(c) INFORMATION EXCHANGE PROGRAM ACTIVITIES.—The information exchange program under subsection (b)—

''(1) may consist of workshops, publications, conferences, and a database for the use by the public and private sectors; and

''(2) shall foster the exchange of generic, nonproprietary information and technology, developed under this Act, among industry, academia, and the Federal Government, to help the United States economy attain the economic benefits of the information and technology.''.

SEC. 5. TECHNICAL PANEL REVIEW.

Section 108(d) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407(d)) is amended—

(1) in the matter preceding paragraph (1), by striking ''the following items'';

(2) in paragraph (1), by striking ''and'' at the end;

(3) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(3) the plan developed by the interagency task force under section 202(b) of the Hydrogen Future Act of 1996.''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12408) is amended—

(1) in paragraph (8), by striking ''and'';

(2) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(10) $40,000,000 for fiscal year 2002;

''(11) $45,000,000 for fiscal year 2003;

''(12) $50,000,000 for fiscal year 2004;

''(13) $55,000,000 for fiscal year 2005; and

''(14) $60,000,000 for fiscal year 2006.''.

SEC. 7. FUEL CELLS.

(a) INTEGRATION OF FUEL CELLS WITH HYDROGEN PRODUCTION SYSTEMS.—Section 201(a) of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) is amended—

(1) by striking ''(a) Not later than 180 days after the date of enactment of this section, and subject'' and inserting ''(a) IN GENERAL.—Subject''; and

(2) by striking ''with—'' and all that follows and inserting ''into Federal and State facilities for stationary and transportation applications.''.

(b) COOPERATIVE AND COST-SHARING AGREEMENTS; INTEGRATION OF TECHNICAL INFORMATION.—Title II of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) is amended—

(1) by redesignating section 202 as section 205; and

(2) by inserting after section 201 the following:

''SEC. 202. INTERAGENCY TASK FORCE.

''(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Secretary shall establish an interagency task force led by a Deputy Assistant Secretary of the Department of Energy and comprised of representatives of—

''(1) the Office of Science and Technology Policy;

''(2) the Department of Transportation;

''(3) the Department of Defense;

''(4) the Department of Commerce (including the National Institute for Standards and Technology);

''(5) the Environmental Protection Agency;

''(6) the National Aeronautics and Space Administration; and

''(7) other agencies as appropriate.

''(b) DUTIES.—

''(1) IN GENERAL.—The task force shall develop a plan for carrying out this title.

''(2) FOCUS OF PLAN.—The plan shall focus on development and demonstration of integrated systems and components for—

''(A) hydrogen production, storage, and use in Federal buildings;

''(B) power generation; and

''(C) transportation systems.

''(3) PROJECTS.—The plan may provide for projects to demonstrate the feasibility of—

''(A) hydrogen-based distributed power systems;

''(B) systems for hydrogen-based generation of combined heat, power, and other products; and

''(C) hydrogen-based infrastructure for transportation systems (including zero-emission vehicles).''.

''SEC. 203. COOPERATIVE AND COST-SHARING AGREEMENTS.

''The Secretary shall enter into cooperative and cost-sharing agreements with Federal and State agencies for participation by the agencies in demonstrations at sites administered by the agencies, with the aim of replacing commercially available systems based on fossil fuels with systems using fuel cells.

''SEC. 204. INTEGRATION OF TECHNICAL INFORMATION.

''The Secretary shall—

''(1) integrate all the technical information that becomes available as a result of development and demonstration projects under this title; and

''(2) make the information available to all Federal and State agencies.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) (as redesignated by subsection (b)) is amended by striking ''this section, a total of $50,000,000 for fiscal years 1997 and 1998, to remain available until September 30, 1999'' and

inserting ''this title $50,000,000 for fiscal years 2002, 2003, and 2004, to remain available until September 30, 2005''.

By Mr. KERREY (for himself, Mr. SANTORUM, Mr. MOYNIHAN, Mr. GRASSLEY, and Mr. BREAUX):

S. 3200. A bill to amend the Social Security Act to provide each American child with a KidSave Account, and for other purposes: to the Committee on Finance.

KIDSAVE ACCOUNTS

Mr. KERREY. Mr. President, many of the things we do in the Senate involve making investments in America's future. Investments in research through the National Science Foundation or investments in infrastructure development through the Department of Transportation reap great rewards for the citizens of tomorrow.

Today, I am pleased to be joined by Senators SANTORUM, MOYNIHAN, GRASSLEY, and BREAUX in introducing a piece of legislation that represents a remarkable new investment in the financial security of future generations of Americans.

This proposal, called KidSave, aims to give every American a stake in the growth of the American economy, to help all Americans accumulate wealth and assets, and to teach all Americans firsthand the value of savings and compounding interest. Not only will this legislation promote savings and investments across all income levels, but it will also help to close the growing wealth gap.

One of the discoveries I have made in researching this idea is that the most important variable in compounding interest rates is time. The earlier you start, the more wealth you build.

One of the poster children for understanding the value of compounding interest is Osceola McCarty. Osceola was a Hattiesburg, Mississippi, washerwoman, who after more than seven decades of low-wage work donated $150,000 to the University of Southern Mississippi—wealth she had built by saving a little bit of money over a long period of time.

Wealth has also empowered the Federal employees I talk to in the halls of the Senate, who are excited about their ability to participate in their government Thrift Savings Plan, TSP, and who talk more knowledgeably than me about index funds and the difference between a stock and bond. These employees, and other workers across the country who are able to participate in employer-sponsored pension plans and IRAs, feel more confident about their own futures and their own retirement security. They are confident that they won't face poverty in their final years.

Our KidSave proposal will gave that same sense of confidence and pride in one's future to all future generations of Americans.

How does KidSave work? The KidSave program would use part of the surplus to provide each newborn child with a $2,000 KidSave retirement savings loan to jumpstart his or her retirement savings. Each KidSave loan will be deposited into a qualified KidSave account. The KidSave program will be administered by the Thrift Savings Plan, TSP, Board. Future KidSave loans will be adjusted for inflation, CPI, beginning in 2008.

Parents and grandparents will be able to add $500 per year to each KidSave account for each child under the age of 19.

A KidSave loan recipient—with no additional account contributions—can expect to generate future retirement savings of $250,000 by the age of 67 (assuming an 8 percent rate of return). Furthermore, since KidSave accounts are personal property, they can be willed on to an heir as part of an estate.

How will these KidSave loans be financed? Our legislation uses Social Security surpluses to finance the loans in the early years of the program. But, as older KidSavers begin to repay their KidSave loans, the program will virtually become self-funded, as the loan repayment revenues are used to fund the KidSave loans of a new generation.

Since the $2,000 KidSave loan is—just that—a loan, KidSavers are expected to pay back the loan amount at the CPI inflated rate starting at age 30. The KidSave loan repayment mechanism is designed in such a way to allow future KidSavers to pay back 20 percent of the loan each year for five years, beginning at the age of 30. In the rare event that an individual's KidSave account may perform poorly, no individual will have to pay more than 20 percent of his total account value back in any given year.

Building upon existing investment structures in the Federal government, KidSave accounts will be managed and administered through the Federal employees' Thrift Savings Plan (TSP). Investment options will be determined by the TSP Board. KidSave account holders and guardians will have the same flexibility in changing their investment distributions as current TSP participants.

As I noted earlier in my remarks, one goal of this proposal is to close the growing wealth gap. Despite all of the glowing media reports about the booming American economy, most of the economic gains of the last decade have gone to families who have owned financial assets. Ed Wolff, the wealth data guru, has reported that the wealthiest 10 percent of households enjoyed 85 percent of the stock market gains between 1989 and 1998. Since 1989, the share of wealth held by the top 1 percent of households grew from 37 percent to 39 percent, while the net worth of the bottom 40 percent of households dropped from .9 percent to .2 percent.

An editorial by the Progressive Policy Institute has called this proposal a democratization of the ownership of financial assets''. I think they've hit the nail on the head. This proposal will create universal access to the tools of wealth creation and asset accumulation. It will make future workers less dependent on the Federal government for their retirement income security.

This proposal is also aimed at improving the personal savings rate in the United States. In fact, unlike other spending programs, KidSave loans will not only generate wealth, but also improve national and personal savings rates.

It has been widely reported that the personal savings rate has been in a long and steady decline in the U.S.—according to the Bureau of Economic Analysis, it has dropped from 11 percent in 1981 to 2 percent in 1999. Many workers are spending beyond their means, accumulating more and more consumer debt, while others simply can't afford to save because of high payroll tax rates and low wages. Many of these same workers are relying on Social Security to be their sole or primary source of income at retirement.

But the co-sponsors of this bill recognize that a Social Security retirement check isn't enough to live on. The average Social Security check in Nebraska is $766 a month. Nationwide, eighteen percent of beneficiaries have no other source of income. Another 12 percent rely on Social Security for more than 90 percent of their income, and nearly two-thirds overall derive more than half their income from that small check. For many of them, it's not enough. Our proposal is based on the idea that retirees need both income and wealth.

And Mr. President, that opportunity to hold assets and create wealth is an opportunity we can open today to every baby born in America. Guaranteed. I urge my colleagues to support this legislation.

By Mr. BIDEN:

S. 3202. A bill to amend title 18, United States Code, with respect to biological weapons; to the Committee on the Judiciary.

DANGEROUS BIOLOGICAL AGENT AND TOXIN CONTROL ACT OF 2000

Mr. BIDEN. Mr. President, today I am introducing the Dangerous Biological Agent and Toxin Control Act of 2000. Similar legislation was originally submitted by the Administration in 1999 as part of a larger anti-crime proposal.

Today a terrorist attack in the United States using chemical or biological weapons is one of the most significant terrorist threats we face. In recent years, through the ratification of the Chemical Weapons Convention and the enactment of the related implementing legislation, we have provided several statutory safeguards designed to prevent and deter against an

attack using chemical weapons. But gaps remain in our laws regulating biological pathogens. It is essential not only that America be fully prepared to respond to such an attack, but also that we take steps to prevent them from happening in the first place.

Currently, federal law bans only the development and possession of biological agents for use as a weapon. But there are sensible things that we can do in the near term to give federal law enforcement the tools that they need to protect our country from these threats—before they materialize into unspeakable scenarios.

Earlier this year, the National Commission on Terrorism reported to Congress. Among its conclusions was that the federal laws regarding the possession of dangerous pathogens are currently insufficient. The Commission specifically recommended, among other things, that Congress make it illegal for anyone not properly certified to possess certain critical pathogens. And they were right.

The bill I introduce today fill several gaps in the law.

First, the bill will make it unlawful for anyone to possess biological agent, toxin or delivery system of a type or in a quantity that under the circumstances is not reasonably justified by a prophylactic, protective or other peaceful purpose. Second, the bill makes it unlawful to handle a biological agent with conscious disregard of an unreasonable risk to public health and safety. Third, the legislation makes it unlawful to knowingly communicate false, but believable information, concerning an activity which would constitute a violation of this statute. Finally, the bill requires people to report to the federal government their possession of listed biological agents, prohibits the transfer of a listed biological agent to a person who is not registered and makes possession by certain restricted persons—such as convicted felons—unlawful.

Closing these gaps in the law would be a modest but important step to prevent and deter a terrorist act involving biological agents. This should not be a partisan issue. This is an issue of governance, not politics. From Wilmington to Washington State, our constituents need protection and expect and deserve nothing less.

Mr. President, I recognize that the Congressional session is about to end, and therefore it is too late for the bill to be considered this year. But I wanted to introduce the bill now so that it would be available for review by my colleagues and other interested parties inside and outside of government. In particular, I invite comment by interested parties in the scientific community, the business community, and the civil liberties community. I regard the bill I introduce today as an initial draft that is a work in progress, and I welcome constructive comments and suggestions for improvement. I look forward to working with my colleagues on the Committee on the Judiciary early in the next session of Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3202

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 ''Dangerous Biological Agent and Toxin Control Act of 2000''.

SEC. 2. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) certain biological agents and toxins have the potential to pose a severe threat to the Nation's public health and safety, and thereby affect interstate and foreign commerce;

(B) the Secretary of Health and Human Services has published a list of biological agents and toxins that pose a severe threat to the Nation's public health and safety as an appendix to part 72 of title 42, Code of Federal Regulations;

(C) biological agents and toxins can be used as weapons by individuals or organizations for the purpose of domestic or international terrorism or for other criminal purposes;

(D) terrorists and other criminals can also harm national security, drain the limited resources of all levels of government devoted to thwarting biological weapons, and damage interstate and foreign commerce by threatening to use, and by falsely reporting efforts to use, biological agents and toxins as weapons;

(E) the Biological Weapons Convention obligates the United States to take necessary measures within the United States to prohibit and prevent the development, production, stockpiling, acquisition, or retention of biological agents and toxins of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes;

(F) the mere possession of biological agents and toxins is a potential danger that affects the obligations of the United States under the Biological Weapons Convention and affects interstate and foreign commerce; and

(G) persons in possession of harmful biological agents and toxins should handle them in a safe manner and, in the case of agents and toxins listed by the Department of Health and Human Services as posing a severe threat to the Nation's public health and safety, report their possession and the purpose for their possession to the appropriate Federal agency in order to ensure that such possession is for peaceful scientific research or development.

(2) PURPOSES.—The purposes of this section are to—

(A) strengthen the implementation by the United States of the Biological Weapons Convention and to ensure that biological agents and toxins are possessed for only prophylactic, protective, or other peaceful purposes;

(B) establish penalties for the false reporting of violations of chapter 10 of title 18, United States Code (relating to biological weapons); and

(C) improve the statutory definitions relating to biological weapons.

(b) ADDITIONAL MEASURES.—

(1) IN GENERAL.—Section 175 of title 18, United States Code, is amended by adding at the end the following:

''(c) ADDITIONAL PROHIBITIONS RELATING TO BIOLOGICAL AGENTS, TOXINS, AND DELIVERY SYSTEMS.—

''(1) UNLAWFUL POSSESSION.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. Knowledge of whether the type or quantity of any biological agent, toxin, or delivery system is reasonably justified by a prophylactic, protective, or other peaceful purpose is not an element of the offense. For purposes of this paragraph, the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its naturally occurring environment, if such agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

''(2) UNSAFE HANDLING.—

''(A) IN GENERAL.—Whoever, with conscious disregard of an unreasonable risk to public health and safety, handles an item knowing it to be a biological agent, toxin, or delivery system in a manner that grossly deviates from accepted norms, shall be fined under this title, imprisoned not more than 1 year, or both.

''(B) AGGRAVATED OFFENSE.—Whoever in the course of a violation of subparagraph (A) causes bodily injury (as defined in section 1365(g)(4) of this title) to any individual (other than the perpetrator)—

''(i) shall be fined under this title, imprisoned not more than 10 years, or both; and

''(ii) if death results from the offense, shall be fined under this title, imprisoned for any term of years or for life, or both fined and imprisoned.

''(d) FALSE INFORMATION.—

''(1) CRIMINAL VIOLATION.—Whoever communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, concerning the existence of activity that would constitute a violation of subsection (a) or (c) shall be fined under this title, imprisoned not more than 5 years, or both.

''(2) CIVIL PENALTY.—Whoever communicates information, knowing the information to be false, concerning the existence of activity that would constitute a violation of subsection (a) or (c) is liable to the United States or any State for a civil penalty of the greater of $10,000 or the amount of money expended by the United States or the State in responding to the false information.

''(e) REPORTING, TRANSFER, AND POSSESSION OF SELECT AGENTS.—

''(1) OBLIGATION TO REPORT.—Any person who possesses a select agent shall report such possession to the designated agency, in the manner prescribed by the designated agency, within 72 hours of the effective date of the regulation issued by that agency pursuant to this paragraph or within 72 hours of subsequently obtaining possession of the agent or toxin, except that, if such person is a registered entity, the reporting, if any, shall be in the manner as otherwise directed by regulation by the designated agency. If a person complies with this paragraph, there is

no obligation for any employee of such person to file a separate report concerning the employee's possession of a select agent in the workplace of such person.

''(2) CRIMINAL PENALTY FOR WILLFUL FAILURE TO REPORT.—Any person who willfully fails to make the report required by paragraph (1) within the prescribed period shall be fined under this title, imprisoned not more than 3 years, or both. In this paragraph, the term 'willfully' means an intentional violation of a known duty to report.

''(3) CIVIL PENALTY FOR FAILURE TO REPORT.—Any person who fails to make the report required by paragraph (1) within the prescribed period is liable to the United States for a civil penalty of $5,000.

''(4) PENALTY FOR POSSESSION OF UNREPORTED SELECT AGENTS.—Any person who knowingly possesses a biological agent or toxin that is a select agent for which a report required by paragraph (1) has not been made shall be fined under this title, imprisoned not more than 1 year, or both.

''(5) UNAUTHORIZED TRANSFER OF SELECT AGENTS.—Whoever knowingly transfers a select agent to any person who is not a registered entity shall be fined under this title, imprisoned not more than 5 years, or both. For purposes of this paragraph, the term 'transfers' does not encompass the transfer of a select agent within the workplace between employees of the same registered entity, or between employees of any person who has filed the report required by paragraph (1), if the transfer is authorized by such entity or person.

''(6) POSSESSION OF SELECT AGENTS BY RESTRICTED INDIVIDUALS.—

''(A) PROHIBITION ON POSSESSION.—Except as otherwise provided in this section or in section 2(b)(3)(G) of the Dangerous Biological Agent and Toxin Control Act of 2000, no restricted individual shall knowingly possess or attempt to possess any biological agent or toxin if that biological agent or toxin is a select agent.

''(B) PENALTY.—Any individual who violates subparagraph (A) shall be fined under this title, imprisoned not more than 5 years, or both.

''(C) EMPLOYERS OF INDIVIDUALS WHO POSSESS SELECT AGENTS.—Employers of individuals who will possess select agents in the course of their employment shall require such individuals, prior to being given access to select agents, to complete a form in which the individual affirms or denies the existence of each of the restrictions set forth in section 178(8) of this title. In the case of individuals already employed as of the date of enactment of this subsection who possess select agents in the course of their employment, employers shall, not later than 90 days after the date of enactment of this subsection, require those individuals to complete such a form. Such form shall be retained by the employer for not less than 5 years after the individual terminates his employment with that employer.

''(D) EMPLOYEES.—

''(i) Whoever willfully and knowingly falsifies or conceals a material fact or makes any materially false, fictitious, or fraudulent statement or representation in completing the form required under subparagraph (C) shall be fined under this title, imprisoned not more than 5 years, or both.

''(ii) The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent in the workplace of his employer if the basis for the prohibition relates solely to subparagraph (A) or (B)(i) of section 178(8) of this title and a determination is made to waive the prohibition in accordance with the rules and procedures established pursuant to subsection (f).

''(iii) The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent in the workplace of his employer if the basis for the prohibition relates solely to subparagraph (B)(ii) or (G) of section 178(8) of this title and is more than 5 years old (not counting time served while in custody), and a determination is made to waive the prohibition in accordance with the rules and procedures established pursuant to subsection (f).

''(iv) For the purposes of this subparagraph, the term 'employer' means any person who is a registered entity or has filed the report required by section 175(e)(1) of this title and employs a restricted individual.

''(E) CERTAIN NONPERMANENT RESIDENT ALIENS.—The prohibition of subparagraph (A) does not apply to possession by a restricted individual of a select agent if the basis for the prohibition relates solely to subparagraph (F) of section 178(8) of this title, and the restricted individual has received a waiver from the agency designated to carry out the functions of this subparagraph. The designated agency may issue a waiver if it determines, in consultation with the Attorney General, that a waiver is in the public interest.

''(f) WAIVERS OF RESTRICTIONS ON POSSESSION OF SELECT AGENTS IN COURSE OF EMPLOYMENT.—The agency designated to carry out this subsection, after consultation with appropriate agencies, with representatives of the scientific and medical community, and with other appropriate public and private entities and organizations (including consultation concerning employment practices in working with select agents), shall establish the rules and procedures governing waivers of the provisions of subsection (e)(6)(A) with respect to possession of select agents by restricted individuals in the course of employment. Such rules and procedures shall address, among other matters as found appropriate by the designated agency, whether (or the circumstances under or the extent to which) the determination to grant a waiver shall be reserved to the Government, or may be made by the employer (either with or without consultation with the Government).

''(g) REIMBURSEMENT OF COSTS.—

''(1) CONVICTED DEFENDANT.—

''(A) SUBSECTION (a), (c), or (e).—The court shall order any person convicted of an offense under subsection (a), (c), or (e) to reimburse the United States or any State for any expenses incurred by the United States or the State incident to the seizure, storage, handling, transportation, and destruction or other disposal of any property that was seized in connection with an investigation of the commission of such offense by that person.

''(B) SUBSECTION (d)(1).—The court shall order any person convicted of an offense under subsection (d)(1) to reimburse the United States for any expenses incurred by the United States incident to the investigation of the commission by that person of such offense, including the cost of any response made by any Federal military or civilian agency to protect public health or safety.

''(2) OWNER LIABILITY.—The owner or possessor of any property seized and forfeited under this chapter shall be liable to the United States for any expenses incurred incident to the seizure and forfeiture, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized and forfeited property.

''(3) JOINTLY AND SEVERALLY LIABLE.—A person ordered to reimburse the United States for expenses under this chapter shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.''.

(2) TECHNICAL CLARIFICATIONS.—

(A) SECTION 175.—Section 175(a) of title 18, United States Code, is amended by striking ''section'' and inserting ''subsection''.

(B) SECTION 176.—Section 176(a)(1)(A) of title 18, United States Code, is amended by striking ''exists by reason of'' and inserting ''pertains to''.

(3) DESIGNATION OF RESPONSIBLE AGENCIES.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall designate—

(i) the agency responsible for prescribing the regulation required by section 175(e)(1) of title 18, United States Code;

(ii) the agency responsible for granting the waivers under section 175(e)(6)(E) of title 18, United States Code; and

(iii) the agency responsible for implementing the waiver provisions of section 175(f) of title 18, United States Code.

(B) REGULATIONS.—The agencies designated pursuant to subparagraph (A)—

(i) shall issue proposed rules not later than 90 days after the date of the President's designation; and

(ii) shall issue final rules not later than 270 days after the date of enactment of this Act.

(C) INSPECTIONS.—The agency designated pursuant to subparagraph (A)(i) may inspect the facilities of any person who files a report required by section 175(e)(1) of title 18, United States Code, to determine whether the person is handling the select agent in a safe manner, whether he is holding such agent for a prophylactic, protective, or other peaceful purpose, and whether the type and quantity being held are reasonable for that purpose. Any agency designated pursuant to subparagraph (A) may inspect any form required by section 175(e)(6)(C) of title 18, United States Code, and any documentation relating to a determination made pursuant to section 175(e)(6)(D) of that title. The designated agency shall endeavor to not interfere with the normal business operations of any such facility.

(D) FREEDOM OF INFORMATION ACT EXEMPTION.—Any information provided to the Secretary of Health and Human Services pursuant to regulations issued under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 C.F.R. 72.6) or to the designated agency under section 175(e)(1) of title 18, United States Code, shall not be disclosed under section 552 of title 5, United States Code. The Secretary or the designated agency may use and disclose such information to protect the public health, and shall also disclose any such relevant information to the Attorney General for use in any investigation or other proceeding to enforce any law relating to select agents or any other law. Any such information shall be made available to any committee or subcommittee of Congress with appropriate jurisdiction upon the written request of the Chairman or Ranking Member of such committee or subcommittee, except that no such committee or subcommittee, and no member and no staff member of such committee or subcommittee, shall disclose such information except as otherwise required or authorized by law.

(E) CLARIFICATION OF THE SCOPE OF THE SELECT AGENT RULE.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284) is amended—

(i) in each of subsections (a), (d), and (e)—

(I) by inserting ''and toxins'' after ''agents'' each place it appears; and

(II) by inserting ''or toxin'' after ''agent'' each place it appears; and

(ii) in subsection (g)(1), by striking ''the term 'biological agent' has'' and inserting ''the terms 'biological agent' and 'toxin' have''.

(F) EFFECTIVE DATES.—

(i) Subparagraph (D) shall take effect on the effective date for the final rule issued pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284).

(ii) The amendments made by subparagraph (E) shall take effect as if included in the enactment of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284).

(G) TRANSITIONAL EXEMPTIONS.—

(i) The prohibition created by section 175(e)(6)(A) of title 18, United States Code, shall not apply to the possession of a select agent in the workplace of an employer (as defined in section 175(e)(6)(D)(iv) of title 18, United States Code) by a restricted individual (as defined in subparagraph (A), (B), or (G) of section 178(8) of title 18, United States Code), until the effective date of the regulations issued to implement section 175(f) of title 18, United States Code, or 270 days after the date of enactment of this Act, whichever occurs earlier.

(ii) The prohibition created by section 175(e)(6)(A) of title 18, United States Code, shall not apply to the possession of a select agent by a restricted individual (as defined in section 178(8)(F) of title 18, United States Code), until the effective date of the regulations issued to implement section 175(e)(6)(E) of title 18, United States Code, or 270 days after the enactment of this Act, whichever occurs earlier.

(c) DEFINITIONAL AMENDMENTS.—

(1) SECTION 178.—Section 178 of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''means any microorganism, virus, or infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product'' and inserting the following: ''means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance'';

(B) in paragraph (2), by striking ''means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including'' and inserting the following: ''means the toxic material or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes'';

(C) in paragraph (4)—

(i) by striking ''recombinant molecule, or biological product that may be engineered as a result of biotechnology'' and inserting ''recombinant or synthesized molecule''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(6) the term 'select agent' means a biological agent or toxin that is on the list established by the Secretary of Health and Human Services pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1284) that is not exempted under part 72.6(h) of title 42, Code of Federal Regulations or appendix A to such part (or any successor to either such provision), except that the term does not include any such biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source;

''(7) the term 'registered entity' means a registered facility, or a certified laboratory exempted from registration, pursuant to the regulations promulgated by the Secretary of Health and Human Services under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 (42 C.F.R. 72.6(a), 72.6(h));

''(8) the term 'restricted individual' means an individual who—

''(A) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

''(B) has been convicted in any court of a crime—

''(i) punishable by imprisonment for a term exceeding 1 year but not more than 5 years; or

''(ii) punishable by imprisonment for a term exceeding 5 years;

''(C) is a fugitive from justice;

''(D) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(E) is an alien illegally or unlawfully in the United States;

''(F) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (or its successor law), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination, which remains in effect, that such country has repeatedly provided support for acts of international terrorism; or

''(G) has been discharged from the Armed Forces of the United States under dishonorable conditions;

''(9) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3));

''(10) the term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

''(11) the term 'designated agency' means—

''(A) except as provided in subparagraphs (B) and (C) of this paragraph, the agency designated by the President under section 2(b)(3)(A)(i) of the Dangerous Biological Agent and Toxin Control Act of 2000'';

''(B) for purposes of section 175(e)(6)(E) of this title, the agency designated by the President under section 2(b)(3)(A)(ii) of the Dangerous Biological Agent and Toxin Control Act of 2000; and

''(C) for purposes of section 175(f) of this title, the agency designated by the President under section 2(b)(3)(A)(iii) of the Dangerous Biological Agent and Toxin Control Act of 2000; and

''(12) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States, including any political subdivision thereof.''.

(2) SECTION 2332A.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking '', including any biological agent, toxin, or vector (as those terms are defined in section 178)''; and

(B) in subsection (c)(2)(C), by striking ''a disease organism'' and inserting ''any biological agent, toxin, or vector (as those terms are defined in section 178 of this title)''.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. MILLER, his name was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 5

At the request of Mr. MILLER, his name was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 12

At the request of Mr. MILLER, his name was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals.

S. 14

At the request of Mr. MILLER, his name was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 25

At the request of Mr. MILLER, his name was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 227

At the request of Mr. MILLER, his name was added as a cosponsor of S. 227, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Virginia (Mr. ROBB), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. HOLLINGS) 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.

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 1020, supra.

S. 1163

At the request of Mr. BENNETT, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

S. 1364

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1364, a bill to amend title IV of the Social Security Act to increase public awareness regarding the benefits of lasting and stable marriages and community involvement in the promotion of marriage and fatherhood issues, to provide greater flexibility in the Welfare-to-Work grant program for long-term welfare recipients and low income custodial and noncustodial parents, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. SMITH), the Senator from North Dakota (Mr. DORGAN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1593

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1593, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 1721

At the request of Mr. MILLER, his name was added as a cosponsor of S. 1721, a bill to provide protection for teachers, and for other purposes.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 2337

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2337, a bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2829

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2829, a bill to provide for an investigation and audit at the Department of Education.

S. 2914

At the request of Mr. ALLARD, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2914, a bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

At the request of Mr. MILLER, his name was added as a cosponsor of S. 2938, supra.

S. 2962

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2962, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 3060

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kansas (Mr. BROWNBACK), the Senator from Maryland (Mr. SARBANES), the Senator from Maine (Ms. SNOWE), the Senator from North Carolina (Mr. EDWARDS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3133

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3133, a bill to provide compensation to producers for underestimation of wheat protein content.

S. 3137

At the request of Mr. SESSIONS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities.

S. 3147

At the request of Mr. ROBB, the names of the Senator from Massachusetts (Mr. KERRY), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3181

At the request of Mr. HAGEL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3181, a bill to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

S. 3183

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 3186

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was withdrawn as a cosponsor of S. 3186, a bill to amend title 11, United States Code, and for other purposes.

S. 3187

At the request of Mr. ROTH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 3187, a bill to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

S. 3188

At the request of Mr. KYL, the name of the Senator from California (Mrs. FEINSTEIN) was withdrawn as a cosponsor of S. 3188, a bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes.

S. CON. RES. 9

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. J. RES. 14

At the request of Mr. MILLER, his name was added as a cosponsor of S. J. Res. 14, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 69

At the request of Mr. MILLER, his name was added as a cosponsor of S. Res. 69, a resolution to prohibit the consideration of retroactive tax increases in the Senate.

S. RES. 339

At the request of Mr. REID, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. BENNETT), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Maine (Ms. COLLINS), the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. SHELBY), the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. WYDEN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as ''National Survivors of Suicide Day.''

S. RES. 340

At the request of Mr. REID, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mr. SMITH), the Senator from Virginia (Mr. WARNER), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as ''National Children's Memorial Day.''

S. RES. 343

At the request of Mr. FITZGERALD, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

SENATE CONCURRENT RESOLUTION 150—RELATING TO THE REESTABLISHMENT OF REPRESENTATIVE GOVERNMENT IN AFGHANISTAN

Mr. BROWNBACK (for himself and Mr. TORRICELLI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 150

Whereas Afghanistan has existed as a sovereign nation since 1747, maintaining its independence, neutrality, and dignity;

Whereas Afghanistan had maintained its own decisionmaking through a traditional process called a ''Loya Jirgah'', or Grand Assembly, by selecting, respecting, and following the decisions of their leaders;

Whereas recently warlords, factional leaders, and foreign regimes have laid siege to Afghanistan, leaving the landscape littered with landmines, making the most fundamental activities dangerous;

Whereas in recent years, and especially since the Taliban came to power in 1996, Afghanistan has become a haven for terrorist activity, has produced most of the world's opium supply, and has become infamous for its human rights abuses, particularly abuses against women and children;

Whereas the former King of Afghanistan, Mohammed Zahir Shah, ruled the country peacefully for 40 years, and after years in exile retains his popularity and support; and

Whereas former King Mohammed Zahir Shah plans to convene an emergency ''Loya Jirgah'' to reestablish a stable government, with no desire to regain power or reestablish a monarchy, and the Department of State supports such ongoing efforts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States—

(1) supports the democratic efforts that respect the human and political rights of all ethnic and religious groups in Afghanistan, including the effort to establish a ''Loya Jirgah'' process that would lead to the people of Afghanistan determining their own destiny through a democratic process and free and fair elections; and

(2) supports the continuing efforts of former King Mohammed Zahir Shah and other responsible parties searching for peace to convene a Loya Jirgah—

(A) to reestablish a representative government in Afghanistan that respects the rights of all ethnic groups, including the right to govern their own affairs through inclusive institution building and a democratic process;

(B) to bring freedom, peace, and stability to Afghanistan; and

(C) to end terrorist activities, illicit drug production, and human rights abuses in Afghanistan.

SENATE RESOLUTION 371—EXPRESSING THE SENSE OF THE SENATE THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED TO HONOR SCULPTOR KORCZAK ZIOLKOWSKI

Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. BINGAMAN, Mr. LEVINE, and Mr. CONRAD) submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 371

Whereas Korczak Ziolkowski was born in Boston, Massachusetts on September 6, 1908, the 31st anniversary of the death of Lakota Sioux warrior Crazy Horse;

Whereas, although never trained in art or sculpture, Korczak Ziolkowski began a successful studio career in New England as a commissioned sculptor at age 24;

Whereas Korzcak Ziolowski's marble sculpture of composer and Polish leader Ignace Jan Paderewski won first prize at the 1939 New York World's Fair and prompted Lakota Indian Chiefs to invite Ziolkowski to carve a memorial for Native Americans;

Whereas later that year, Korzcak Ziolkowski assisted Gutzon Borglum in carving Mount Rushmore;

Whereas while in South Dakota, Korczak Ziolkowski met with Chief Henry Standing Bear who taught Korczak more about the life of the brave warrior Crazy Horse;

Whereas at the age of 34, Korczak Ziolkowski temporarily put his sculptures aside when he volunteered for service in World War II, later landing on Omaha Beach;

Whereas after the war, Korczak Ziolkowski turned down other sculpting opportunities in order to accept the invitation of Chief Henry Standing Bear and dedicate the rest of his life to carving the Crazy Horse Memorial in the Black Hills of South Dakota;

Whereas on June 3, 1948, when work was begun on the Crazy Horse Memorial, Korczak Ziolkowski vowed that the memorial would be a nonprofit educational and cultural project, financed solely through private, nongovernmental sources, for the Native Americans of North America;

Whereas the Crazy Horse Memorial is a mountain carving-in-progress, and once completed it will be the tallest sculpture in the world;

Whereas since his death on October 20, 1982, Korczak's wife Ruth and the Ziolkowski family have continued to work on the Memorial and to expand upon the dream of Korczak Ziolkowski; and

Whereas on June 3, 1998, the Memorial entered its second half century of progress and heralded a new era of work on the mountain with the completion and dedication of the face of Crazy Horse: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes—

(A) the admirable efforts of the late Korczak Ziolkowski in designing and creating the Crazy Horse Memorial;

(B) that the Crazy Horse Memorial represents all North American Indian tribes, and the noble goal of reconciliation between peoples; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private donations and without any Federal funding; and

(2) it is the sense of the Senate that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued in honor of sculptor Korczak Ziolkowski for his upcoming 100th birthday.

SENATE RESOLUTION 372—A RESOLUTION EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 1322

Mr. LOTT (for Mr. GRAMS (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 372

Whereas in an Emergency Special Session, the United Nations Security Council voted on October 7, 2000, to approve Resolution 1322, which unfairly blames Israel for the outbreak of violence and politicizes the Geneva Convention;

Whereas Resolution 1322 singles out Israel for the use of excessive force against Palestinians while ignoring identical acts perpetrated by Palestinians against Israelis;

Whereas Resolution 1322 incorrectly labels the September 28, 2000, visit of Israeli opposition leader Ariel Sharon to Temple Mount, a holy place open to all members of all faiths, as the ''provocation'' for violence;

Whereas there is clear evidence this violence was a premeditated and coordinated action by the Palestinian Authority and Palestinian militias;

Whereas Israeli army officials noted a sharp increase in attacks against security forces and Israeli civilians in the weeks before September 28, 2000, including the killing of one soldier and the wounding of another in a Gaza Strip ambush on September 27;

Whereas the Palestinian Authority has used official Palestinian television and the Voice of Palestine radio to incite violence;

Whereas there is evidence that Fatah leader Marwan Barghouti, Chairman Arafat's top political lieutenant in the West Bank, has been orchestrating the rioting of armed uniformed police and civilians;

Whereas the United States refused to veto Resolution 1322, although United States Ambassador to the United Nations Richard Holbrooke reportedly declared it ''unbalanced, biased, and really a lousy piece of work''; and

Whereas the United States has vetoed three anti-Israel Security Council Resolutions since the 1993 Oslo Accords and has still played a constructive role in the peace process as an ''honest broker'': Now, therefore, be it

Resolved, That the Senate hereby—

(1) denounces the United States failure to vote against United Nations Security Council Resolution 1322;

(2) condemns the United Nations Security Council for its discrimination against the State of Israel and its efforts to manipulate the Fourth Geneva Conference for the sole purpose of attacking Israel; and

(3) urges the leaders of the Israeli and Palestinian peoples to seek a secure future through the end of violence and the resumption of the peace process.

SENATE RESOLUTION 373—RECOGNIZING THE 225TH BIRTHDAY OF THE UNITED STATES NAVY

Mr. LUGAR (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 373

Whereas on Friday, October 13, 1775, the Continental Congress, representing the citizens of 13 American colonies, passed a resolution which stated ''That a swift sailing vessel, to carry ten carriage guns, and a proportionable number of swivels, with eighty men, be fitted, with all possible dispatch, for a cruise of three months, and that the commander be instructed to cruise eastward, for intercepting such transports as may be laden with warlike stores and other supplies for our enemies, and for such other purposes as the Congress shall direct.'';

Whereas the founders recognized the essential nature of a Navy to the strength and longevity of the Nation by providing authority to Congress ''To provide and maintain a Navy'' in article I of the Constitution;

Whereas a Naval Committee was established to build a fitting Navy for our fledgling country, acquire and fit out vessels for sea, and draw up regulations;

Whereas the Continental Navy began a proud tradition, carried out for 225 years by our United States Navy, to protect our island Nation and pursue the causes of freedom we hold so dear;

Whereas, for the past 225 years, the central mission of the Navy has been to protect the interests of our Nation around the world on the high seas, to fight and win the wars of our Nation, and to maintain control of the sea lines of communication enabling this Nation and other free nations to grow and prosper;

Whereas, whether in peace or at war, United States citizens around the world can rest assured that the United States Navy is on watch, ever vigilant, and ready to respond;

Whereas, for the past 225 years, Navy men and women, as both ambassadors and warriors, have won extraordinary distinction and respect for the Nation and its Navy on the high seas, among the ocean depths, on distant shores, and in the skies above;

Whereas the core values of ''Honor, Courage, and Commitment'' are the guides by which United States sailors live and serve;

Whereas the United States Navy today is the most capable, most respected, and most effective sea service in the world;

Whereas 75 percent of the land masses in the world are bounded by water and 75 percent of the population of the world lives within 100 miles of the sea, assuring that our Naval forces will continue to be called upon to respond to emerging crises, to maintain freedom of the sea, to deter would-be aggressors, and to provide our allies with a visible reassurance of the support of the United States of America; and

Whereas, no matter what the cause, location, or magnitude of future conflicts, the Nation can rely on its Navy to produce well-trained, well-led, and highly motivated sailors to carry out the missions entrusted to them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic significance of the 225th birthday of the United States Navy;

(2) expresses the appreciation of the people of the United States to the Navy, and the men and women who have served in the Navy, for 225 years of dedicated service;

(3) honors the courage, commitment, and sacrifice that Americans have made throughout the history of the Navy; and

(4) gives special thanks to the extended Navy family of civilians, family members, and loved ones who have served and supported the Navy for the past 225 years.

SENATE RESOLUTION 374—DESIGNATING OCTOBER 17, 2000, AS A ''DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE''

Mrs. MURRAY (for herself and Mr. WARNER) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 374

Whereas young people are our Nation's most important resource, and we, as a society, have a vested interest in enabling children to grow in an environment free from fear and violence;

Whereas young people can, by taking responsibility for their own decisions and actions, and by positively influencing the decisions and actions of others, help chart a new and less violent direction for the entire Nation;

Whereas students in every school district in the Nation will be invited to take part in a day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

Whereas the observance of October 17, 2000, as a ''Day of National Concern About Young People and Gun Violence'' will allow students to make a positive and earnest decision about their future in that such students

will have the opportunity to voluntarily sign the ''Student Pledge Against Gun Violence'', and promise that they will never take a gun to school, will never use a gun to settle a dispute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 17, 2000, as a ''Day of National Concern About Young People and Gun Violence''; and

(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 375—SUPPORTING THE EFFORTS OF BOLIVIA'S DEMOCRATICALLY ELECTED GOVERNMENT

Mr. LUGAR (for himself, Mr. DODD, Mr. HELMS, Mr. DEWINE, and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 375

Whereas the stability of democracy in Latin America and the eradication of illegal narcotics from the Andean nations are vital national security interests of the United States;

Whereas the democratically elected Government of Bolivia has taken dramatic steps to eradicate illegal narcotics under the Dignity Plan, resulting in the elimination of 80 percent of the illegal coca crop in just two years, a record of achievement unmatched worldwide;

Whereas the Government of Bolivia is now approaching the completion of coca eradication in the Chapare and will begin eradication operations in the Yungas regions in 2002;

Whereas there are indications that narcotics traffickers from outside Bolivia are stepping up efforts to keep a foothold in Bolivia by agitating among the rural poor and indigenous populations, creating civil disturbances, blockading roads, organizing strikes and protests, and taking actions designed to force the Government of Bolivia to abandon its aggressive counter narcotics campaign; and

Whereas the government of Bolivian President Hugo Banzer Suarez has shown remarkable restraint in dealing with the protesters through dialogue and openness while respecting human rights: Now, therefore, be it

Resolved, That (a) the Senate calls upon the Government of Bolivia to continue its successful program of coca eradication and looks forward to the Government of Bolivia achieving its commitment to the total eradication of illegal coca in Bolivia by the end of 2002.

(b) It is the sense of the Senate that—

(1) the United States, as a full partner in Bolivia's efforts to build democracy, to eradicate illegal narcotics, and to reduce poverty through development and economic growth, should fully support the democratically elected Government of Bolivia;

(2) the release of emergency supplemental assistance already approved by the United States for sustainable development activities in Bolivia should be accelerated;

(3) on a priority basis, the President should look for additional ways to provide increased tangible support to the people and Government of Bolivia;

(4) the Government of Bolivia should continue to respect the human rights of all of its citizens and to continue to discuss legitimate concerns of Bolivia's rural population; and

(5) Indigenous leaders should enter into serious discussions with the government on issues of concern and cease provocative acts that could lead to escalating violence.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. LUGAR. Mr. President, I rise to introduce a resolution in support of democracy and drug eradication in Bolivia. I'm pleased that I have been joined by several colleagues in a bipartisan initiative to applaud and support one of the most successful drug-eradication programs in the world.

Our resolution recognizes that extraordinary achievements of Bolivia's narcotics elimination program. It urges the Government of Bolivia to continue its program of drug elimination while upholding the rule of law and safeguarding human rights. It also urges the indigenous leaders to cease provocative acts and begin discussions with the Government of Bolivia to resolve outstanding issues.

For nearly two weeks now, Bolivia has been confronting one of the worst social upheavals the country has endured in the past two decades. The turmoil has been perpetrated by diverse forces in Bolivia, particularly those who wish to reverse the drug eradication program in the country.

A destabilization campaign, initiated by drug traffickers, has resulted in a number of protests that have virtually paralyzed the country. Roads that connect the major cities of the country were destroyed and blockaded and the flow of food to the urban centers has been interrupted. Nearly a dozen people have died and more have been injured by acts of violence. Economic losses are estimated at more than $160 million and growing.

The protesters, who are led by coca growers, were demanding the resignation of the President, the suspension of the anti-drug strategy, and the elimination of plans to build a U.S. funded military installation in the Chapare region—the region where most illegal coca has been cultivated. They also demand that the Government allow peasants of the Chapare to replant about 6,000 hectares of coca, which, if that is allowed to happen, would yield roughly 42 tons of cocaine.

President Banzer has flatly rejected most demands to changes in the Bolivian drug strategy, the Dignity Plan. He has, nevertheless, agreed to suspend plans for the construction of a new military installation in the Chapare and proposed to refurbish the existing installation instead.

Other groups in Bolivia have added a number of unrelated demands which appeared to be coordinated by or to be in concert with the coca leaders. Teachers, for example, have demanded pay raises, inmates have asked for better jail conditions, peasants demanded a modification of laws on land ownership, doctors requested better pay, and agitators exploited the current state of affairs to amplify racial division. Isolated by themselves, these may be reasonable requests but when they are raised or orchestrated by drug traffickers, the goals become more malevolent.

The protesters formed a coordinated block with the intent to make the government deal with all the demands together, in the form of a comprehensive package.

There is little doubt that the largest risk for the country lies with the ''cocalero'' movement—the peasant coca growers—that is supported by regional drug trafficking interests. The drug traffickers are embarking on a desperate effort to reverse the anti-drug plan being waged by the Bolivian Government and turn back the remarkable progress in drug eradication that has been accomplished in the past few years.

Coca leaders and the drug traffickers are aware that their leadership and the ill-gotten riches they derive from illegal narcotics will end if the final 1,800 hectares of coca in the Chapare are destroyed. This helps explain the intransigence of its leaders. During this crisis, the government has demonstrated a steady dedication to seek agreements through dialogue while retaining a respect for human rights.

It is important to keep in mind that the current turmoil in Bolivia is occurring at a time when Bolivia is set to complete its program of coca eradication while simultaneously facing a serious economic crisis. Of the 40,000 hectares which have been used for the cultivation of coca, only 1,800 hectares remain.

The Bolivian economy have taken a big hit from its effort to combat drug trafficking. The fight against drug trafficking alone has resulted in the loss of 3% of Bolivia's GDP. The fight against contraband and customs reforms have absorbed another 3% of the GDP of Bolivia. This is all the more remarkable because this pan to eradicate drugs has taken place in a country where 7 out of 10 Bolivians live on $2 a day, an income which is very much below the poverty line.

For these and other reasons, the Government of Bolivia has called on the international community to do everything possible to ensure that the hard won efforts in the fight against drug trafficking are not turned back.

Mr. President, let me conclude by saying that our resolution congratulates the Government of Bolivia for its successful drug elimination program and urges the government to continue its commitment to eradicate illegal coca by the end of 2002. It applauds the

government's efforts to pursue its anti-narcotics strategy and urges the government to do what it can to uphold the rule of law and democratic practices, despite the strains the drug traffickers have imposed on the government. The resolution also stresses the view that human rights must continue to be safeguarded and urges the indigenous leaders to terminate provocative acts and negotiate the outstanding issues with the government of Bolivia.

I urge our colleagues to take note of the successful drug eradication program in Bolivia and encourage the democratically-elected government in La Paz to sustain its commitment for total coca eradication by the end of next year.

SENATE RESOLUTION 376—EXPRESSING THE SENSE OF THE SENATE THAT THE MEN AND WOMEN WHO FOUGHT THE JASPER FIRE IN THE BLACK HILLS OF SOUTH DAKOTA SHOULD BE COMMENDED FOR THEIR HEROIC EFFORTS

Mr. DASCHLE (for himself and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 376

Whereas the Jasper Fire started at 2:30 p.m. on Thursday, August 24, 2000, near Jasper Cave in the Black Hills National Forest and was contained at 6:00 p.m. on September 8, 2000;

Whereas two days after it started, the Jasper Fire nearly quadrupled in size in a matter of hours, burned as fast as 100 acres per second, and ultimately became the worst forest fire in the history of the Black Hills, consuming 83,508 acres;

Whereas the Jasper Fire threatened private homes in the Black Hills, including the South Dakota communities of Deerfield, Custer, and Hill City, Jewel Cave National Monument, and Mount Rushmore National Memorial, and forced the evacuation of many residents in northwestern Custer County and southwestern Pennington County;

Whereas volunteers from 67 community fire departments from across South Dakota made up a substantial part of the 1,160 men and women who worked around the clock to contain the Jasper Fire;

Whereas the Tatanka Hotshot crew, an elite 20-person firefighting team based in the Black Hills, came from fighting fires in western Wyoming to help fight the Jasper Fire;

Whereas while the Tatanka Hotshot crew has fought several fires throughout the country, the Jasper Fire was the first major fire they fought in their home forest;

Whereas the outpouring of support for the firefighters by local residents and communities, such as Hill City and Custer, helped boost firefighter morale; and

Whereas, in spite of the rugged terrain and the intense speed and size of the fire, the Jasper Fire was contained successfully with only one home lost and with no injuries to any firefighters or local citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Jasper Fire was the largest forest fire in the history of the Black Hills National Forest, consuming 83,508 acres;

(2) the volunteer firefighters from across South Dakota played a crucial role in combating the Jasper Fire and preventing it from destroying hundreds of homes;

(3) the Tatanka Hotshot crew was instrumental in providing the effort, expertise and training necessary to establish a fire line around the Jasper Fire; and

(4) the men and women who fought the Jasper Fire are commended for their bravery, their extraordinary efforts to contain the fire, and their commitment to protect lives, property, and the surrounding communities.

AMENDMENTS SUBMITTED

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

BOND (AND MIKULSKI) AMENDMENT NO. 4306

Mr. BOND (for himself, and Ms. MIKULSKI) proposed an amendment to the bill (H.R. 4635) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program,

$432,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to and merged with the appropriation for ''General operating expenses'': Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $351,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That travel expenses shall not exceed $1,125,000: Provided further, That of the amount made available under this heading, not to exceed $125,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $28,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $66,040,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be

available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103–335) under the heading ''Research, Development, Test and Evaluation, Defense-Wide''.

SEC. 110. As HR LINK$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK$ services from the Franchise Fund shall be transferred to the General Administration portion of the ''General operating expenses'' appropriation in the following amounts: $78,000 from the ''Office of Inspector General'', $358,000 from the ''National cemetery administration'', $1,106,000 from ''Medical care'', $84,000 from ''Medical administration and miscellaneous operating expenses'', and $38,000 shall be reprogrammed within the ''General operating expenses'' appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed $1,600,000 from the ''Medical care'' appropriation shall be transferred to the ''General operating expenses'' appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Not to exceed $1,200,000 may be transferred from the ''Medical care'' appropriation to the ''General operating expenses'' appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 113. Not to exceed $4,500,000 from the ''Construction, minor projects'' appropriation and not to exceed $2,000,000 from the ''Medical care'' appropriation may be transferred to and merged with the Parking Revolving Fund for surface parking lot projects.

SEC. 114. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for ''Medical care'' appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,940,907,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $12,972,000,000, of which $8,772,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 (''the Act'' herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 1361l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That of the

total amount provided under this heading, $452,907,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies: Provided further, That of the total amount provided under this heading, up to $7,000,000 shall be made available for the completion of the Jobs Plus Demonstration: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,833,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual Contributions for Assisted Housing'' or any other heading for fiscal year 2000 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2001, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $3,000,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,242,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program, $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended, of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $6,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees: Provided further, That of the amount provided in this heading, $2,000,000 shall be transferred to the Working Capital Fund for development and maintaining information technology systems.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $258,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $90,000,000, to remain available until expended: Provided, That $75,000,000 shall be available for the Secretary of Housing and Urban Development for ''Urban Empowerment Zones'', as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided further, That $15,000,000 shall be available to the Secretary of Agriculture for grants for

designated empowerment zones in rural areas and for grants for designated rural enterprise communities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,057,550,000: Provided, That of the amount provided, $4,410,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), to remain available until September 30, 2003: Provided further, That $71,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,600,000 shall be available as a grant to the National American Indian Housing Council, $10,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation, and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $3,000,000 shall be made available to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate, and equip their facilities: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department: Provided further, That $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'', for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, of which not less than $5,000,000 of the funding shall be used in rural areas, including tribal areas, and of which $3,450,000 shall be made available for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $44,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes: Provided further, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amount made available under this heading, $292,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,800,000,000 to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,025,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2001 and 2002 under the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $779,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants

for residents of assisted housing projects and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $217,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That $1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000, of which $96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which $33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,500,000, to remain available until September 30, 2002: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: Provided further, That $500,000, to remain available until expended, shall be for a commission as established under section 525 of Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2002, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,072,000,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development fund'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, and $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That not more than $758,000,000 shall be made available to the personal services object class: Provided further,

That no less than $100,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of this provision by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by May 15, 2001: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $85,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for ''Drug elimination grants for low-income housing'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking ''and 2000'' and inserting ''2000, and thereafter''.

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting ''and any other reasonable limit prescribed by the Secretary'' immediately before the semicolon.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 206. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 207. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 208. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

''SEC. 443. ENVIRONMENTAL REVIEW.

''For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 209. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after ''December 31, 2002'' the following: '', except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date''.

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

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

(2) in subparagraph (F), by striking ''or their designees.'' and inserting ''and'';

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

''(G) the Director of the Enforcement Center; or their designees.''.

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 210. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

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

''(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 211. None of the funds appropriated in this or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or

facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 212. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration unless the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submit by December 31, 2000 a schedule of benchmarks and measurable goals to the House and Senate Committees on Appropriations designed to address issues of mismanagement and safeguards against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 213. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for use, as approved by the Secretary of Housing and Urban Development—

(1) for activities related to the revitalization of the Hollander Ridge site; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 214. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: '', including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources'';

(2) in subsection (e)(1)—

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

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

(C) by adding after subparagraph (J) the following:

''(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative.''; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).''.

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: '', including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources''; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following '', including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)''.

MARK-TO-MARKET REFORM

SEC. 215. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 216. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''fiscal year 2000'' and inserting in lieu thereof ''fiscal years 2000 and 2001''.

CDBG ELIGIBILITY

SEC. 217. Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 is amended by—

(1) in clause (v), striking out the ''or'' at the end;

(2) in clause (vi), striking the period at the end; and

(3) adding at the end the following new clause:

''(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government; or

''(viii) notwithstanding any other provision of this section, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.''.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

USE OF MODERATE REHABILITATION FUNDS FOR HOME

SEC. 219. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make the funds available under contracts NY36K113004 and NY36K113005 of the Department of Housing and Urban Development available for use under the HOME Investment Partnerships Act and shall allocate such funds to the City of New Rochelle, New York.

LOMA LINDA REPROGRAMMING

SEC. 220. Of the amounts made available under the sixth undesignated paragraph under the heading ''Community Planning and Development—Community Development Block Grants'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report 105–769)) to the City of Loma Linda, California, for infrastructure improvements at Redlands Boulevard and California Streets shall, notwithstanding such provisions, be made available to the City for infrastructure improvements related to the Mountain View Bridge.

NATIVE AMERICAN ELIGIBILITY FOR THE ROSS PROGRAM

SEC. 221. (a) Section 34 of the United States Housing Act of 1937 is amended—

(1) in the heading, by striking ''PUBLIC HOUSING'' and inserting ''PUBLIC AND INDIAN HOUSING'';

(2) in subsection (a)—

(A) by inserting after ''residents,'' the following: ''recipients under the Native American Housing Assistance and Self-Determination Act of 1996 (notwithstanding section 502 of such Act) on behalf of residents of housing assisted under such Act,'' and

(B) by inserting after ''public housing residents'' the second place it appears the following: ''and residents of housing assisted under such Act'',

(3) in subsection (b)—

(A) by inserting after ''project'' the first place it appears the following: ''or the property of a recipient under such Act or housing assisted under such Act'';

(B) by inserting after ''public housing residents'' the following: ''or residents of housing assisted under such Act''; and

(C) in subsection (b)(1), by inserting after ''public housing project'' the following: ''or residents of housing assisted under such Act''; and

(4) in subsection (d)(2), by striking ''State or local'' and inserting ''State, local, or tribal''.

(b) ASSESSMENT AND REPORT.—Section 538(b)(1) of the Quality Housing and Work Responsibility Act of 1998 is amended by inserting after ''public housing'' the following: ''and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996''.

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 222. (a) AVAILABILITY.—Section 220(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1075) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

(b) APPLICABILITY.—The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out such section 220 (as amended by this subsection (a) of this section) notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

HOME PROGRAM DISASTER FUNDING FOR ELDERLY HOUSING

SEC. 223. Of the amounts made available under Chapter IX of the Supplemental Appropriations Act of 1993 for assistance under the HOME investment partnerships program to the city of Homestead, Florida (Public Law 103–50; 107 Stat. 262), up to $583,926.70 shall be made available to Dade County, Florida, for use only for rehabilitating housing for low-income elderly persons, and such amount shall not be subject to the requirements of such program, except for section 288 of the HOME Investment Partnerships Act (42 U.S.C. 12838).

CDBG PUBLIC SERVICES CAP

SEC. 224. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by striking ''1993'' and all that follows through ''City of Los Angeles'' and inserting ''1993 through 2001 to the City of Los Angeles''.

EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS

SEC. 225. Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended, in the matter that precedes clause (i), by striking ''mortgage'' and all that follows through ''involving'' and inserting ''mortgage closed on or before December 31, 2002, involving''.

USE OF SUPPORTIVE HOUSING PROGRAM FUNDS FOR INFORMATION SYSTEMS

SEC. 226. Section 423 of the Stewart B. McKinney Homeless Assistance Act is amended under subsection (a) by adding the following paragraph:

''(7) MANAGEMENT INFORMATION SYSTEM.—A grant for the costs of implementing and operating management information systems for purposes of collecting unduplicated counts of homeless people and analyzing patterns of use of assistance funded under this Act.''.

INDIAN HOUSING LOAN GUARANTEE REFORM

SEC. 227. Section 184 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (a), by striking ''or as a result of a lack of access to private financial markets''; and

(2) in subsection (b)(2), by inserting ''refinance,'' after ''acquire,''.

USE OF SECTION 8 VOUCHERS FOR OPT-OUTS

SEC. 228. Section 8(t)(2) of the United States Housing Act of 1937 is amended by inserting after ''contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project'' the following: ''(including any such termination or expiration during fiscal years after fiscal year 1996 prior to the effective date of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001)''.

HOMELESS DISCHARGE COORDINATION POLICY

SEC. 229. (a) DISCHARGE COORDINATION POLICY.—Subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act is amended by adding at the end the following new section:

''SEC. 402. DISCHARGE COORDINATION POLICY.

''The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.''.

(b) ASSISTANCE UNDER EMERGENCY SHELTER GRANTS PROGRAM.—Section 414(a)(4) of the Stewart B. McKinney Homeless Assistance Act is amended-

(1) in the matter preceding subparagraph (A), by inserting a comma after ''homelessness'';

(2) by striking ''Not'' and inserting the following: ''Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not''.

TECHNICAL CHANGE TO SENIORS HOUSING COMMISSION

SEC. 230. Section 525 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act'' (42 U.S.C. 12701 note) is amended in subsection (a) by striking ''Commission on Affordable Housing and Health Care Facility Needs in the 21st Century'' and inserting ''Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century''.

INTERAGENCY COUNCIL ON THE HOMELESS REFORMS

SEC. 231. Title II of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in section 202, under subsection (b) by inserting after the period the following: ''The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis.''; and

(2) in section 209 by striking ''1994'' and inserting ''2005''.

SECTION 8 PHA PROJECT-BASED ASSISTANCE

SEC. 232. (a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended to read as follows:

''(13) PHA PROJECT-BASED ASSISTANCE.—

''(A) IN GENERAL.—A public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract with respect to an existing, newly constructed, or rehabilitated structure, that is attached to the structure, subject to the limitations and requirements of this paragraph.

''(B) PERCENTAGE LIMITATION.—Not more than 20 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

''(C) CONSISTENCY WITH PHA PLAN AND OTHER GOALS.—A public housing agency may approve a housing assistance payment contract pursuant to this paragraph only if the contract is consistent with—

''(i) the public housing agency plan for the agency approved under section 5A; and

''(ii) the goal of deconcentrating poverty and expanding housing and economic opportunities.

''(D) INCOME MIXING REQUIREMENT.—

''(i) IN GENERAL.—Not more than 25 percent of the dwelling units in any building may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.

''(ii) EXCEPTIONS.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services.

''(E) RESIDENT CHOICE REQUIREMENT.—A housing assistance payment contract pursuant to this paragraph shall provide as follows:

''(i) MOBILITY.—Each low-income family occupying a dwelling unit assisted under the contract may move from the housing at any time after the family has occupied the dwelling unit for 12 months.

''(ii) CONTINUED ASSISTANCE.—Upon such a move, the public housing agency shall provide the low-income family with tenant-based rental assistance under this section or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability, and other requirements, as the Secretary shall provide by regulation. If such rental assistance is not immediately available to fulfill the requirement under the preceding sentence with respect to a low-income family, such requirement may be met by providing the family priority to receive the next voucher or other tenant-based rental assistance amounts that become available under the program used to fulfill such requirement.

''(F) CONTRACT TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a structure may have a term of up to 10 years, subject to the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts and in the agency's annual contributions contract with the Secretary, and to annual compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make annual inspections of each assisted unit in the development. The contract may specify additional conditions for its continuation. If the units covered by the contract are owned by the agency, the term of the contract shall be agreed upon by the agency and the unit of general local government or other entity approved by the Secretary in the manner provided under paragraph (11).

''(G) EXTENSION OF CONTRACT TERM.—A public housing agency may enter into a contract with the owner of a structure assisted under a housing assistance payment contract pursuant to this paragraph to extend the term of the underlying housing assistance payment contract for such period as the agency determines to be appropriate to achieve long-term affordability of the housing or to expand housing opportunities. Such a contract shall provide that the extension of such term shall be contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, and may obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

''(H) RENT CALCULATION.—A housing assistance payment contract pursuant to this paragraph shall establish rents for each unit assisted in an amount that does not exceed 110 percent of the applicable fair market rental (or any exception payment standard approved by the Secretary pursuant to paragraph (1)(D)), except that if a contract covers a dwelling unit that has been allocated low-income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) and is not located in a qualified census tract (as such term is defined in subsection (d) of such section 42), the rent for such unit may be established at any level that does not exceed the rent charged for comparable units in the building that also receive the low-income housing tax credit but do not have additional rental assistance. The rents established by housing assistance payment contracts pursuant to this paragraph may vary from the payment standards established by the public housing agency pursuant to paragraph (1)(B), but shall be subject to paragraph (10)(A).

''(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph shall provide for rent adjustments, except that—

''(i) the adjusted rent for any unit assisted shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market and may not exceed the maximum rent permitted under subparagraph (H); and

''(ii) the provisions of subsection (c)(2)(C) shall not apply.

''(J) TENANT SELECTION.—A public housing agency shall select families to receive project-based assistance pursuant to this paragraph from its waiting list for assistance under this subsection. Eligibility for such project-based assistance shall be subject to the provisions of section 16(b) that apply to tenant-based assistance. The agency may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under

section 5A. Any family that rejects an offer of project-based assistance under this paragraph or that is rejected for admission to a structure by the owner or manager of a structure assisted under this paragraph shall retain its place on the waiting list as if the offer had not been made. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list. Subject to its waiting list policies and selection preferences, a public housing agency may place on its waiting list a family referred by the owner or manager of a structure and may maintain a separate waiting list for assistance under this paragraph, but only if all families on the agency's waiting list for assistance under this subsection are permitted to place their names on the separate list.

''(K) VACATED UNITS.—Notwithstanding paragraph (9), a housing assistance payment contract pursuant to this paragraph may provide as follows:

''(i) PAYMENT FOR VACANT UNITS.—That the public housing agency may, in its discretion, continue to provide assistance under the contract, for a reasonable period not exceeding 60 days, for a dwelling unit that becomes vacant, but only (I) if the vacancy was not the fault of the owner of the dwelling unit, and (II) the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy. Rental assistance may not be provided for a vacant unit after the expiration of such period.

''(ii) REDUCTION OF CONTRACT.—That, if despite reasonable efforts of the agency and the owner to fill a vacant unit, no eligible family has agreed to rent the unit within 120 days after the owner has notified the agency of the vacancy, the agency may reduce its housing assistance payments contract with the owner by the amount equivalent to the remaining months of subsidy attributable to the vacant unit. Amounts deobligated pursuant to such a contract provision shall be available to the agency to provide assistance under this subsection.

Eligible applicants for assistance under this subsection may enforce provisions authorized by this subparagraph.''.

(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) as in effect before such enactment, such assistance may be extended or renewed notwithstanding the requirements under subparagraphs (C), (D), and (E) of such section 8(o)(13), as amended by subsection (a).

DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS FOR THE ELDERLY OR DISABLED

SEC. 233. Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

FAMILY UNIFICATION PROGRAM

SEC. 234. Section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C 1437f(x)(2)) is amended—

(1) by striking ''any family (A) who is otherwise eligible for such assistance, and (B)'' and inserting ''(A) any family (i) who is otherwise eligible for such assistance, and (ii)''; and

(2) by inserting before the period at the end the following: ''and (B) for a period not to exceed 18 months, otherwise eligible youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older''.

PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 235. Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''demonstrate the effectiveness of providing'' and inserting ''provide''; and

(B) in the second sentence, by striking ''demonstration'' and inserting ''the'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''determine the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (5), and inserting the following new paragraph:

''(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''test the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (4) and inserting the following new paragraph:

''(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(4) by striking subsection (d);

(5) by striking ''pilot'' and ''PILOT'' each place such terms appear; and

(6) in the section heading, by striking ''demonstrations'' and inserting ''programs''.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,500,000, $5,000,000 of which to remain available until September 30, 2001 and $2,500,000 of which to remain available until September 30, 2002: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $118,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to $8,750,000 may be used for administrative expenses, up to $19,750,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $458,500,000, to remain available until September 30, 2002: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B)

of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $231,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $21,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $30,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals, groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading ''Corporation for National and Community Service, National and Community Service Programs Operating Expenses'' in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the ''Act'') (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the ''P.A.V.E. the Way'' project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $63,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2001, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $696,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,087,990,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not

been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the ''Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits'' with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: Provided further, That notwithstanding section 1412(b)(12)(A)(v) of the Safe Drinking Water Act, as amended, the Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2002, and $36,500,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,628,740,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $335,740,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act, except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,008,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2001, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available after June 1, 2001 to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04, are hereby resolved in favor of the grantee: Provided further, That EPA, in considering the local match for the $5,000,000 appropriated in fiscal year 1999 for the City of Cumberland, Maryland, to separate and relocate the city's combined sewer and stormwater system, shall take into account non-federal money spent by the City of Cumberland for combined sewer, stormwater and wastewater treatment infrastructure on or after October 1, 1999, and that the fiscal year 1999 and any subsequent funds may be used for any required non-federal share of the costs of projects funded by the federal government under Section 580 of Public Law 106–53.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

For fiscal year 2001, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act, as amended, is amended by adding at the end the following new paragraph:

''(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out

the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations: Provided, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to the State of Florida, $3,000,000 shall be for a hurricane mitigation initiative in Miami-Dade County.

For an additional amount for ''Disaster relief'', $1,300,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $17,730,000 in fees collected but unexpended during fiscal years 1994 through 1998 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2001.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''September 30, 2000'' and inserting ''December 31, 2001''.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking ''September 30, 2000'' and inserting ''December 31, 2001''.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,462,900,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction

of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,190,700,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,608,700,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for ''Human space flight'' may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2001 between NASA and a nongovernment organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $296,303: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,350,000,000, of which not to exceed $275,592,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $121,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $787,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $160,890,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937: Provided, That of the amount made available, $2,500,000 shall be for an endowment to establish the George Knight Scholarship Fund for the Neighborhood Reinvestment Training Institute.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for

the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by November 1, 2000, for 30 days of review.

SEC. 427. None of the funds made available in this Act may be used for the designation, or approval of the designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p. 38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, American Trucking Ass'ns. v. EPA (No. 97–1440, 1999 Westlaw 300618) prior to June 15, 2001 or final adjudication of this case by the Supreme Court of the United States, whichever occurs first.

SEC. 428. Section 432 of Public Law 104–204 (110 Stat. 2874) is amended—

(a) in subsection (c) by inserting ''or to restructure and improve the efficiency of the workforce'' after ''the National Aeronautics and Space Administration'' and before ''the Administrator'';

(b) by deleting paragraph (4) of subsection (h) and inserting in lieu thereof—

''(4) The provisions of subsections (1) and (3) of this section may be waived upon a determination by the Administrator that use of the incentive satisfactorily demonstrates downsizing or other restructuring within the Agency that would improve the efficiency of agency operations or contribute directly to evolving mission requirements.''

(c) by deleting subsection (i) and inserting in lieu thereof—

''(i) REPORTS.—The Administrator shall submit a report on NASA's restructuring activities to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate not later than September 30, 2001. This report shall include—

''(1) an outline of a timetable for restructuring the workforce at NASA Headquarters and field Centers;

''(2) annual Full Time Equivalent (FTE) targets by broad occupational categories and a summary of how these targets reflect the respective missions of Headquarters and the field Centers;

''(3) a description of personnel initiatives, such as relocation assistance, early retirement incentives, and career transition assistance, which NASA will use to achieve personnel reductions or to rebalance the workforce; and

''(4) a description of efficiencies in operations achieved through the use of the voluntary separation incentive.''; and

(d) in subsection (j), by deleting ''September 30, 2000'' and inserting in lieu thereof ''September 30, 2002''.

SEC. 429. Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 2000'', and inserting ''December 31, 2001''.

SEC. 430. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 431. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

''SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, 'Human space flight', 'Science, aeronautics and technology', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for 2 fiscal years. Each account shall include the planned full costs of the Administration's related activities.

''(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

''(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the 'Mission support' account are to be transferred to the 'Human space flight' and 'Science, aeronautics and technology' accounts. Such balances shall be transferred and merged with the 'Human space flight' and 'Science, aeronautics and technology' accounts, and remain available for the period of which originally appropriated.''.

TITLE V—FILIPINO VETERANS' BENEFITS IMPROVEMENTS

SEC. 501. (a) RATE OF COMPENSATION PAYMENTS FOR FILIPINO VETERANS RESIDING IN THE UNITED STATES.—(1) Section 107 of title 38, United States Code, is amended—

(A) by striking ''Payments'' in the second sentence of subsection (a) and inserting ''Except as provided in subsection (c), payments''; and

(B) by adding at the end the following new subsection:

''(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.''.

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

(b) ELIGIBILITY FOR HEALTH CARE OF DISABLED FILIPINO VETERANS RESIDING IN THE UNITED STATES.—Section 1734 of such title is amended—

(1) by inserting ''(a)'' before ''The Secretary,''; and

(2) by adding at the end the following:

''(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.''.

(c) HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.—Section 1724 of such title is amended by adding at the end the following new subsection:

''(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Secretary may furnish a veteran who has a service-connected disability with such medical services as the Secretary determines to be needed.''.

TITLE VI—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,172,730,916.14.

DIVISION B

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SEC. 1001. Such amounts as may be necessary are hereby appropriated for programs, projects, or activities provided for in H.R. 4733, the Energy and Water Development Appropriations Act, 2001, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 106–907) as filed in the House of Representatives on September 27, 2000, as if enacted into law, except:

(a) that such conference report shall be considered as not including those provisions in section 103 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000;

(b) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing $1,000,000 for the Upper Susquehanna River Basin, New York, investigation within available funds under General Investigations in Title I;

(c) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as appropriating $1,717,199,000 for Construction, General under Title I, including $8,400,000 for the Elba, Alabama, flood control project; $10,800,000 for the Geneva, Alabama, flood control project; $1,000,000 for the Metropolitan Louisville, Beargrass Creek, Kentucky, project; $3,000,000 for the St. Louis, Missouri, environmental infrastructure project authorized by section 502(f)(32) of Public Law 106–53; and $2,000,000 for the Black Fox, Murfree and Oaklands Springs Wetlands, Tennessee, project;

(d) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as including the following at the end of Title I:

''SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the locally preferred plan for flood control, environmental restoration and recreation, Murrieta Creek, California, described as Alternative 6, based on the Murrieta Creek Feasibility Report and Environmental Impact Statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000.

''SEC. 107. Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico, which was initiated under the authority of the Section 205 program prior to being specifically authorized in the Water Resources Development Act of 1999.'';

(e) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing that $19,158,000 of the amount appropriated under the Central Utah Project Completion Account under Title II shall be deposited into the

Utah Reclamation Mitigation and Conservation Account;

(f) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as not including those provisions in section 211, and shall be considered as including the following new section 211:

''SEC. 211. Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675, 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

'''(f) REQUIREMENT TO FURNISH WATER, POWER CAPACITY AND ENERGY.—Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, shall permanently furnish annually the following:

'''(1) WATER.—16,000 acre-feet of the water conserved by the works authorized by title II, for the benefit of the Bands and the local entities in accordance with the settlement agreement: Provided, That during construction of said works, the Indian Water Authority and the local entities shall receive 17 percent of any water conserved by said works up to a maximum of 16,000 acre-feet per year. The Indian Water Authority and the local entities shall pay their proportionate share of such costs as are provided by section 203(b) of title II or are agreed to by them.

'''(2) POWER CAPACITY AND ENERGY.—Beginning on the date when conserved water from the works authorized by title II first becomes available, power capacity and energy through the Yuma Arizona Area Aggregate Power Managers (Yuma Area Contractors), at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities, in amounts sufficient to convey the water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct and to the places of use on the Bands' reservations or in the local entities' service areas in accordance with the settlement agreement. The Secretary, through a coterminus exhibit to Bureau of Reclamation Contract No. 6–CU–30–P1136, shall enter into an agreement with the Yuma Area Contractors which shall provide for furnishing annually and permanently said power capacity and energy by said Yuma Area Contractors at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities. The Secretary shall authorize the Yuma Area Contractors to utilize federal project use power provided for in Bureau of Reclamation Contracts numbered 6–CU–30–P1136, 6–CU–30–P1137, and 6–CU–30–P1138 for the full range of purposes served by the Yuma Area Contractors, including the purpose of supplying the power capacity and energy to convey the conserved water referred to in paragraph (1), for so long as the Yuma Area Contractors meet their obligation to provide sufficient power capacity and energy for the conveyance of said conserved water. If for any reason the Yuma Area Contractors do not provide said power capacity and energy for the conveyance of said conserved water, then the Secretary shall furnish said power capacity and energy annually and permanently at the lowest rate assigned to project use power within the jurisdiction of the Bureau of Reclamation in accordance with Exhibit E ''Project Use Power'' of the Agreement between Water and Power Resources Service, Department of the Interior, and Western Area Power Administration, Department of Energy (March 26, 1980).

'''SEC. 106A. ANNUAL REPAYMENT INSTALLMENTS. During the period of planning, design and construction of any of the works authorized by title II of Public Law 100–675 and during the period that the Indian Water Authority and the local entities referred to in said Act receive up to 16,000 acre feet of the water conserved by said works, the annual repayment installments provided in Section 102(b) of Public Law 93–320 shall continue to be nonreimbursable. Nothing in this Section shall affect the National obligation set forth in Section 101(c) of Public Law 93–320.'.''; and

(g) that such conference report shall be considered as not including those provisions in section 605 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000.

SEC. 1002. In publishing this Act in slip form and in the United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in section 1001.

Titles I–IV of Division A of this Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001''.

And the Senate agree to the same.

DASCHLE AMENDMENT NO. 4307

Ms. MIKULSKI (for Mr. DASCHLE) proposed an amendment to the bill, H.R. 4635, supra; as follows:

At the appropriate place, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $4,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $150,112,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than $11,439,000: *Provided further*, That $502,000 shall be provided to Morris County, New Jersey, for the reimbursement of law enforcement overtime pay associated with protests and demonstrations during the World Bank meeting on March 31, 2000 to April 2, 2000: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $502,000 that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $37,279,000, to remain available until expended, of which $4,000,000 shall be for critical infrastructure protection research and development projects in the banking and finance sectors: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That, with the exception of amounts for Treasury-wide Human Resources Information System components and the Integrated Treasury Network for law enforcement communications, none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $32,899,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $118,427,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $22,700,000, to remain available until expended.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $37,576,000, of which not to exceed $2,800,000 shall remain available until September 30, 2003; and of which $2,275,000 shall remain available until September 30, 2002: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $400,000, to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $55,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $93,198,000, of which up to $17,043,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2003: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $29,205,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, of which $90,976,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $202,851,000, of which not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $724,937,000, of which $51,639,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms; and of which $13,000,000 shall remain available until expended for distribution through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: *Provided*, That such funds shall be allocated to State and local law enforcement and prevention organizations: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2001: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,804,687,000, of which such sums as become available in the Customs User Fee Account, except sums

subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which $500,000 shall be provided to North Dakota State University to continue research on trade of agricultural commodities and products; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; of which not less than $2,500,000 shall be available for the acquisition of Passive Radar Detection Technology; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That the Hector International Airport in Fargo, North Dakota shall be designated an International Port of Entry: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $128,228,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2001 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $128,400,000, to remain available until expended, of which $123,000,000 shall be for the operations and maintenance of the Automated Commercial System, and $5,400,000 shall be for the International Trade Data System.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at $182,901,000. In addition, $23,600, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106–53.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; providing an independent taxpayer advocate within the Service; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,506,939,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; providing service to tax exempt customers, including employee plans, tax exempt organizations, and government entities; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,378,040,000, of which not to exceed $1,000,000 shall remain available until September 30, 2003, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $145,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,505,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 827 vehicles for police-type use, of which 739 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and

for uniforms without regard to the general purchase price limitation for the current fiscal year, $778,279,000: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $4,283,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 116. Funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(c)(2) of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

SEC. 117. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses'', Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 118. Under the heading of Treasury Franchise Fund in Public Law 104–208, delete the following: the phrases ''pilot, as authorized by section 403 of Public Law 103–356,''; and ''as provided in such section''; and the final proviso. After the phrase ''to be available'', insert ''without fiscal year limitation,''. After the phrase, ''established in the Treasury a franchise fund'', insert, ''until October 1, 2002''.

SEC. 119. None of the funds made available in this Act may be obligated or expended by the U.S. Customs Service for the purpose of closing the U.S. Customs Office at the Port of Racine, Wisconsin.

This title may be cited as the ''Treasury Department Appropriations Act, 2001''.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $67,093,000, which shall not be available for obligation until October 1, 2001: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2001.

This title may be cited as the ''Postal Service Appropriations Act, 2001''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $390,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,288,000.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $10,900,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including

the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $5,510,000, to remain available until expended for six projects for required maintenance, safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,673,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $354,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,110,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,165,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $43,737,000, of which $9,905,000 shall be available until September 30, 2002 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $67,935,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,312,000, of which $1,700,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and up to $600,000 for the evaluation of the Drug-Free Communities Act: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105–277), $29,052,000, which shall remain available until expended, consisting of $15,802,000 for counternarcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: *Provided*, That the $15,802,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $196,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which $2,000,000 shall be used for a newly designated High Intensity Drug Trafficking Area in Las Vegas, Nevada; of which $500,000 shall be for an additional amount for the New England High Intensity Drug Trafficking Area; of which $500,000 shall be for an additional amount for the Gulf Coast High Intensity Drug Trafficking Area; of which $500,000 shall be for an additional amount for the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico; of which $500,000 shall be available to the Director for discretionary funds for the High Intensity Drug Trafficking Areas program; of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, $1,800,000 shall be used for auditing services: *Provided further*, That funds shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 2000 level.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $144,300,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the funds provided, $98,700,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: *Provided further*, That of the amounts provided for the National Drug-Free Media Campaign, ONDCP may not issue to a seller of ad time a credit in lieu of ad time and/or space purchased with appropriated funds: *Provided further*, That ONDCP may not issue credits to networks for programs once they are in syndication: *Provided further*, That ONDCP shall develop guidelines for public comment that prohibit ONDCP from influencing program content as consideration for pro bono credit under the match program: *Provided further*, That of the funds provided, $3,300,000 shall be made available to the United States Olympic Committee's anti-doping program no later than 30 days after the enactment of this Act: *Provided further*, That of the funds provided, $40,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: *Provided further*, That of the funds provided, $1,000,000 shall be available to the National Drug Court Institute: *Provided further*, That of the funds provided, $1,300,000 shall be available to the Metro Intelligence Support and Technical Investigative Center (MISTIC) in Maricopa County, Arizona.

This title may be cited as the ''Executive Office Appropriations Act, 2001''.

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $4,158,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $39,755,000, of which no less than $4,689,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,058,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,431,738,000, of which: (1) $3,000,000 shall remain available until expended for non-prospectus projects: *Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $671,193,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and alterations:

Arizona:

Phoenix, Federal Building Courthouse, $26,962,000

California:

Santa Ana, Federal Building, $27,864,000

District of Columbia:

Internal Revenue Service Headquarters (Phase 1), $31,780,000

Main State Building, (Phase 3), $28,775,000

Maryland:

Woodlawn, SSA National Computer Center, $4,285,000

Michigan:

Detroit, McNamara Federal Building, $26,999,000

Missouri:

Kansas City, Richard Bolling Federal Building, $25,882,000

Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000

Nebraska:

Omaha, Zorinsky Federal Building, $45,960,000

New York:

New York City, 40 Foley Square, $5,037,000

Ohio:

Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000

Pennsylvania:

Pittsburgh, U.S. Post Office-Courthouse, $54,144,000

Utah:

Salt Lake City, Bennett Federal Building, $21,199,000

Virginia:

Reston, J.W. Powell Federal Building (Phase 2), $22,993,000

Nationwide:

Design Program, $21,915,000

Energy Program, $10,000,000

Basic Repairs and Alterations, $290,000,000:

Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $185,369,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,944,905,000 for rental of space which shall remain available until expended; and (5) $1,624,771,000 for building operations which shall remain available until expended: *Provided further*, That in addition to amounts made available herein, $374,345,000 shall be deposited to the Fund, to become available on October 1, 2001, and remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:

California:

Los Angeles, U.S. Courthouse, $31,523,000

Maryland:

Montgomery Country, FDA Consolidation, $92,179,000

Michigan:

Sault Sainte Marie, Border Station, $3,630,000

Mississippi:

Biloxi-Gulfport, U.S. Courthouse, $42,715,000

Montana:

Eureka/Roosville, Border Station, $6,892,000

Virginia:

Richmond, U.S. Courthouse, $19,476,000

Washington:

Seattle, U.S. Courthouse, $177,930,000:

Provided further, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committee on Appropriations of a greater amount: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That of the amount provided, $190,000 shall be available for the Plains States Depopulation Symposium: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2001, excluding reimbursements under section 210(f)(6) of the

Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,431,738,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $123,420,000, of which $27,301,000 shall remain available until expended: *Provided*, That of the funds provided, $500,000 shall be available to continue the Virtual Archive Storage Terminal at the North Dakota State University: *Provided further*, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: *Provided further*, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,520,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,517,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended, $7,100,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2001 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2002 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5–year construction plan: *Provided*, That the fiscal year 2002 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. DESIGNATION OF RONALD N. DAVIES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 102 North 4th Street, Grand Forks, North Dakota, shall be known and designated as the ''Ronald N. Davies Federal Building and United States Courthouse''.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the Ronald N. Davies Federal Building and United States Courthouse.

SEC. 409. From the funds made available under the heading ''Federal Buildings Fund Limitations on Revenue'', in addition to amounts provided in budget activities above, up to $2,500,000 shall be available for the construction of a road and acquisition of the property necessary for construction of said road and associated port of entry facilities: *Provided*, That said property shall include a 125 foot wide right of way beginning approximately 700 feet east of Highway 11 at the northeast corner of the existing port facilities and going north approximately 4,750 feet and approximately 10.22 acres adjacent to the port of entry in Township 29 S. Range 8W., Section 14: *Provided further*, That construction of the road shall occur only after this property is deeded and conveyed to the United States by and through the General Services Administration without reimbursement or cost to the United States at the election of its current landholder: *Provided further*, That notwithstanding any other provision of law, and subject to the foregoing conditions, the Administrator of General Services shall construct a road to the Columbus, New Mexico Port of Entry Station on the property, connecting the port with a road to be built by the County of Luna, New Mexico to connect to State Highway 11: *Provided further*, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration: *Provided further*, That upon completion of the construction of the road by the General Services Administration, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Luna County, New Mexico, without reimbursement, all right, title, and interest of the United States to that portion of the property constituting the improved road and standard county road right of way which is not required for the operation of the port of entry: *Provided further*, That the General Services Administration on behalf of the United States upon conveyance of the property to the municipality of Luna, New Mexico, shall retain the balance of the property located adjacent to the port, consisting of approximately 12 acres, to be owned or otherwise managed by the Administrator pursuant to the Federal Property and Administrative Services Act of 1949, as amended: *Provided further*, That the General Services Administration is authorized to acquire such additional real property and rights in real property as may be necessary to construct said road and provide a contiguous site for the port of entry: *Provided further*, That the United States shall incur no liability for any environmental laws or conditions existing at the property at the time of conveyance to the United States or in connection with the construction of the road: *Provided further*, That Luna County and the Village of Columbus shall be responsible for providing adequate access and egress to existing properties east of the port of entry: *Provided further*, That the Bureau of Land Management, the International Boundary and Water Commission, the Federal Inspection Agencies and the Department of State shall take all actions necessary to facilitate the construction of the road and expansion of the port facilities.

SEC. 410. DESIGNATION OF J. BRATTON DAVIS UNITED STATES BANKRUPTCY COURTHOUSE. (a) The United States bankruptcy courthouse at 1100 Laurel Street in Columbia, South Carolina, shall be known and designated as the

''J. Bratton Davis United States Bankruptcy Courthouse''.

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States bankruptcy courthouse referred to in section 1 shall be deemed to be a reference to the ''J. Bratton Davis United States Bankruptcy Courthouse''.

SEC. 411. (a) The United States Courthouse Annex located at 901 19th Street in Denver, Colorado is hereby designated as the ''Alfred A. Arraj United States Courthouse Annex''.

(b) Any reference in a law, map, regulation, document, or paper or other record of the United States to the Courthouse Annex herein referred to in subsection (a) shall be deemed to be a reference to the ''Alfred A. Arraj United States Courthouse Annex''.

SEC. 412. DESIGNATION OF THE PAUL COVERDELL DORMITORY. The dormitory building currently being constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, shall be known and designated as the ''Paul Coverdell Dormitory''.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $29,437,000 together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102–252, $1,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $500,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $209,393,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $92,950,000, to remain available until expended: *Provided*, That of the amount provided, $88,000,000 to complete renovation of the National Archives Building shall be available for obligation on October 1, 2001.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,450,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,684,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $94,095,000; and in addition $99,624,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $8,500,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2001, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,356,000; and in addition, not to exceed $9,708,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $10,733,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $35,474,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 2001''.

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant

to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 510. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 511. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 512. SPECIAL POSTAGE STAMPS RELATING TO DOMESTIC VIOLENCE. (a) SHORT TITLE.—This section may be cited as the ''Stamp Out Domestic Violence Act of 2000''.

(b) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by inserting after section 414 the following:

''§ 414a. Special postage stamps relating to domestic violence

''(a) In order to afford the public a convenient way to contribute to funding for domestic violence programs, the Postal Service shall establish a special rate of postage for first-class mail under this section.

''(b) The rate of postage established under this section—

''(1) shall be equal to the regular first-class rate of postage, plus a differential not to exceed 25 percent;

''(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

''(3) shall be offered as an alternative to the regular first class rate of postage.

''(c) The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

''(d)(1) Amounts becoming available for domestic violence programs under this section shall be paid by the Postal Service to the Department of Justice. Payments under this section shall be made under such arrangements as the Postal Service shall, by mutual agreement with the Department of Justice, establish in order to carry out the purposes of this section, except that under those arrangements, payments to the Department of Justice shall be made at least twice a year.

''(2) For purposes of this section, the term 'amounts becoming available for domestic violence programs under this section' means—

''(A) the total amount of revenues received by the Postal Service that it would not have received but for the enactment of this section; reduced by

''(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

''(e) It is the sense of Congress that nothing in this section should—

''(1) directly or indirectly cause a net decrease in total funds received by the Department of Justice or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

''(2) affect regular first-class rates of postage or any other regular rates of postage.

''(f) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but not later than 12 months after the date of the enactment of this section.

''(g) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include—

''(1) the total amount described in subsection (d)(2)(A) which was received by the Postal Service during the period covered by such report; and

''(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (d)(2)(B).

''(h) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.''.

(c) REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414a(h) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fundraising; and

(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 414 and inserting the following:

''414. Special postage stamps relating to breast cancer.

''414a. Special postage stamps relating to domestic violence.''.

(2) SECTION HEADING.—The heading for section 414 of title 39, United States Code, is amended to read as follows:

''§ 414. Special postage stamps relating to breast cancer''.

SEC. 513. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 514. Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs in the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that (1) evaluates, for

each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2001 and 2002 in the burden imposed by all rules issued by each agency that issued such a major rule.

SEC. 515. None of the funds made available in this Act may be used to implement a preference for the acquisition of a firearm or ammunition based on whether the manufacturer or vendor of the firearm or ammunition is a party of an agreement with a department, agency, or instrumentality of the United States regarding codes of conduct, operating practices, or product design specifically related to the business of importing, manufacturing, or dealing in firearms or ammunition under chapter 44 of title 18, United States Code.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey

adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 620. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of the enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 621. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 622. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 623. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 624. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 625. No funds appropriated in this or any other Act for fiscal year 2001 may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 626. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 627. (a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 628. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 629. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 630. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 631. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 632. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 633. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Providence Health Plan;

(B) Personal Care's HMO;

(C) Care Choices;

(D) OSF Health Plans, Inc.;

(E) Yellowstone Community Health Plan; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 634. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 635. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the ''Policy and Operations'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives and the Chief Information Officers Council for information technology initiatives and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the House and Senate Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 636. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries) to provide

child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(d) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 637. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 638. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 639. NATIONAL HEALTH MUSEUM PROPERTY. (a) SHORT TITLE AND PURPOSE.—

(1) SHORT TITLE.—This section may be cited as the ''National Health Museum Site Selection Act''.

(2) PURPOSE.—The purpose of this section is to further section 703 of the National Health Museum Development Act (20 U.S.C. 50 note; Public Law 105–78), which provides that the National Health Museum shall be located on or near the Mall on land owned by the Federal Government or the District of Columbia.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) MUSEUM.—The term ''Museum'' means the National Health Museum, Inc., a District of Columbia nonprofit corporation exempt from Federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) PROPERTY.—The term ''property'' means—

(A) a parcel of land identified as Lot 24 and a closed interior alley in Square 579 in the District of Columbia, generally bounded by 2nd, 3rd, C, and D Streets, S.W.; and

(B) all improvements on and appurtenances to the land and alley.

(c) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—The Administrator shall convey to the Museum all rights, title, and interest of the United States in and to the property.

(2) PURPOSE OF CONVEYANCE.—The purpose of the conveyance is to provide a site for the construction and operation of a new building to serve as the National Health Museum, including associated office, educational, conference center, visitor and community services, and other space and facilities appropriate to promote knowledge and understanding of health issues.

(3) DATE OF CONVEYANCE.—

(A) NOTIFICATION.—Not later than 3 years after the date of enactment of this Act, the Museum shall notify the Administrator in writing of the date on which the Museum will accept conveyance of the property.

(B) DATE.—The date of conveyance shall be—

(i) not less than 270 days and not more than 1 year after the date of the notice; but

(ii) not earlier than April 1, 2001, unless the Administrator and the Museum agree to an earlier date.

(C) EFFECT OF FAILURE TO NOTIFY.—If the Museum fails to provide the notice to the Administrator by the date described in subparagraph (A), the Museum shall have no further right to the property.

(4) QUITCLAIM DEED.—The property shall be conveyed to the Museum vacant and by quitclaim deed.

(5) PURCHASE PRICE.—

(A) IN GENERAL.—The purchase price for the property shall be the fair market value of the property as of the date of enactment of this Act.

(B) TIMING; APPRAISERS.—The determination of fair market value shall be made not later than 180 days after the date of enactment of this Act by qualified appraisers jointly selected by the Administrator and the Museum.

(D) REPORT TO CONGRESS.—Promptly upon the determination of the purchase price, and in any event at least sixty days in advance of the conveyance of the property, the Administrator shall report to Congress as to the purchase price.

(E) DEPOSIT OF PURCHASE PRICE.—The Administrator shall deposit the purchase price into the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(d) REVERSIONARY INTEREST IN THE UNITED STATES.—

(1) IN GENERAL.—The property shall revert to the United States if—

(A) during the 50-year period beginning on the date of conveyance of the property, the property is used for a purpose not authorized by subsection (c)(2);

(B) during the 3-year period beginning on the date of conveyance of the property, the Museum does not commence construction on the property, other than for a reason not within the control of the Museum; or

(C) the Museum ceases to be exempt from Federal income taxation as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986.

(2) REPAYMENT.—If the property reverts to the United States, the United States shall repay the Museum the full purchase price for the property, without interest.

(e) AUTHORITY OF MUSEUM OVER PROPERTY.—The Museum may—

(1) demolish or renovate any existing or future improvement on the property;

(2) build, own, operate, and maintain new improvements on the property;

(3) finance and mortgage the property on customary terms and conditions; and

(4) manage the property in furtherance of this section.

(f) LAND USE APPROVALS.—

(1) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the National Capital Planning Commission or the Commission of Fine Arts.

(2) COOPERATION CONCERNING ZONING.—

(A) IN GENERAL.—The United States shall cooperate with the Museum with respect to any zoning or other matter relating to—

(i) the development or improvement of the property; or

(ii) the demolition of any improvement on the property as of the date of enactment of this Act.

(B) ZONING APPLICATIONS.—Cooperation under subparagraph (A) shall include making, joining in, or consenting to any application required to facilitate the zoning of the property.

(g) ENVIRONMENTAL HAZARDS.—Costs of remediation of any environmental hazards existing on the property, including all asbestos-containing materials, shall be borne by the United States. Environmental remediation shall commence immediately upon the vacancy of the building and shall be completed not later than 270 days from the date of the notice to the Administrator described in subsection (c)(3)(A).

(h) REPORTS.—Following the date of enactment of this Act and ending on the date that the National Health Museum opens to the public, the Museum shall submit annual reports to the Administrator and Congress, regarding the status of planning, development, and construction of the National Health Museum.

SEC. 640. MANDATORY REMOVAL FROM EMPLOYMENT OF FEDERAL LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES. (a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding after subchapter VI the following:

''SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

''§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies

''(a) In this section, the term—

''(1) 'conviction date' means the date on which an agency has notice of the date on which a conviction of a felony is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and

''(2) 'law enforcement officer' has the meaning given that term under section 8331(20) or 8401(17).

''(b) Any law enforcement officer who is convicted of a felony shall be removed from employment without regard to chapter 75 on the last day of the first applicable pay period following the conviction date.

''(c) This section does not prohibit the removal from employment before a conviction date.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7363 the following:

''SUBCHAPTER VI—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

''7551. Mandatory removal from employment of law enforcement officers convicted of felonies.''.

SEC. 641. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

''7.5 .... January 1, 2001, to December 31, 2002.
7 ..... After December 31, 2002.''

and inserting the following:

''7 ..... After December 31, 2000.'';

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

''8 ..... January 1, 2001, to December 31, 2002.
7.5 ..... After December 31, 2002.''

and inserting the following:

''7.5 ..... After December 31, 2000.'';

(3) in the matter relating to a Member for Member service by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(4) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

''8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.''

and inserting the following:

''7.5	After December 31, 2000.'';

(5) in the matter relating to a bankruptcy judge by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(6) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(7) in the matter relating to a United States magistrate by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(8) in the matter relating to a Court of Federal Claims judge by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(9) in the matter relating to a member of the Capitol Police by striking:

''8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.''

and inserting the following:

''7.5	After December 31, 2000.'';

and

(10) in the matter relating to a nuclear materials courier by striking:

''8	January 1, 2001 to December 31, 2002.
7.5	After December 31, 2002.''

and inserting the following:

''7.5	After December 31, 2000.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) The applicable percentage under this paragraph for civilian service shall be as follows:

''Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Nuclear materials courier.	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.''.

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

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

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

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

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

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

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

''January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002	7''

and inserting the following:

''After December 31, 2000	7''.

(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows ''December 31, 2000.'' and inserting the following:

''7.5	After December 31, 2000.''.

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge;

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute

to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System;

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

This Act may be cited as the ''Treasury and General Government Appropriations Act, 2001''.

BOXER (AND BAUCUS) AMENDMENT NO. 4308

Mrs. BOXER (for herself and Mr. BAUCUS) proposed an amendment to the bill, H.R. 4635, supra; as follows:

On page 103, strike the first three lines.

On page 138, strike section 427.

BOXER (AND OTHERS) AMENDMENT NO. 4309

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SCHUMER, and Mr. KERRY) proposed an amendment to the bill, H.R. 4635, supra; as follows:

At the appropriate place, add the following:

SEC. (a) FINDINGS.—Congress finds that—

(1) more than one-eighth of all sites listed on the Superfund National Priorities List are river and ocean water sites where sediment is contaminated with PCBs, dioxins, DDT, metals and other toxic chemicals;

(2) toxic chemicals like PCBs, dioxins, DDT and metals tend to be less soluble, and more environmentally persistent pollutants;

(3) toxic chemicals like PCBs, dioxins, DDT and metals polluting river and ocean sites around the nation may pose threats to public health, safety and the environment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect the public health, safety and the environment.

STEVENS AMENDMENT NO. 4310

Mr. STEVENS proposed an amendment to the bill, H.R. 4635, supra; as follows:

DIVISION C

SEC. In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the 106th Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

UNITED STATES GRAIN STANDARDS REAUTHORIZATION ACT OF 2000

LUGAR AMENDMENT NO. 4311

Mr. MURKOWSKI (for Mr. LUGAR) proposed an amendment to the bill (H.R. 4788 to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Grain Standards and Warehouse Improvement Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—GRAIN STANDARDS

Sec. 101. Sampling for export grain.
Sec. 102. Geographic boundaries for official agencies.
Sec. 103. Authorization to collect fees.
Sec. 104. Testing of equipment.
Sec. 105. Limitation on administrative and supervisory costs.
Sec. 106. Licenses and authorizations.
Sec. 107. Grain additives.
Sec. 108. Authorization of appropriations.
Sec. 109. Advisory committee.
Sec. 110. Conforming amendments.

TITLE II—WAREHOUSES

Sec. 201. Storage of agricultural products in warehouses.
Sec. 202. Regulations.

TITLE III—MISCELLANEOUS

Sec. 301. Energy generation, transmission, and distribution facilities efficiency grants and loans in rural communities with extremely high energy costs.
Sec. 302. Carry forward adjustment.
Sec. 303. Fees and penalties for mediation and arbitration of disputes involving agricultural products moving in foreign commerce under multinational entities.
Sec. 304. Community facilities grant program for rural communities with extreme unemployment and severe economic depression.
Sec. 305. Community facilities grant program for rural communities with high levels of out-migration or loss of population.
Sec. 306. State agricultural mediation programs.
Sec. 307. Adjustments to nutrition programs.
Sec. 308. Authorization for Secretary of Agriculture to purchase and transfer land.
Sec. 309. Extension of time period for filing certain complaints alleging preparation of false inspection certificates.
Sec. 310. International food relief partnership.

TITLE I—GRAIN STANDARDS

SEC. 101. SAMPLING FOR EXPORT GRAIN.

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking ''(on the basis'' and all that follows through ''from the United States)''.

SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) INSPECTION AUTHORITY.—Section 7(f) of the United States Grain Standards Act (7 U.S.C. 79(f)) is amended by striking paragraph (2) and inserting the following:

''(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 official agency designated under paragraph (1) or State delegated authority under subsection (e)(2) to carry out the inspection provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

''(A) allow more than 1 designated official agency to carry out inspections within the same geographical area as part of a pilot program; and

''(B) allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if the Secretary also determines that—

''(i) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

''(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area; or

''(iii) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis.''.

(b) WEIGHING AUTHORITY.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended—

(1) by striking ''(i) No'' and inserting the following:

''(i) UNAUTHORIZED WEIGHING PROHIBITED.—

''(1) IN GENERAL.—No'';

(2) by striking the second sentence; and

(3) by adding at the end the following:

''(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 designated official agency referred to in paragraph (1) or State agency delegated authority pursuant to subsection (c)(2) to carry out the weighing provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

''(A) allow more than 1 designated official agency to carry out the weighing provisions within the same geographical area as part of a pilot program; and

''(B) allow a designated official agency to cross boundary lines to carry out the weighing provisions in another geographic area if the Secretary also determines that—

''(i) the current designated official agency for that geographic area is unable to provide the weighing services in a timely manner; or

''(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area.''.

SEC. 103. AUTHORIZATION TO COLLECT FEES.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking ''2000'' and inserting ''2005''.

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l)(3) of the United States Grain

Standards Act (7 U.S.C. 79a(l)(3)) is amended in the first sentence by striking ''2000'' and inserting ''2005''.

SEC. 104. TESTING OF EQUIPMENT.

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking ''but at least annually and''.

SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking ''2000'' and inserting ''2005''; and

(2) by striking ''40 per centum'' and inserting ''30 percent''.

SEC. 106. LICENSES AND AUTHORIZATIONS.

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting ''inspection, weighing,'' after ''laboratory testing,''.

SEC. 107. GRAIN ADDITIVES.

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting '', or prohibit disguising the quality of grain,'' after ''sound and pure grain''.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking ''2000'' and inserting ''2005''.

SEC. 109. ADVISORY COMMITTEE.

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking ''2000'' and inserting ''2005''.

SEC. 110. CONFORMING AMENDMENTS.

(a) Section 8 of the United States Grain Standards Act of 1976 (7 U.S.C. 79 note; Public Law 94–582) is amended—

(1) by striking ''(a)''; and

(2) by striking subsection (b).

(b) Sections 23, 24, and 25 of the United States Grain Standards Act of 1976 (7 U.S.C. 87e–1, 7 U.S.C. 76 note; Public Law 94–582) are repealed.

(c) Section 27 of the United States Grain Standards Act of 1976 (7 U.S.C. 74 note; Public Law 94–582) is amended by striking ''; and thereafter'' and all that follows and inserting a period.

SEC. 111. SPECIAL EFFECTIVE DATE FOR CERTAIN EXPIRED PROVISIONS.

The amendments made by sections 103, 105, 108, and 109 shall take effect as if enacted on September 30, 2000.

TITLE II—WAREHOUSES

SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'United States Warehouse Act'.

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) AGRICULTURAL PRODUCT.—The term 'agricultural product' means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

''(2) APPROVAL.—The term 'approval' means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

''(3) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

''(4) ELECTRONIC DOCUMENT.—The term 'electronic document' means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

''(5) ELECTRONIC RECEIPT.—The term 'electronic receipt' means a receipt that is authorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

''(6) HOLDER.—The term 'holder' means a person that has possession in fact or by operation of law of a receipt or any electronic document.

''(7) PERSON.—The term 'person' means—

''(A) a person (as defined in section 1 of title 1, United States Code);

''(B) a State; and

''(C) a political subdivision of a State.

''(8) RECEIPT.—The term 'receipt' means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(10) WAREHOUSE.—The term 'warehouse' means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

''(11) WAREHOUSE OPERATOR.—The term 'warehouse operator' means a person that is lawfully engaged in the business of storing or handling agricultural products.

''SEC. 3. POWERS OF SECRETARY.

''(a) IN GENERAL.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

''(1) each warehouse operator licensed under this Act;

''(2) each person that has obtained an approval to engage in an activity under this Act; and

''(3) each person claiming an interest in an agricultural product by means of a document or receipt subject to this Act.

''(b) COVERED AGRICULTURAL PRODUCTS.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

''(c) INVESTIGATIONS.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

''(d) INSPECTIONS.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

''(e) SUITABILITY FOR STORAGE.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

''(f) CLASSIFICATION.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

''(g) WAREHOUSE OPERATOR'S DUTIES.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator's care of and responsibility for agricultural products stored or handled by the warehouse operator.

''(h) SYSTEMS FOR ELECTRONIC CONVEYANCE.—

''(1) REGULATIONS GOVERNING ELECTRONIC SYSTEMS.—Except as provided in paragraph (2), the Secretary may promulgate regulations governing 1 or more electronic systems under which electronic receipts may be issued and transferred and other electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred.

''(2) LIMITATIONS.—The Secretary shall not have the authority under this Act to establish—

''(A) 1 or more central filing systems for the filing of financing statements or the filing of the notice of financing statements; or

''(B) rules to determine security interests of persons affected by this Act.

''(i) EXAMINATION AND AUDITS.—In addition to the authority provided under subsection (l), on request of the person, State agency, or commodity exchange, the Secretary may conduct an examination, audit, or similar activity with respect to—

''(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

''(2) any State agency that regulates the storage of an agricultural product by such a person; or

''(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

''(j) LICENSES FOR OPERATION OF WAREHOUSES.—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

''(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

''(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

''(k) LICENSING OF OTHER PERSONS.—

''(1) IN GENERAL.—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

''(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

''(B) to sample such an agricultural product;

''(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

''(D) to weigh such an agricultural product and certify the weight of the agricultural product.

''(2) CONDITION.—As a condition of a license issued under paragraph (1), the licensee shall agree to comply with this Act (including regulations promulgated under this Act).

''(l) EXAMINATION OF BOOKS, RECORDS, PAPERS, AND ACCOUNTS.—The Secretary may examine and audit, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

''(1) a warehouse operator operating a warehouse licensed under this Act;

''(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

''(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

''(m) COOPERATION WITH STATES.—The Secretary may—

''(1) cooperate with officers and employees of a State who administer or enforce State

laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

''(2) enter into cooperative agreements with States to perform activities authorized under this Act.

''SEC. 4. IMPOSITION AND COLLECTION OF FEES.

''(a) IN GENERAL.—The Secretary shall assess persons covered by this Act fees to cover the costs of administering this Act.

''(b) RATES.—The fees under this section shall be set at a rate determined by the Secretary.

''(c) TREATMENT OF FEES.—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

''(d) INTEREST.—Funds collected under this section may be deposited in an interest-bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

''(e) EFFICIENCIES AND COST EFFECTIVENESS.—

''(1) IN GENERAL.—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

''(2) REPORT.—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

''SEC. 5. QUALITY AND VALUE STANDARDS.

''If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

''SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.

''(a) IN GENERAL.—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

''(b) SERVICE OF PROCESS.—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

''(c) ADDITIONAL ASSURANCES.—If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

''(d) THIRD PARTY ACTIONS.—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

''SEC. 7. MAINTENANCE OF RECORDS.

''To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

''(1) A warehouse operator that is licensed under this Act.

''(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this Act.

''(3) Any other person engaged in the issuance of electronic receipts or the transfer of documents under this Act.

''SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.

''(a) IN GENERAL.—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

''(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

''(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

''(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

''(b) ALLOCATION.—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

''SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.

''(a) IN GENERAL.—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

''(b) LIABILITY.—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

''SEC. 10. TRANSFER OF STORED AGRICULTURAL PRODUCTS.

''(a) IN GENERAL.—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from 1 warehouse to another warehouse for continued storage.

''(b) CONTINUED DUTY.—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

''SEC. 11. WAREHOUSE RECEIPTS.

''(a) IN GENERAL.—At the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

''(b) ACTUAL STORAGE REQUIRED.—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

''(c) CONTENTS.—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

''(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

''(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, an additional receipt may not be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

''(2) OTHER DOCUMENTS.—If a document is transferred under this section, no duplicate document in any form may be transferred by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

''(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in section 3(h)(2), notwithstanding any other provision of Federal or State law:

''(1) IN GENERAL.—The Secretary may promulgate regulations that authorize the issuance, recording, and transfer of electronic receipts, and the transfer of other electronic documents, in accordance with this subsection.

''(2) ELECTRONIC RECEIPT OR ELECTRONIC DOCUMENT SYSTEMS.—Electronic receipts may be issued, recorded, and transferred, and electronic documents may be transferred, under this subsection with respect to an agricultural product under, a system or systems maintained in 1 or more locations and approved by the Secretary in accordance with regulations issued under this Act.

''(3) TREATMENT OF HOLDER.—Any person designated as the holder of an electronic receipt or other electronic document issued or transferred under this Act shall, for the purpose of perfecting the security interest of the person under Federal or State law and for all other purposes, be considered to be in possession of the receipt or other electronic document.

''(4) NONDISCRIMINATION.—An electronic receipt issued, or other electronic document transferred, in accordance with this Act shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

''(5) SECURITY INTERESTS.—If more than 1 security interest exists in the agricultural product that is the subject of an electronic receipt or other electronic document under this Act, the priority of the security interest shall be determined by the applicable Federal or State law.

''(6) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue in electronic form a receipt or document with respect to an agricultural product.

''(7) OPTION FOR NON-FEDERALLY LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a warehouse operator not licensed under this Act may, at the option of the warehouse operator and in accordance with regulations established by the Secretary, issue electronic receipts and transfer other electronic documents in accordance with this Act.

''(8) APPLICATION TO STATE-LICENSED WAREHOUSE OPERATORS.—This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

''(A) not to issue electronic receipts authorized under this subsection; or

''(B) to issue electronic receipts authorized under State law.

''SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS.

''(a) PROMPT DELIVERY.—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

''(1) the holder of the receipt for the agricultural product; or

''(2) the person that deposited the product, if no receipt has been issued.

''(b) PAYMENT TO ACCOMPANY DEMAND.—Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage of the agricultural product, including satisfaction of the warehouseman's lien, shall be made if requested by the warehouse operator.

''(c) SURRENDER OF RECEIPT.—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

''(d) CANCELLATION OF RECEIPT.—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

''SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.

''(a) IN GENERAL.—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

''(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

''(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

''(b) TEMPORARY SUSPENSION.—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

''(c) AUTHORITY TO CONDUCT HEARINGS.—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

''(d) JUDICIAL REVIEW.—

''(1) JURISDICTION.—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

''(2) PROCEDURE.—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

''SEC. 14. PUBLIC INFORMATION.

''(a) IN GENERAL.—The Secretary may release to the public the names, addresses, and locations of all persons—

''(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

''(2) with respect to which a license or approval has been suspended or revoked under section 13, the results of any investigation made or hearing conducted under this Act, including the reasons for the suspension or revocation.

''(b) CONFIDENTIALITY.—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

''SEC. 15. PENALTIES FOR NONCOMPLIANCE.

''If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

''(1) of not more than $25,000 per violation, if an agricultural product is not involved in the violation; or

''(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

''SEC. 16. JURISDICTION AND ARBITRATION.

''(a) FEDERAL JURISDICTION.—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

''(b) ARBITRATION.—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

''SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this Act.''.

SEC. 202. REGULATIONS.

(a) PROPOSED REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out the amendment made by section 201.

(b) FINAL REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate final regulations for carrying out the amendment made by section 201.

(c) EFFECTIVENESS OF EXISTING ACT.—The United States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed before the amendment made by section 201) shall be effective until the earlier of—

(1) the date on which final regulations are promulgated under subsection (b); or

(2) August 1, 2001.

TITLE III—MISCELLANEOUS

SEC. 301. ENERGY GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS IN RURAL COMMUNITIES WITH EXTREMELY HIGH ENERGY COSTS.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

''SEC. 19. ENERGY GENERATION, TRANSMISSION, AND DISTRIBUTION FACILITIES EFFICIENCY GRANTS AND LOANS IN RURAL COMMUNITIES WITH EXTREMELY HIGH ENERGY COSTS.

''(a) IN GENERAL.—The Secretary, acting through the Rural Utilities Service, may—

''(1) in coordination with State rural development initiatives, make grants and loans to persons, States, political subdivisions of States, and other entities organized under the laws of States to acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities serving communities in which the average residential expenditure for home energy is at least 275 percent of the national average residential expenditure for home energy (as determined by the Energy Information Agency using the most recent data available);

''(2) make grants and loans to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105–277) to acquire, construct, extend, upgrade, and otherwise improve energy generation, transmission, or distribution facilities serving communities described in paragraph (1); and

''(3) make grants to State entities, in existence as of the date of enactment of this section, to establish and support a revolving fund to provide a more cost-effective means of purchasing fuel where the fuel cannot be shipped by means of surface transportation.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year.

''(2) LIMITATION ON PLANNING AND ADMINISTRATIVE EXPENSES.—Not more than 4 percent of the amounts made available under paragraph (1) may be used for planning and administrative expenses.''.

SEC. 302. CARRY FORWARD ADJUSTMENT.

The amendments made by section 204(b)(10)(A) of the Agricultural Risk Protection Act of 2000 shall apply beginning with undermarketings of the 2001 crop of burley tobacco and with marketings of the 2002 crop of burley tobacco.

SEC. 303. FEES AND PENALTIES FOR MEDIATION AND ARBITRATION OF DISPUTES INVOLVING AGRICULTURAL PRODUCTS MOVING IN FOREIGN COMMERCE UNDER MULTINATIONAL ENTITIES.

Section 203(e) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(e)) is amended—

(1) by striking ''(e) To'' and inserting the following:

''(e) DEVELOPMENT OF NEW MARKETS.—

''(1) IN GENERAL.—To''; and

(2) by adding at the end the following:

''(2) FEES AND PENALTIES.—

''(A) IN GENERAL.—In carrying out paragraph (1), the Secretary may assess and collect reasonable fees and late payment penalties to mediate and arbitrate disputes arising between parties in connection with transactions involving agricultural products moving in foreign commerce under the jurisdiction of a multinational entity.

''(B) DEPOSIT.—Fees and penalties collected under subparagraph (A) shall be deposited into the account that incurred the cost of providing the mediation or arbitration service.

''(C) AVAILABILITY.—Fees and penalties collected under subparagraph (A) shall be available to the Secretary without further Act of appropriation and shall remain available until expended to pay the expenses of the Secretary for providing mediation and arbitration services under this paragraph.

''(D) NO REQUIREMENT FOR USE OF SERVICES.—No person shall be required by the Secretary to use the mediation and arbitration services provided under this paragraph.''.

SEC. 304. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH EXTREME UNEMPLOYMENT AND SEVERE ECONOMIC DEPRESSION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding at the end the following:

''(20) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH EXTREME UNEMPLOYMENT AND SEVERE ECONOMIC DEPRESSION.—

''(A) DEFINITION OF NOT EMPLOYED RATE.—In this paragraph, the term 'not employed rate', with respect to a community, means the percentage of individuals over the age of 18 who reside within the community and who are ready, willing, and able to be employed but are unable to find employment, as determined by the department of labor of the State in which the community is located.

''(B) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section

4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in rural communities with respect to which the not employed rate is greater than the lesser of—

''(i) 500 percent of the average national unemployment rate on the date of enactment of this paragraph, as determined by the Bureau of Labor Statistics; or

''(ii) 200 percent of the average national unemployment rate during the Great Depression, as determined by the Bureau of Labor Statistics.

''(C) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.''.

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) is amended by striking ''section 306(a)(19)'' and inserting ''paragraph (19) or (20) of section 306(a)''.

SEC. 305. COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 304(a)) is amended by adding at the end the following:

''(21) COMMUNITY FACILITIES GRANT PROGRAM FOR RURAL COMMUNITIES WITH HIGH LEVELS OF OUT-MIGRATION OR LOSS OF POPULATION.—

''(A) GRANT AUTHORITY.—The Secretary may make grants to associations, units of general local government, nonprofit corporations, and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) in a State to provide the Federal share of the cost of developing specific essential community facilities in any geographic area—

''(i) that is represented by—

''(I) any political subdivision of a State;

''(II) an Indian tribe on a Federal or State reservation; or

''(III) other federally recognized Indian tribal group;

''(ii) that is located in a rural area (as defined in section 381A);

''(iii) with respect to which, during the most recent 5-year period, the net out-migration of inhabitants, or other population loss, from the area equals or exceeds 5 percent of the population of the area; and

''(iv) that has a median household income that is less than the nonmetropolitan median household income of the United States.

''(B) FEDERAL SHARE.—Paragraph (19)(B) shall apply to a grant made under this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $50,000,000 for fiscal year 2001 and such sums as are necessary for each subsequent fiscal year, of which not more than 5 percent of the amount made available for a fiscal year shall be available for community planning and implementation.''.

(b) CONFORMING AMENDMENT.—Section 381E(d)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(1)(B)) (as amended by section 304(b)) is amended by striking ''paragraph (19) or (20)'' and inserting ''paragraph (19), (20), or (21)''.

SEC. 306. STATE AGRICULTURAL MEDIATION PROGRAMS.

(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) ISSUES COVERED.—

''(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

''(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

''(i) Wetlands determinations.

''(ii) Compliance with farm programs, including conservation programs.

''(iii) Agricultural credit.

''(iv) Rural water loan programs.

''(v) Grazing on National Forest System land.

''(vi) Pesticides.

''(vii) Such other issues as the Secretary considers appropriate.

''(2) PERSONS ELIGIBLE FOR MEDIATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the persons referred to in paragraph (1) include—

''(i) agricultural producers;

''(ii) creditors of producers (as applicable); and

''(iii) persons directly affected by actions of the Department of Agriculture.

''(B) VOLUNTARY PARTICIPATION.—

''(i) IN GENERAL.—Subject to clause (ii) and section 503, a person may not be compelled to participate in mediation services provided under this Act.

''(ii) STATE LAWS.—Clause (i) shall not affect a State law requiring mediation before foreclosure on agricultural land or property.''; and

(2) by adding at the end the following:

''(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

''(1) the intake and scheduling of cases;

''(2) the provision of background and selected information regarding the mediation process;

''(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

''(4) the mediation session.''.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

''(A) salaries;

''(B) reasonable fees and costs of mediators;

''(C) office rent and expenses, such as utilities and equipment rental;

''(D) office supplies;

''(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

''(F) education and training;

''(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

''(H) costs associated with publicity and promotion of the mediation program;

''(I) preparation of the parties for mediation; and

''(J) financial advisory and counseling services for parties requesting mediation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2000'' and inserting ''2005''.

SEC. 307. ADJUSTMENTS TO NUTRITION PROGRAMS.

(a) PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY RISK.—Section 15(e) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended by striking ''2000'' and inserting ''2003''.

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—

(1) COST-OF-LIVING ALLOWANCES FOR MEMBERS OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking ''continental'' and inserting ''contiguous States of the''.

(2) DEMONSTRATION PROJECT.—Effective October 1, 2000, section 17(r)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by striking ''at least 20 local agencies'' and inserting ''not more than 20 local agencies''.

(c) CHILD AND ADULT CARE FOOD PROGRAM.—

(1) TECHNICAL AMENDMENTS.—Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(A) by striking the section heading and all that follows through ''SEC. 17.'' and inserting the following:

''SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.'';

and

(B) in subsection (a)(6)(C)(ii), by striking ''and'' at the end.

(2) EXCEPTIONS TO HEARING REQUIREMENTS.—Section 17(d)(5)(D) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is amended—

(A) by striking ''(D) HEARING.—An institution'' and inserting the following:

''(D) HEARING.—

''(i) IN GENERAL.—Except as provided in clause (ii), an institution''; and

(B) by adding at the end the following:

''(ii) EXCEPTION FOR FALSE OR FRAUDULENT CLAIMS.—

''(I) IN GENERAL.—If a State agency determines that an institution has knowingly submitted a false or fraudulent claim for reimbursement, the State agency may suspend the participation of the institution in the program in accordance with this clause.

''(II) REQUIREMENT FOR REVIEW.—Prior to any determination to suspend participation of an institution under subclause (I), the State agency shall provide for an independent review of the proposed suspension in accordance with subclause (III).

''(III) REVIEW PROCEDURE.—The review shall—

''(aa) be conducted by an independent and impartial official other than, and not accountable to, any person involved in the determination to suspend the institution;

''(bb) provide the State agency and the institution the right to submit written documentation relating to the suspension, including State agency documentation of the alleged false or fraudulent claim for reimbursement and the response of the institution to the documentation;

''(cc) require the reviewing official to determine, based on the review, whether the State agency has established, based on a preponderance of the evidence, that the institution has knowingly submitted a false or fraudulent claim for reimbursement;

''(dd) require the suspension to be in effect for not more than 120 calendar days after the institution has received notification of a determination of suspension in accordance with this clause; and

''(ee) require the State agency during the suspension to ensure that payments continue to be made to sponsored centers and family and group day care homes meeting the requirements of the program.

''(IV) HEARING.—A State agency shall provide an institution that has been suspended from participation in the program under this clause an opportunity for a fair hearing on the suspension conducted in accordance with subsection (e)(1).''.

(3) STATEWIDE DEMONSTRATION PROJECTS INVOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PROVIDING NONRESIDENTIAL DAY CARE SERVICES.—Section 17(p)(3)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is amended—

(A) in clause (iii), by striking ''all families'' and inserting ''all low-income families''; and

(B) in clause (iv), by striking ''made'' and inserting ''reported for fiscal year 1998''.

SEC. 308. AUTHORIZATION FOR SECRETARY OF AGRICULTURE TO PURCHASE AND TRANSFER LAND.

Subject to the availability of funds appropriated to the Agricultural Research Service, the Secretary of Agriculture may—

(1) purchase a tract of land in the State of South Carolina that is contiguous to land owned on the date of enactment of this Act by the Department of Agriculture, acting through the Coastal Plains Soil, Water, and Plant Research Center of the Agricultural Research Service; and

(2) transfer land owned by the Department of Agriculture to the Florence Darlington Technical College, South Carolina, in exchange for land owned by the College.

SEC. 309. EXTENSION OF TIME PERIOD FOR FILING CERTAIN COMPLAINTS ALLEGING PREPARATION OF FALSE INSPECTION CERTIFICATES.

Notwithstanding section 6(a)(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)(1)), a person that desires to file a complaint under section 6 of that Act involving the allegation of a false inspection certificate prepared by a grader of the Department of Agriculture at Hunts Point Terminal Market, Bronx, New York, prior to October 27, 1999, may file the complaint not later than January 1, 2001.

SEC. 310. INTERNATIONAL FOOD RELIEF PARTNERSHIP.

(a) ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.—Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

''SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

''(a) IN GENERAL.—The Administrator may provide grants to—

''(1) United States nonprofit organizations (described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986) for the preparation of shelf-stable prepackaged foods requested by eligible organizations and the establishment and maintenance of stockpiles of the foods in the United States; and

''(2) private voluntary organizations and international organizations for the rapid transportation, delivery, and distribution of shelf-stable prepackaged foods described in paragraph (1) to needy individuals in foreign countries.

''(b) GRANTS FOR ESTABLISHMENT OF STOCKPILES.—

''(1) IN GENERAL.—Not more than 70 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(1).

''(2) PRIORITY.—In providing grants under subsection (a)(1), the Administrator shall provide a preference to a United States nonprofit organization that agrees to provide—

''(A) non-Federal funds in an amount equal to 50 percent of the amount of funds received under a grant under subsection (a)(1);

''(B) an in-kind contribution in an amount equal to that percentage; or

''(C) a combination of such funds and an in-kind contribution;

for the preparation of shelf-stable prepackaged foods and the establishment and maintenance of stockpiles of the foods in the United States in accordance with subsection (a)(1).

''(c) GRANTS FOR RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION.—Not less than 20 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(2).

''(d) ADMINISTRATION.—Not more than 10 percent of the amount made available to carry out this section may be used by the Administrator for the administration of grants under subsection (a).

''(e) REGULATIONS OR GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator, in consultation with the Secretary, shall issue such regulations or guidelines as the Administrator determines to be necessary to carry out this section, including regulations or guidelines that provide to United States nonprofit organizations eligible to receive grants under subsection (a)(1) guidance with respect to the requirements for qualified shelf-stable prepackaged foods and the quantity of the foods to be stockpiled by the organizations.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, in addition to amounts otherwise available to carry out this section, $3,000,000 for each of fiscal years 2001 and 2002, to remain available until expended.''.

(b) PREPOSITIONING OF COMMODITIES.—Section 407(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)) is amended by adding at the end the following:

''(4) PREPOSITIONING.—Funds made available for fiscal years 2001 and 2002 to carry out titles II and III may be used by the Administrator to procure, transport, and store agricultural commodities for prepositioning within the United States and in foreign countries, except that for each such fiscal year not more than $2,000,000 of such funds may be used to store agricultural commodities for prepositioning in foreign countries.''.

WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4312

Mr. MURKOWSKI (for Mr. SMITH of New Hampshire) proposed an amendment to the bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fish and Wildlife Programs Improvement and National Wildlife Refuge System Centennial Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 101. Short titles.

Subtitle A—Wildlife Restoration

Sec. 111. Expenses for administration.
Sec. 112. Firearm and bow hunter education and safety program grants.
Sec. 113. Multistate conservation grant program.
Sec. 113. Miscellaneous provision.

Subtitle B—Sport Fish Restoration

Sec. 121. Expenses for administration.
Sec. 122. Multistate conservation grant program.
Sec. 123. Funding of the Coastal Wetlands Planning, Protection and Restoration Act.
Sec. 124. Period of availability.
Sec. 125. Miscellaneous provision.
Sec. 126. Conforming amendment.

Subtitle C—Wildlife and Sport Fish Restoration Programs

Sec. 131. Designation of programs.
Sec. 132. Assistant Director for Wildlife and Sport Fish Restoration Programs.
Sec. 133. Reports and certifications.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

Sec. 201. Short title.
Sec. 202. Purposes.
Sec. 203. Board of directors of the Foundation.
Sec. 204. Rights and obligations of the Foundation.
Sec. 205. Annual reporting of grant details.
Sec. 206. Notice to Members of Congress.
Sec. 207. Authorization of appropriations.
Sec. 208. Limitation on authority.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

Sec. 301. Short title.
Sec. 302. Findings and purposes.

Sec. 303. National Wildlife Refuge System Centennial Commission.
Sec. 304. Long-term planning and annual reporting requirements regarding the operation and maintenance backlog.
Sec. 305. Year of the National Wildlife Refuge.
Sec. 306. Authorization of appropriations.
Sec. 307. Effective date.

TITLE I—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 101. SHORT TITLES.

(a) THIS TITLE.—This title may be cited as the ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000''.

(b) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

''SEC. 13. SHORT TITLE.

''This Act may be cited as the 'Pittman-Robertson Wildlife Restoration Act'.''.

(c) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

''SEC. 15. SHORT TITLE.

''This Act may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'.''.

Subtitle A—Wildlife Restoration

SEC. 111. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking ''SEC. 4.'' and all that follows through the end of the first sentence of subsection (a) and inserting the following:

''SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

''(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

''(1) IN GENERAL.—

''(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for each of fiscal years 2001 and 2002, $9,000,000;

''(ii) for fiscal year 2003, $8,212,000; and

''(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

''(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

''(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

''(b) APPORTIONMENT TO STATES.—'';

(3) in subsection (b) (as designated by paragraph (2)), by striking ''after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section,'' and inserting ''after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion''; and

(4) in the first sentence of subsection (c) (as redesignated by paragraph (1)), by inserting ''Puerto Rico,'' after ''American Samoa,''.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

''SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

''(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

''(1) personnel costs of employees who directly administer this Act on a full-time basis;

''(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

''(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

''(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

''(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

''(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

''(7) costs of audits under subsection (d);

''(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

''(9) costs of travel to States, territories, and Canada by personnel who—

''(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

''(B) administer grants under section 6, 10, or 11;

''(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

''(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

''(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6, 10, and 11.

''(b) REPORTING OF OTHER USES.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

''(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

''(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

''(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—

''(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

''(2) AUDITOR.—

''(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

''(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

''(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(A) a report on the results of each audit under this subsection; and

''(B) a copy of each audit under this subsection.''.

(c) CONFORMING AMENDMENT.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking ''section 4(b) of this Act'' and inserting ''section 4(c)''.

SEC. 112. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

''SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

''(a) IN GENERAL.—

''(1) GRANTS.—Of the revenues covered into the fund, $7,500,000 for each of fiscal years 2001 and 2002, and $8,000,000 for fiscal year 2003 and each fiscal year thereafter, shall be apportioned among the States in the manner specified in section 4(c) by the Secretary of the Interior and used to make grants to the States to be used for—

''(A) in the case of a State that has not used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b)—

''(i) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

''(ii) the enhancement of interstate coordination and development of hunter education and shooting range programs;

''(iii) the enhancement of bow hunter and archery education, safety, and development programs; and

''(iv) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges; and

''(B) in the case of a State that has used all of the funds apportioned to the State under section 4(c) for the fiscal year in the manner described in section 8(b), any use authorized by this Act (including hunter safety programs and the construction, operation, and maintenance of public target ranges).

''(2) LIMITATION ON USE.—Under paragraph (1), a State shall not be required to use more than the amount described in section 8(b) for hunter safety programs and the construction, operation, and maintenance of public target ranges.

''(b) COST SHARING.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

''(1) PERIOD OF AVAILABILITY.—Amounts made available and apportioned for grants under this section shall remain available only for the fiscal year for which the amounts are apportioned.

''(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion amounts made available that have not been used to make grants under this section among the States described in subsection (a)(1)(B) for use by those States in accordance with this Act.''.

SEC. 113. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 112) is amended by inserting after section 10 the following:

''SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

''(a) IN GENERAL.—

''(1) AMOUNT FOR GRANTS.—Not more than $3,000,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

''(A) PERIOD OF AVAILABILITY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

''(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

''(b) SELECTION OF PROJECTS.—

''(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

''(A) at least 26 States;

''(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

''(C) a regional association of State fish and game departments.

''(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

''(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of wildlife restoration projects that the International Association of Fish and Wildlife Agencies—

''(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

''(i) nongovernmental organizations that represent conservation organizations;

''(ii) sportsmen organizations; and

''(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

''(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

''(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

''(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States;

''(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

''(C) subject to paragraph (2), a nongovernmental organization.

''(2) NONGOVERNMENTAL ORGANIZATIONS.—

''(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

''(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated hunting or trapping of wildlife; and

''(ii) will use the grant funds in compliance with subsection (d).

''(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

''(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.

''(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.''.

SEC. 114. MISCELLANEOUS PROVISION.

Section 5 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669d) is amended in the first sentence—

(1) by inserting '', at the time at which a deduction or apportionment is made,'' after ''certify''; and

(2) by striking ''and executing''.

Subtitle B—Sport Fish Restoration

SEC. 121. EXPENSES FOR ADMINISTRATION.

(a) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

''(d) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—

''(1) IN GENERAL.—

''(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in implementation of this Act, in accordance with this subsection and section 9.

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for each of fiscal years 2001 and 2002, $9,000,000;

''(ii) for fiscal year 2003, $8,212,000; and

''(iii) for fiscal year 2004 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

''(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

''(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.''.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

''SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

''(a) AUTHORIZED EXPENSES FOR ADMINISTRATION.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d)(1) only for expenses for administration that directly support the implementation of this Act that consist of—

''(1) personnel costs of employees who directly administer this Act on a full-time basis;

''(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of the employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

''(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

''(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

''(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

''(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

''(7) costs of audits under subsection (d);

''(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

''(9) costs of travel to States, territories, and Canada by personnel who—

''(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

''(B) administer grants under section 6 or 14;

''(10) costs of travel outside the United States (except travel to Canada), by personnel who administer this Act on a full-time basis, for purposes that directly relate to administration of this Act and that are approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

''(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

''(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under sections 6 and 14.

''(b) REPORTING OF OTHER USES.—

''(1) IN GENERAL.—Subject to paragraph (2), if the Secretary of the Interior determines that available amounts under section 4(d)(1) should be used for an expense for administration other than an expense for administration described in subsection (a), the Secretary—

''(A) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the expense for administration and stating the amount of the expense; and

''(B) may use any such available amounts for the expense for administration only after the end of the 30-day period beginning on the date of submission of the report under subparagraph (A).

''(2) MAXIMUM AMOUNT.—For any fiscal year, the Secretary of the Interior may use under paragraph (1) not more than $25,000.

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under subsection (b) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—

''(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for expenses for administration incurred in implementation of this Act.

''(2) AUDITOR.—

''(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit or other review).

''(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

''(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

''(A) a report on the results of each audit under this subsection; and

''(B) a copy of each audit under this subsection.''.

(c) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by adding at the end the following:

''(g) EXPENSES FOR ADMINISTRATION OF CERTAIN PROGRAMS.—

''(1) IN GENERAL.—For each fiscal year, of the amounts appropriated under section 3, the Secretary of the Interior shall use only funds authorized for use under subsections (a), (b)(3)(A), (b)(3)(B), and (c) to pay the expenses for administration incurred in carrying out the provisions of law referred to in those subsections, respectively.

''(2) MAXIMUM AMOUNT.—For each fiscal year, the Secretary of the Interior may use not more than $900,000 in accordance with paragraph (1).''.

SEC. 122. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Dingell-Johnson Sport Fish Restoration Act is amended—

(1) by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

''SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

''(a) IN GENERAL.—

''(1) AMOUNT FOR GRANTS.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 in a fiscal year, not more than $3,000,000 shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

''(A) PERIOD OF AVAILABILITY.—Amounts made available under paragraph (1) shall remain available for making grants only for the first fiscal year for which the amount is made available and the following fiscal year.

''(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any amounts that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

''(b) SELECTION OF PROJECTS.—

''(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

''(A) at least 26 States;

''(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

''(C) a regional association of State fish and game departments.

''(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may make grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

''(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of sport fish restoration projects that the International Association of Fish and Wildlife Agencies—

''(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

''(i) nongovernmental organizations that represent conservation organizations;

''(ii) sportsmen organizations; and

''(iii) industries that fund the sport fish restoration programs under this Act;

''(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

''(C) not later than October 1 of each fiscal year, submits to the Assistant Director for Wildlife and Sport Fish Restoration Programs.

''(4) PUBLICATION.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States;

''(B) the United States Fish and Wildlife Service, or a State or group of States, for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

''(C) subject to paragraph (2), a nongovernmental organization.

''(2) NONGOVERNMENTAL ORGANIZATIONS.—

''(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

''(i) will not use the grant funds to fund, in whole or in part, any activity of the organization that promotes or encourages opposition to the regulated taking of fish; and

''(ii) will use the grant funds in compliance with subsection (d).

''(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to use grant funds in violation of subparagraph (A) shall return all funds received under this section and be subject to any other applicable penalties under law.

''(d) USE OF GRANTS.—A grant under this section shall not be used, in whole or in part, for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

''(e) FUNDING FOR OTHER ACTIVITIES.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—

''(1) $200,000 shall be made available for each of—

''(A) the Atlantic States Marine Fisheries Commission;

''(B) the Gulf States Marine Fisheries Commission;

''(C) the Pacific States Marine Fisheries Commission; and

''(D) the Great Lakes Fisheries Commission; and

''(2) $400,000 shall be made available for the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service.

''(f) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activity carried out under this section.''; and

(2) by moving that section to appear after the section 13 relating to State use of contributions (16 U.S.C. 777*l*).

(b) CONFORMING AMENDMENT.—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting ''and after deducting amounts used for grants under section 14,'' after ''respectively,''.

SEC. 123. FUNDING OF THE COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT.

Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking ''2000'' and inserting ''2009''.

SEC. 124. PERIOD OF AVAILABILITY.

Section 4(f) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(f)) is amended in the first sentence by striking '', and if'' and all that follows through ''recreation''.

SEC. 125. MISCELLANEOUS PROVISION.

Section 5 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777d) is amended—

(1) by inserting '', at the time at which a deduction or apportionment is made,'' after ''certify''; and

(2) by striking ''and executing''.

SEC. 126. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''(as in effect on the date of the enactment of the TEA 21 Restoration Act)'' and inserting ''(as in effect on the date of enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)''.

Subtitle C—Wildlife and Sport Fish Restoration Programs

SEC. 131. DESIGNATION OF PROGRAMS.

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the ''Federal Assistance Program for State Wildlife and Sport Fish Restoration''.

SEC. 132. ASSISTANT DIRECTOR FOR WILDLIFE AND SPORT FISH RESTORATION PROGRAMS.

(a) ESTABLISHMENT.—There is established in the United States Fish and Wildlife Service of the Department of the Interior the position of Assistant Director for Wildlife and Sport Fish Restoration Programs.

(b) SUPERIOR.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall report directly to the Director of the United States Fish and Wildlife Service.

(c) RESPONSIBILITIES.—The Assistant Director for Wildlife and Sport Fish Restoration Programs shall be responsible for the administration, management, and oversight of the Federal Assistance Program for State Wildlife and Sport Fish Restoration under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.).

SEC. 133. REPORTS AND CERTIFICATIONS.

(a) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—At the time at which the President submits to Congress a budget request for the Department of the Interior for fiscal year 2002, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this title and the amendments made by this title.

(2) CONTENTS.—The report under paragraph (1) shall describe—

(A) the extent to which compliance with this title and the amendments made by this title has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this title or the amendments made by this title that would be desirable in order for the Secretary of the Interior to adequately administer the Program and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this title and the amendments made by this title that the Secretary of the Interior considers appropriate.

(b) PROJECTED SPENDING REPORT.—At the time at which the President submits a budget request for the Department of the Interior for fiscal year 2002 and each fiscal year thereafter, the Secretary of the Interior shall report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate the amounts, broken down by category, that are intended to be used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)).

(c) SPENDING CERTIFICATION AND REPORT.—Not later than 60 days after the end of each fiscal year, the Secretary of the Interior shall certify and report in writing to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(1) the amounts, broken down by category, that were used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1));

(2) the amounts apportioned to States for the fiscal year under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(3) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(4) that all amounts used for the fiscal year under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d)(1) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(1)) were necessary for expenses for administration incurred in implementation of those Acts;

(5) that all amounts used for the fiscal year to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(6) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Assistant Director for Wildlife and Sport Fish Restoration Programs each properly discharged their duties under those Acts.

(d) CERTIFICATIONS BY STATES.—

(1) IN GENERAL.—Not later than 60 days after the end of each fiscal year, each State that received amounts apportioned under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) or the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) for the fiscal year shall certify to the Secretary of the Interior in writing that the amounts were expended by the State in accordance with each of those Acts.

(2) TRANSMISSION TO CONGRESS.—Not later than December 31 of a fiscal year, the Secretary of the Interior shall transmit all certifications under paragraph (1) for the previous fiscal year to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(e) LIMITATION ON DELEGATION.—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (c) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Fish and Wildlife Foundation Establishment Act Amendments of 2000''.

SEC. 202. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

''(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, to further the conservation and management of fish, wildlife, plants, and other natural resources;''.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT AND MEMBERSHIP.—

''(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

''(2) REPRESENTATION OF DIVERSE POINTS OF VIEW.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

''(3) NOT FEDERAL EMPLOYEES.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.''.

(b) APPOINTMENT AND TERMS.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

''(b) APPOINTMENT AND TERMS.—

''(1) AGENCY HEADS.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

''(2) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

''(A) IN GENERAL.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

''(i) at least 6 shall be educated or experienced in fish, wildlife, or other natural resource conservation;

''(ii) at least 4 shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

''(iii) at least 4 shall be educated or experienced in ocean and coastal resource conservation.

''(B) TRANSITION PROVISION.—

''(i) CONTINUATION OF TERMS.—The 15 Directors serving on the Board as of the date of enactment of this paragraph shall continue to serve until the expiration of their terms.

''(ii) NEW DIRECTORS.—Subject to paragraph (3), the Secretary of the Interior shall appoint 8 new Directors.

''(3) TERMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

''(B) INITIAL APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2001, 3 Directors for a term of 6 years.

''(C) SUBSEQUENT APPOINTMENTS TO NEW MEMBER POSITIONS.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint, in fiscal year 2002—

''(i) 2 Directors for a term of 2 years; and

''(ii) 3 Directors for a term of 4 years.

''(4) VACANCIES.—

''(A) IN GENERAL.—The Secretary of the Interior shall fill a vacancy on the Board.

''(B) TERM OF APPOINTMENTS TO FILL UNEXPIRED TERMS.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

''(5) REAPPOINTMENT.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

''(6) REQUEST FOR REMOVAL.—The executive committee of the Board may submit to the Secretary of the Interior a letter describing the nonperformance of a Director and requesting the removal of the Director from the Board.

''(7) CONSULTATION BEFORE REMOVAL.—Before removing any Director from the Board, the Secretary of the Interior shall consult with the Secretary of Commerce.''.

(c) TECHNICAL AMENDMENTS.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking ''Directors of the Board'' and inserting ''Directors of the Foundation''.

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended—

(A) by striking ''Secretary'' and inserting ''Secretary of the Interior or the Secretary of Commerce''; and

(B) by inserting ''or the Department of Commerce'' after ''Department of the Interior''.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) PRINCIPAL OFFICE OF THE FOUNDATION.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after ''the District of Columbia'' the following: ''or in a county in the State of Maryland or Virginia that borders on the District of Columbia''.

(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

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

''(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

''(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

''(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

''(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, plants, and other natural resources on private land;''.

(c) AGENCY APPROVAL OF ACQUISITIONS OF PROPERTY.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 60 calendar days after the date of the notification.''.

(d) REPEAL.—Section 304 of Public Law 102–440 (16 U.S.C. 3703 note) is repealed.

(e) AGENCY APPROVAL OF CONVEYANCES AND GRANTS.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

''(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 60 calendar days after the date of the notification.''.

(f) RECONVEYANCE OF REAL PROPERTY.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

''(5) RECONVEYANCE OF REAL PROPERTY.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 60 calendar days after the date of the notification, that—

''(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, plants, and other natural resources; and

''(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.''.

(g) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end the following:

''(h) EXPENDITURES FOR PRINTING SERVICES OR CAPITAL EQUIPMENT.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency

that administers the Federal program under which the funds were provided.''.

SEC. 205. ANNUAL REPORTING OF GRANT DETAILS.

Section 7(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3706(b)) is amended—

(1) by striking ''Congress'' and inserting ''the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate''; and

(2) by adding at the end the following: ''The report shall include a detailed statement of the recipient, amount, and purpose of each grant made by the Foundation in the fiscal year.''.

SEC. 206. NOTICE TO MEMBERS OF CONGRESS.

Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) (as amended by section 204(g)) is amended by adding at the end the following:

''(i) NOTICE TO MEMBERS OF CONGRESS.—The Foundation shall not make a grant of funds unless, by not later than 30 days before the grant is made, the Foundation provides notice of the grant to the Member of Congress for the congressional district in which the project to be funded with the grant will be carried out.''.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2001 through 2003—

''(A) $20,000,000 to the Department of the Interior; and

''(B) $5,000,000 to the Department of Commerce.

''(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

''(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

''(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

''(b) ADDITIONAL AUTHORIZATION.—

''(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this Act.

''(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

''(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

''(1) any expense related to litigation; or

''(2) any activity the purpose of which is to influence legislation pending before Congress.''.

SEC. 208. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 11. LIMITATION ON AUTHORITY.

''Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).''.

TITLE III—NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL

SEC. 301. SHORT TITLE.

This title may be cited as the ''National Wildlife Refuge System Centennial Act''.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) President Theodore Roosevelt began the National Wildlife Refuge System by establishing the first refuge at Pelican Island, Florida, on March 14, 1903;

(2) the National Wildlife Refuge System is comprised of more than 93,000,000 acres of Federal land managed by the United States Fish and Wildlife Service in more than 532 individual refuges and thousands of waterfowl production areas located in all 50 States and the territories of the United States;

(3) the System is the only network of Federal land dedicated singularly to wildlife conservation and where wildlife-dependent recreation and environmental education are priority public uses;

(4) the System serves a vital role in the conservation of millions of migratory birds, dozens of endangered species and threatened species, some of the premier fisheries of the United States, marine mammals, and the habitats on which such species of fish and wildlife depend;

(5) each year the System provides millions of Americans with opportunities to participate in wildlife-dependent recreation, including hunting, fishing, and wildlife observation;

(6)(A) public visitation to national wildlife refuges is growing, with more than 35,000,000 visitors annually; and

(B) it is essential that visitor centers and public use facilities be properly constructed, operated, and maintained;

(7) the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998 (16 U.S.C. 742f note; Public Law 105–242), and the amendments made by that Act, significantly enhance the ability of the United States Fish and Wildlife Service to incorporate volunteers and partnerships in refuge management;

(8) as of the date of enactment of this Act, the System has an unacceptable backlog of critical operation and maintenance needs; and

(9) the occasion of the centennial of the System, in 2003, presents a historic opportunity to enhance natural resource stewardship and expand public enjoyment of the national wildlife refuges of the United States.

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

(1) to establish a commission to promote awareness by the public of the National Wildlife Refuge System as the System celebrates its centennial in 2003;

(2) to develop a long-term plan to meet the priority operation, maintenance, and construction needs of the System;

(3) to require an annual report on the needs of the System prepared in the context of—

(A) the budget submission of the Department of the Interior to the President; and

(B) the President's budget request to Congress; and

(4) to improve public use programs and facilities of the System to meet the increasing needs of the public for wildlife-dependent recreation in the 21st century.

SEC. 303. NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL COMMISSION.

(a) ESTABLISHMENT.—There is established the National Wildlife Refuge System Centennial Commission (referred to in this title as the ''Commission'').

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) the Director of the United States Fish and Wildlife Service;

(B) up to 10 individuals appointed by the Secretary of the Interior;

(C) the chairman and ranking minority member of the Committee on Resources of the House of Representatives and of the Committee on Environment and Public Works of the Senate, who shall be nonvoting members; and

(D) the congressional representatives of the Migratory Bird Conservation Commission, who shall be nonvoting members.

(2) APPOINTMENTS.—

(A) DEADLINE.—The members of the Commission shall be appointed not later than 90 days after the effective date of this title.

(B) APPOINTMENTS BY THE SECRETARY OF THE INTERIOR.—

(i) IN GENERAL.—The members of the Commission appointed by the Secretary of the Interior under paragraph (1)(B)—

(I) shall not be officers or employees of the Federal Government; and

(II) shall, in the judgment of the Secretary—

(aa) represent the diverse beneficiaries of the System; and

(bb) have outstanding knowledge or appreciation of wildlife, natural resource management, or wildlife-dependent recreation.

(ii) REPRESENTATION OF VIEWS.—In making appointments under paragraph (1)(B), the Secretary of the Interior shall make every effort to ensure that the views of the hunting, fishing, and wildlife observation communities are represented on the Commission.

(3) VACANCIES.—Any vacancy in the Commission—

(A) shall not affect the power or duties of the Commission; and

(B) shall be expeditiously filled in the same manner as the original appointment was made.

(c) CHAIRPERSON.—The Secretary of the Interior shall appoint 1 of the members as the Chairperson of the Commission.

(d) COMPENSATION.—The members of the Commission shall receive no compensation for their service on the Commission.

(e) TRAVEL EXPENSES.—

(1) LEGISLATIVE BRANCH MEMBERS.—The members of the Commission from the legislative branch of the Federal Government shall be allowed necessary travel expenses, as authorized by other law for official travel, while away from their homes or regular places of business in the performance of services for the Commission.

(2) EXECUTIVE BRANCH MEMBERS.—The members of the Commission from the executive branch of the Federal Government shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code, while away from their homes or

regular places of business in the performance of services for the Commission.

(3) OTHER MEMBERS AND STAFF.—The members of the Commission appointed by the Secretary of the Interior and staff of the Commission may be allowed necessary travel expenses as authorized by section 5702 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) DUTIES.—The Commission shall—

(1) prepare, in cooperation with Federal, State, local, and nongovernmental partners, a plan to commemorate the centennial of the National Wildlife Refuge System beginning on March 14, 2003;

(2) coordinate the activities of the partners under the plan; and

(3) plan and host, in cooperation with the partners, a conference on the National Wildlife Refuge System, and assist in the activities of the conference.

(g) STAFF.—Subject to the availability of appropriations, the Commission may employ such staff as are necessary to carry out the duties of the Commission.

(h) DONATIONS.—

(1) IN GENERAL.—The Commission may, in accordance with criteria established under paragraph (2), accept and use donations of money, personal property, or personal services.

(2) CRITERIA.—The Commission shall establish written criteria to be used in determining whether the acceptance of gifts or donations under paragraph (1) would—

(A) reflect unfavorably on the ability of the Commission or any employee of the Commission to carry out its responsibilities or official duties in a fair and objective manner; or

(B) compromise the integrity or the appearance of the integrity of any person involved in the activities of the Commission.

(i) ADMINISTRATIVE SUPPORT.—Upon the request of the Commission—

(1) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may provide to the Commission such administrative support services as are necessary for the Commission to carry out the duties of the Commission under this title, including services relating to budgeting, accounting, financial reporting, personnel, and procurement; and

(2) the head of any other appropriate Federal agency may provide to the Commission such advice and assistance, with or without reimbursement, as are appropriate to assist the Commission in carrying out the duties of the Commission.

(j) REPORTS.—

(1) ANNUAL REPORTS.—Not later than 1 year after the effective date of this title, and annually thereafter, the Commission shall submit to Congress a report on the activities and plans of the Commission.

(2) FINAL REPORT.—Not later than September 30, 2004, the Commission shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a final report on the activities of the Commission, including an accounting of all funds received and expended by the Commission.

(k) TERMINATION.—

(1) IN GENERAL.—The Commission shall terminate 90 days after the date on which the Commission submits the final report under subsection (j).

(2) DISPOSITION OF MATERIALS.—Upon termination of the Commission and after consultation with the Archivist of the United States and the Secretary of the Smithsonian Institution, the Secretary of the Interior may—

(A)(i) deposit all books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other similar materials of the Commission relating to the centennial of the National Wildlife Refuge System in Federal, State, or local libraries or museums; or

(ii) otherwise dispose of such materials; and

(B)(i) use other property acquired by the Commission for the purposes of the National Wildlife Refuge System; or

(ii) treat such property as excess property.

SEC. 304. LONG-TERM PLANNING AND ANNUAL REPORTING REQUIREMENTS REGARDING THE OPERATION AND MAINTENANCE BACKLOG.

(a) UNIFIED LONG-TERM PLAN.—Not later than March 1, 2002, the Secretary of the Interior shall prepare and submit to Congress and the President a unified long-term plan to address priority operation, maintenance, and construction needs of the National Wildlife Refuge System, including—

(1) priority staffing needs of the System; and

(2) operation, maintenance, and construction needs as identified in—

(A) the Refuge Operating Needs System;

(B) the Maintenance Management System;

(C) the 5-year deferred maintenance list;

(D) the 5-year construction list;

(E) the United States Fish and Wildlife Service report entitled ''Fulfilling the Promise of America's National Wildlife Refuge System''; and

(F) individual refuge comprehensive conservation plans.

(b) ANNUAL SUBMISSION.—Beginning with the submission to Congress of the budget for fiscal year 2003, the Secretary of the Interior shall prepare and submit to Congress, in the context of each annual budget submission, a report that contains—

(1) an assessment of expenditures in the prior, current, and upcoming fiscal years to meet the operation and maintenance backlog as identified in the long-term plan under subsection (a); and

(2) a specification of transition costs, in the prior, current, and upcoming fiscal years, as identified in the analysis of newly acquired refuge land prepared by the Department of the Interior, and a description of the method used to determine the priority status of the transition costs.

SEC. 305. YEAR OF THE NATIONAL WILDLIFE REFUGE.

(a) FINDING.—Congress finds that designation of the year 2003 as the ''Year of the National Wildlife Refuge'' would promote the goal of increasing public appreciation of the importance of the National Wildlife Refuge System.

(b) PROCLAMATION.—The President is requested to issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to accomplish the goal of such a year.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the activities of the Commission under this title—

(1) $100,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2004.

SEC. 307. EFFECTIVE DATE.

This title takes effect on January 20, 2001.

Amend the title so as to read: ''An Act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.''.

HELMS AMENDMENT NO. 4313

Mr. MURKOWSKI (for Mr. HELMS) proposed an amendment to the resolution (S. Res. 267) directing the return of certain treaties to the President; as follows:

On page 5, strike lines 7 through 11.

On page 5, line 12, strike ''(18)'' and insert ''(17)''.

ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAMS IMPROVEMENTS ACT OF 1999

SPECTER AMENDMENT NO. 4314

Mr. MURKOWSKI (for Mr. SPECTER) proposed an amendment to the amendments of the House to the bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits and Health Care Improvement Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 102. Uniform requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.
Sec. 103. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.
Sec. 104. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 105. Increased active duty educational assistance benefit for contributing members.

Subtitle B—Survivors' and Dependents' Educational Assistance

Sec. 111. Increase in rates of survivors' and dependents' educational assistance.
Sec. 112. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.

Sec. 113. Adjusted effective date for award of survivors' and dependents' educational assistance.
Sec. 114. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.
Subtitle C—General Educational Assistance
Sec. 121. Revision of educational assistance interval payment requirements.
Sec. 122. Availability of education benefits for payment for licensing or certification tests.
Sec. 123. Increase for fiscal years 2001 and 2002 in aggregate annual amount available for State approving agencies for administrative expenses.
TITLE II—HEALTH PROVISIONS
Subtitle A—Personnel Matters
Sec. 201. Annual national pay comparability adjustment for nurses employed by Department of Veterans Affairs.
Sec. 202. Special pay for dentists.
Sec. 203. Exemption for pharmacists from ceiling on special salary rates.
Sec. 204. Temporary full-time appointments of certain medical personnel.
Sec. 205. Qualifications of social workers.
Sec. 206. Physician assistant adviser to Under Secretary for Health.
Sec. 207. Extension of voluntary separation incentive payments.
Subtitle B—Military Service Issues
Sec. 211. Findings and sense of Congress concerning use of military histories of veterans in Department of Veterans Affairs health care.
Sec. 212. Study of post-traumatic stress disorder in Vietnam veterans.
Subtitle C—Medical Administration
Sec. 221. Department of Veterans Affairs Fisher Houses.
Sec. 222. Exception to recapture rule.
Sec. 223. Sense of Congress concerning cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of medical items.
Sec. 224. Technical and conforming changes.
Subtitle D—Construction Authorization
Sec. 231. Authorization of major medical facility projects.
Sec. 232. Authorization of appropriations.
Subtitle E—Real Property Matters
Sec. 241. Change to enhanced use lease congressional notification period.
Sec. 242. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.
Sec. 243. Demolition, environmental cleanup, and reversion of Department of Veterans Affairs Medical Center, Allen Park, Michigan.
Sec. 244. Conveyance of certain property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia.
Sec. 245 Land conveyance, Miles City Department of Veterans Affairs Medical Center complex, Miles City, Montana.
Sec. 246. Conveyance of Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.
Sec. 247. Effect of closure of Fort Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.
TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS
Subtitle A—Compensation Program Changes
Sec. 301. Strokes and heart attacks incurred or aggravated by members of reserve components in the performance of duty while performing inactive duty training to be considered to be service-connected.
Sec. 302. Special monthly compensation for women veterans who lose a breast as a result of a service-connected disability.
Sec. 303. Benefits for persons disabled by participation in compensated work therapy program.
Sec. 304. Revision to limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 305. Review of dose reconstruction program of the Defense Threat Reduction Agency.
Subtitle B—Life Insurance Matters
Sec. 311. Premiums for term Service Disabled Veterans' Insurance for veterans older than age 70.
Sec. 312. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.
Sec. 313. Eligibility of certain members of the Individual Ready Reserve for Servicemembers' Group Life Insurance.
Subtitle C—Housing and Employment Programs
Sec. 321. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.
Sec. 322. Veterans employment emphasis under Federal contracts for recently separated veterans.
Sec. 323. Employers required to grant leave of absence for employees to participate in honor guards for funerals of veterans.
Subtitle D—Cemeteries and Memorial Affairs
Sec. 331. Eligibility for interment of certain Filipino veterans of World War II in national cemeteries.
Sec. 332. Payment rate of certain burial benefits for certain Filipino veterans of World War II.
Sec. 333. Plot allowance for burial in State veterans cemeteries.
TITLE IV—OTHER MATTERS
Sec. 401. Benefits for the children of women Vietnam veterans who suffer from certain birth defects.
Sec. 402. Extension of certain expiring authorities.
Sec. 403. Preservation of certain reporting requirements.
Sec. 404. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—Section 3015 is amended—

(1) in subsection (a)(1), by striking ''$528'' and inserting ''$650''; and

(2) in subsection (b)(1), by striking ''$429'' and inserting ''$528''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after October 2000.

SEC. 102. UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—(1) Section 3011 is amended—

(A) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and''; and

(B) by striking subsection (e).

(2) Section 3017(a)(1)(A)(ii) is amended by striking ''clause (2)(A)'' and inserting ''clause (2)''.

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and''; and

(2) by striking subsection (f).

(c) WITHDRAWAL OF ELECTION NOT TO ENROLL.—Paragraph (4) of section 3018(b) is amended to read as follows:

''(4) before applying for benefits under this section—

''(A) completes the requirements of a secondary school diploma (or equivalency certificate); or

''(B) successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and''.

(d) EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF SELECTED RESERVE.—Paragraph (2) of section 16132(a) of title 10, United States Code, is amended to read as follows:

''(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);''.

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for such basic educational assistance by reason of the requirement of a secondary school diploma (or equivalency certificate) as a condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) becomes entitled to basic educational assistance under section 3011(a)(2), 3012(a)(2), or 3018(b)(4) of title 38, United States Code, by reason of the amendments made by this section.

SEC. 103. REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS.

(a) ACTIVE DUTY PROGRAM.—Section 3011 is amended—

(1) in subsection (a)(1)(A)—

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

''(i) who serves an obligated period of active duty of at least two years of continuous active duty in the Armed Forces; or''; and

(B) in clause (ii)(II), by striking ''in the case of an individual who completed not less than 20 months'' and all that follows through ''was at least three years'' and inserting ''if, in the case of an individual with an obligated period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of at least three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service'';

(2) in subsection (d)(1), by striking ''individual's initial obligated period of active duty'' and inserting ''obligated period of active duty on which an individual's entitlement to assistance under this section is based'';

(3) in subsection (h)(2)(A), by striking ''during an initial period of active duty,'' and inserting ''during the obligated period of active duty on which entitlement to assistance under this section is based,''; and

(4) in subsection (i), by striking ''initial''.

(b) SELECTED RESERVE PROGRAM.—Section 3012 is amended—

(1) in subsection (a)(1)(A)(i), by striking '', as the individual's'' and all that follows through ''Armed Forces'' and inserting ''an obligated period of active duty of at least two years of continuous active duty in the Armed Forces''; and

(2) in subsection (e)(1), by striking ''initial''.

(c) DURATION OF ASSISTANCE.—Section 3013 is amended—

(1) in subsection (a)(2), by striking ''individual's initial obligated period of active duty'' and inserting ''obligated period of active duty on which such entitlement is based''; and

(2) in subsection (b)(1), by striking ''individual's initial obligated period of active duty'' and inserting ''obligated period of active duty on which such entitlement is based''.

(d) AMOUNT OF ASSISTANCE.—Section 3015 is amended—

(1) in the second sentence of subsection (a), by inserting before ''a basic educational assistance allowance'' the following: ''in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years,'';

(2) in subsection (b), by striking ''and whose initial obligated period of active duty is two years,'' and inserting ''whose obligated period of active duty on which such entitlement is based is two years,''; and

(3) in subsection (c)(2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

''(A) whose obligated period of active duty on which such entitlement is based is less than three years;

''(B) who, beginning on the date of the commencement of such obligated period of active duty, serves a continuous period of active duty of not less than three years; and''.

(e) DELIMITING PERIOD.—(1) In the case of an individual described in paragraph (2), with respect to the time limitation under section 3031 of title 38, United States Code, for use of eligibility and entitlement of basic educational assistance under chapter 30 of such title, the 10-year period applicable under such section shall begin on the later of—

(A) the date of the enactment of this Act; or

(B) the date of the individual's last discharge or release from active duty.

(2) An individual referred to in paragraph (1) is an individual who—

(A) before the date of the enactment of this Act, was not eligible for basic educational assistance under chapter 30 of such title by reason of the requirement of an initial obligated period of active duty as condition of eligibility for such assistance as in effect on the date preceding the date of the enactment of this Act; and

(B) on or after such date becomes eligible for such assistance by reason of the amendments made by this section.

SEC. 104. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

''(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

''(2) A qualified individual referred to in paragraph (1) is an individual who meets each of the following requirements:

''(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

''(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

''(C) The individual meets the requirements of subsection (a)(3).

''(D) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

''(3)(A) Subject to the succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

''(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

''(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

''(I) the Secretary concerned shall collect from the qualified individual; or

''(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

''(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

''(C) The provisions of subsection (c) shall apply to qualified individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

''(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

''(A) the Secretary concerned collects the applicable amount under subclause (I) of such paragraph; or

''(B) the retired or retainer pay of the qualified individual is first reduced under subclause (II) of such paragraph.

''(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this subsection to elect to become entitled to basic educational assistance under this chapter.''.

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking ''subsection (a)'' and inserting ''subsection (a) or (e)''.

(c) COORDINATION PROVISIONS.—(1) If this Act is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1601 of that Act, including the amendments made by that section, shall not take effect. If this Act is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of this Act, the amendments made by section 1601 of that Act shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

(2) If the Veterans Claims Assistance Act of 2000 is enacted before the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, section 1611 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, including the amendments made by that section, shall not take effect. If the Veterans Claims Assistance Act of 2000 is enacted after the provisions of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 are enacted into law, then as of the enactment of the Veterans Claims Assistance Act of 2000, the amendments made by section 1611 of the Floyd D.

Spence National Defense Authorization Act for Fiscal Year 2001 shall be deemed for all purposes not to have taken effect and that section shall cease to be in effect.

SEC. 105. INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS.

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR INCREASED ASSISTANCE AMOUNT.—(1) Section 3011, as amended by section 102(a)(1)(B), is amended by inserting after subsection (d) the following new subsection (e):

''(e)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (c)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (b).

''(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

''(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

''(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.''.

(2) Section 3012, as amended by section 102(b)(2), is amended by inserting after subsection (e) the following new subsection (f):

''(f)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (d)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any reductions in the basic pay of such individual under subsection (c).

''(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty.

''(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $4.

''(4) Contributions under this subsection shall be made to the Secretary. The Secretary shall deposit any amounts received by the Secretary as contributions under this subsection into the Treasury as miscellaneous receipts.''.

(b) INCREASED ASSISTANCE AMOUNT.—Section 3015 is amended—

(1) by striking ''subsection (g)'' each place it appears in subsections (a)(1) and (b)(1) and inserting ''subsection (h)'';

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

''(g) In the case of an individual who has made contributions authorized by section 3011(e) or 3012(f) of this title, the monthly amount of basic educational assistance allowance applicable to such individual under subsection (a), (b), or (c) shall be the monthly rate otherwise provided for under the applicable subsection increased by—

''(1) an amount equal to $1 for each $4 contributed by such individual under section 3011(e) or 3012(f), as the case may be, for an approved program of education pursued on a full-time basis; or

''(2) an appropriately reduced amount based on the amount so contributed, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on May 1, 2001.

(d) TRANSITIONAL PROVISION FOR INDIVIDUALS DISCHARGED BETWEEN ENACTMENT AND EFFECTIVE DATE.—(1) During the period beginning on May 1, 2001, and ending on July 31, 2001, an individual described in paragraph (2) may make contributions under section 3011(e) or 3012(f) of title 38, United States Code (as added by subsection (a)), whichever is applicable to that individual, without regard to paragraph (2) of that section and otherwise in the same manner as an individual eligible for educational assistance under chapter 30 of such title who is on active duty.

(2) Paragraph (1) applies in the case of an individual who—

(A) is discharged or released from active duty during the period beginning on the date of the enactment of this Act and ending on April 30, 2001; and

(B) is eligible for educational assistance under chapter 30 of title 38, United States Code.

Subtitle B—Survivors' and Dependents' Educational Assistance

SEC. 111. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking ''$485'' and inserting ''$588'';

(B) by striking ''$365'' and inserting ''$441''; and

(C) by striking ''$242'' and inserting ''$294'';

(2) in subsection (a)(2), by striking ''$485'' and inserting ''$588'';

(3) in subsection (b), by striking ''$485'' and inserting ''$588''; and

(4) in subsection (c)(2)—

(A) by striking ''$392'' and inserting ''$475'';

(B) by striking ''$294'' and inserting ''$356''; and

(C) by striking ''$196'' and inserting ''$238''.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking ''$485'' and inserting ''$588''.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking ''$485'' and inserting ''$588'';

(2) by striking ''$152'' each place it appears and inserting ''$184''; and

(3) by striking ''$16.16'' and all that follows and inserting ''such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance.''.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking ''$353'' and inserting ''$428'';

(2) by striking ''$264'' and inserting ''$320'';

(3) by striking ''$175'' and inserting ''$212''; and

(4) by striking ''$88'' and inserting ''$107''.

(e) EFFECTIVE DATE.—The amendments made by subsections (a) through (d) shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 35 of title 38, United States Code, for months after October 2000.

(f) ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) CHAPTER 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

''§ 3564. Annual adjustment of amounts of educational assistance

''With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

''3564. Annual adjustment of amounts of educational assistance.''.

(2) CHAPTER 36.—Section 3687 is amended by adding at the end the following new subsection:

''(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(3) EFFECTIVE DATE.—Sections 3654 and 3687(d) of title 38, United States Code, as added by this subsection, shall take effect on October 1, 2001.

SEC. 112. ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

Section 3512(a)(3) is amended by striking ''8 years after,'' and all that follows through the end and inserting ''8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—

''(A) the Secretary approves that beginning date;

''(B) the eligible person makes that election after the person's eighteenth birthday but before the person's twenty-sixth birthday; and

''(C) that beginning date—

''(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is between the dates described in subsection (d); and

''(ii) in the case of a person whose eligibility is based on the death of a parent, is between—

''(I) the date of the parent's death; and

''(II) the date of the Secretary's decision that the death was service-connected;''.

SEC. 113. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking ''subsection (b) of this section'' and inserting ''subsections (b) and (c)''; and

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) When determining the effective date of an award under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary may consider the individual's application as having been filed on the eligibility date of the individual if that eligibility date is more than one year before the date of the initial rating decision.

''(2) An individual referred to in paragraph (1) is an eligible person who—

''(A) submits to the Secretary an original application for educational assistance under chapter 35 of this title within one year of the date that the Secretary makes the rating decision;

''(B) claims such educational assistance for pursuit of an approved program of education during a period preceding the one-year period ending on the date on which the application was received by the Secretary; and

''(C) would have been entitled to such educational assistance for such course pursuit if the individual had submitted such an application on the individual's eligibility date.

''(3) In this subsection:

''(A) The term 'eligibility date' means the date on which an individual becomes an eligible person.

''(B) The term 'eligible person' has the meaning given that term under section 3501(a)(1) of this title under subparagraph (A)(i), (A)(ii), (B), or (D) of such section by reason of either (i) the service-connected death or (ii) service-connected total disability permanent in nature of the veteran from whom such eligibility is derived.

''(C) The term 'initial rating decision' means with respect to an eligible person a decision made by the Secretary that establishes (i) service connection for such veteran's death or (ii) the existence of such veteran's service-connected total disability permanent in nature, as the case may be.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act; or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs, or (B) exhaustion of available administrative and judicial remedies.

SEC. 114. AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

(a) IN GENERAL.—Section 3501(a)(5) is amended by adding at the end the following new sentence: ''Such term also includes any preparatory course described in section 3002(3)(B) of this title.''.

(b) SCOPE OF AVAILABILITY.—Section 3512(a) is amended—

(1) by striking ''and'' at the end of clause (5);

(2) by striking the period at the end of clause (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person's eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.''.

Subtitle C—General Educational Assistance

SEC. 121. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

''(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between those terms does not exceed eight weeks, and (ii) both the terms preceding and following the period are not shorter in length than the period.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 122. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) IN GENERAL.—Sections 3452(b) and 3501(a)(5) (as amended by section 114(a)) are each amended by adding at the end the following new sentence: ''Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.''.

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1), such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

''(c)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

''(h)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—(1) Chapter 36 is amended by inserting after section 3688 the following new section:

''§ 3689. Approval requirements for licensing and certification testing

''(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the provisions of this chapter and chapters 30, 32, 34, and 35 of this title and with regulations prescribed by the Secretary to carry out this section.

''(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

''(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

''(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in

employment in a predetermined and identified vocation or profession; or

''(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(2) A licensing or certification test offered by a State, or a political subdivision of a State, is deemed approved by the Secretary for purposes of this section.

''(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under chapter 30, 32, 34, or 35 of this title and that meets the following requirements, shall be approved by the Secretary to offer such test:

''(A) The organization or entity certifies to the Secretary that the licensing or certification test offered by the organization or entity is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered the test for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

''(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license or certificate issued.

''(D) The organization or entity has no direct financial interest in—

''(i) the outcome of the test; or

''(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

''(E) The organization or entity maintains appropriate records with respect to all candidates who take the test for a period prescribed by the Secretary, but in no case for a period of less than three years.

''(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

''(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to the test or the process for obtaining a license or certificate required for vocations or professions.

''(G) The organization or entity furnishes to the Secretary such information with respect to the test as the Secretary requires to determine whether payment may be made for the test under chapter 30, 32, 34, or 35 of this title, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

''(H) The organization or entity furnishes to the Secretary the following information:

''(i) A description of the licensing or certification test offered by the organization or entity, including the purpose of the test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

''(ii) The requirements to take the test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

''(iii) The period for which the license or certificate awarded upon successful completion of the test is valid, and the requirements for maintaining or renewing the license or certificate.

''(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

''(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

''(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

''(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under 30, 32, 34, or 35 of this title, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

''(d) ADMINISTRATION.—Except as otherwise specifically provided in this section or chapter 30, 32, 34, or 35 of this title, in implementing this section and making payment under any such chapter for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

''(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the 'Committee').

''(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

''(3)(A) The Secretary shall appoint seven individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee.

''(B) The Secretary of Labor and the Secretary of Defense shall serve as ex-officio members of the Committee.

''(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

''(4)(A) The Secretary shall appoint the chairman of the Committee.

''(B) The Committee shall meet at the call of the chairman.

''(5) The Committee shall terminate December 31, 2006.''.

(2) The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

''3689. Approval requirements for licensing and certification testing.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2001, and shall apply with respect to licensing and certification tests approved by the Secretary on Veterans Affairs on or after such date.

(e) STARTUP FUNDING.—From amounts appropriated to the Department of Veterans Affairs for fiscal year 2001 for readjustment benefits, the Secretary of Veterans Affairs shall use an amount not to exceed $3,000,000 to develop the systems and procedures required to make payments under chapters 30, 32, 34, and 35 of title 38, United States Code, for licensing and certification tests.

SEC. 123. INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES.

Section 3674(a)(4) is amended—

(1) in the first sentence, by inserting ''or, for each of fiscal years 2001 and 2002, $14,000,000'' after ''$13,000,000''; and

(2) in the second sentence, by striking ''$13,000,000'' both places it appears and inserting ''the amount applicable to that fiscal year under the preceding sentence''.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

SEC. 201. ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) REVISED PAY ADJUSTMENT PROCEDURES.—(1) Subsection (d) of section 7451 is amended—

(A) in paragraph (1)—

(i) by striking ''The rates'' and inserting ''Subject to subsection (e), the rates''; and

(ii) in subparagraph (A)—

(I) by striking ''section 5305'' and inserting ''section 5303''; and

(II) by inserting ''and to be by the same percentage'' after ''to have the same effective date'';

(B) in paragraph (2), by striking ''Such'' in the second sentence and inserting ''Except as provided in paragraph (1)(A), such'';

(C) in paragraph (3)(B)—

(i) by inserting after the first sentence the following new sentence: ''To the extent practicable, the director shall use third-party industry wage surveys to meet the requirements of the preceding sentence.'';

(ii) by inserting before the penultimate sentence the following new sentence: ''To the extent practicable, all surveys conducted pursuant to this subparagraph or subparagraph (A) shall include the collection of salary midpoints, actual salaries, lowest and highest salaries, average salaries, bonuses, incentive pays, differential pays, actual beginning rates of pay, and such other information needed to meet the purpose of this section.''; and

(iii) in the penultimate sentence, by inserting ''or published'' after ''completed''; and

(D) by striking clause (iii) of paragraph (3)(C).

(2) Subsection (e) of such section is amended to read as follows:

''(e)(1) An adjustment in a rate of basic pay under subsection (d) may not reduce the rate of basic pay applicable to any grade of a covered position.

''(2) The director of a Department healthcare facility, in determining whether to carry out a wage survey under subsection (d)(3) with respect to rates of basic pay for a grade of a covered position, may not consider as a factor in such determination the absence of a current recruitment or retention problem for personnel in that grade of that position. The director shall make such a determination based upon whether, in accordance with criteria established by the Secretary, there is a significant pay-related

staffing problem at that facility in any grade for a position. If the director determines that there is such a problem, or that such a problem is likely to exist in the near future, the Director shall provide for a wage survey in accordance with subsection (d)(3).

''(3) The Under Secretary for Health may, to the extent necessary to carry out the purposes of subsection (d), modify any determination made by the director of a Department health-care facility with respect to adjusting the rates of basic pay applicable to covered positions. If the determination of the director would result in an adjustment in rates of basic pay applicable to covered positions, any action by the Under Secretary under the preceding sentence shall be made before the effective date of such pay adjustment. Upon such action by the Under Secretary, any adjustment shall take effect on the first day of the first pay period beginning after such action. The Secretary shall ensure that the Under Secretary establishes a mechanism for the timely exercise of the authority in this paragraph.

''(4) Each director of a Department health-care facility shall provide to the Secretary, not later than July 31 each year, a report on staffing for covered positions at that facility. The report shall include the following:

''(A) Information on turnover rates and vacancy rates for each grade in a covered position, including a comparison of those rates with the rates for the preceding three years.

''(B) The director's findings concerning the review and evaluation of the facility's staffing situation, including whether there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position and, if so, whether a wage survey was conducted, or will be conducted with respect to that grade.

''(C) In any case in which the director conducts such a wage survey during the period covered by the report, information describing the survey and any actions taken or not taken based on the survey, and the reasons for taking (or not taking) such actions.

''(D) In any case in which the director, after finding that there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position, determines not to conduct a wage survey with respect to that position, a statement of the reasons why the director did not conduct such a survey.

''(5) Not later than September 30 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on staffing for covered positions at Department health care facilities. Each such report shall include the following:

''(A) A summary and analysis of the information contained in the most recent reports submitted by facility directors under paragraph (4).

''(B) The information for each such facility specified in paragraph (4).''.

(3) Subsection (f) of such section is amended—

(A) by striking ''February 1 of 1991, 1992, and 1993'' and inserting ''March 1 of each year''; and

(B) by striking ''subsection (d)(1)(A)'' and inserting ''subsection (d)''.

(4) Such section is further amended by striking subsection (g) and redesignating subsection (h) as subsection (g).

(b) REQUIRED CONSULTATIONS WITH NURSES.—(1) Subchapter II of chapter 73 is further amended by adding at the end the following new section:

''§ 7323. Required consultations with nurses

''The Under Secretary for Health shall ensure that—

''(1) the director of a geographic service area, in formulating policy relating to the provision of patient care, shall consult regularly with a senior nurse executive or senior nurse executives; and

''(2) the director of a medical center shall include a registered nurse as a member of any committee used at that medical center to provide recommendations or decisions on medical center operations or policy affecting clinical services, clinical outcomes, budget, or resources.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

''7323. Required consultations with nurses.''.

SEC. 202. SPECIAL PAY FOR DENTISTS.

(a) FULL-TIME STATUS PAY.—Paragraph (1) of section 7435(b) is amended by striking ''$3,500'' and inserting ''$9,000''.

(b) TENURE PAY.—The table in paragraph (2)(A) of that section is amended to read as follows:

''Length of Service	Rate	
	Minimum	Maximum
1 year but less than 2 years	$1,000	$2,000
2 years but less than 4 years	4,000	5,000
4 years but less than 8 years	5,000	8,000
8 years but less than 12 years	8,000	12,000
12 years but less than 20 years	12,000	15,000
20 years or more	15,000	18,000.''.

(c) SCARCE SPECIALTY PAY.—Paragraph (3)(A) of that section is amended by striking ''$20,000'' and inserting ''$30,000''.

(d) RESPONSIBILITY PAY.—(1) The table in paragraph (4)(A) of that section is amended to read as follows:

''Position	Rate	
	Minimum	Maximum
Chief of Staff or in an Executive Grade	$14,500	$25,000
Director Grade	0	25,000
Service Chief (or in a comparable position as determined by the Secretary)	4,500	15,000.''.

(2) The table in paragraph (4)(B) of that section is amended to read as follows:

''Position	Rate
Deputy Service Director	$20,000
Service Director	25,000
Deputy Assistant Under Secretary for Health	27,500
Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)	30,000.''.

(e) GEOGRAPHIC PAY.—Paragraph (6) of that section is amended by striking ''$5,000'' and inserting ''$12,000''.

(f) SPECIAL PAY FOR POST-GRADUATE TRAINING.—Such section is further amended by adding at the end the following new paragraph:

''(8) For a dentist who has successfully completed a post-graduate year of hospital-based training in a program accredited by the American Dental Association, an annual rate of $2,000 for each of the first two years of service after successful completion of that training.''.

(g) CREDITING OF INCREASED TENURE PAY FOR CIVIL SERVICE RETIREMENT.—Section 7438(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) Notwithstanding paragraphs (1) and (2), a dentist employed as a dentist in the Veterans Health Administration on the date of the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 shall be entitled to have special pay paid to the dentist under section 7435(b)(2)(A) of this title (referred to as 'tenure pay') considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 only as follows:

''(A) In an amount equal to the amount that would have been so considered under such section on the day before such date based on the rates of special pay the dentist was entitled to receive under that section on the day before such date.

''(B) With respect to any amount of special pay received under that section in excess of the amount such dentist was entitled to receive under such section on the day before such date, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after such date.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements entered into by dentists under subchapter III of chapter 74 of title 38, United States Code, on or after the date of the enactment of this Act.

(i) TRANSITION.—In the case of an agreement entered into by a dentist under subchapter III of chapter 74 of title 38, United States Code, before the date of the enactment of this Act that expires after that date, the Secretary of Veterans Affairs and the dentist concerned may agree to terminate that agreement as of the date of the enactment of this Act in order to permit a new agreement in accordance with section 7435 of such title, as amended by this section, to take effect as of that date.

SEC. 203. EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES.

Section 7455(c)(1) is amended by inserting '', pharmacists,'' after ''anesthetists''.

SEC. 204. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION OR LICENSURE.—Paragraph (2) of section 7405(c) is amended to read as follows:

''(2) A temporary full-time appointment may not be made for a period in excess of two years in the case of a person who—

''(A) has successfully completed—

''(i) a full course of nursing in a recognized school of nursing, approved by the Secretary; or

''(ii) a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title, or as a physician assistant, in a recognized education or training institution approved by the Secretary; and

''(B) is pending registration or licensure in a State or certification by a national board recognized by the Secretary.''.

(b) MEDICAL SUPPORT PERSONNEL.—That section is further amended—

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

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

''(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

''(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.''.

SEC. 205. QUALIFICATIONS OF SOCIAL WORKERS.

Section 7402(b)(9) is amended by striking ''a person must'' and all that follows and inserting ''a person must—

''(A) hold a master's degree in social work from a college or university approved by the Secretary; and

''(B) be licensed or certified to independently practice social work in a State, except that the Secretary may waive the requirement of licensure or certification for an individual social worker for a reasonable period of time recommended by the Under Secretary for Health.''.

SEC. 206. PHYSICIAN ASSISTANT ADVISER TO UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

''(9) The Advisor on Physician Assistants, who shall be a physician assistant with appropriate experience and who shall advise the Under Secretary for Health on all matters relating to the utilization and employment of physician assistants in the Administration.''.

SEC. 207. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

The Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 5 U.S.C. 5597 note) is amended as follows:

(1) Section 1102(c) is amended to read as follows:

''(c) LIMITATION.—The plan under subsection (a) shall be limited to a total of 7,734 positions within the Department, allocated among the elements of the Department as follows:

''(1) The Veterans Health Administration, 6,800 positions.

''(2) The Veterans Benefits Administration, 740 positions.

''(3) Department of Veterans Affairs Staff Offices, 156 positions.

''(4) The National Cemetery Administration, 38 positions.''.

(2) Section 1105(a) is amended by striking ''26 percent'' and inserting ''15 percent''.

(3) Section 1109(a) is amended by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

Subtitle B—Military Service Issues

SEC. 211. FINDINGS AND SENSE OF CONGRESS CONCERNING USE OF MILITARY HISTORIES OF VETERANS IN DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

(a) FINDINGS.—Congress makes the following findings:

(1) Pertinent military experiences and exposures may affect the health status of Department of Veterans Affairs patients who are veterans.

(2) The Department of Veterans Affairs has begun to implement a Veterans Health Initiative to develop systems to ensure that both patient care and medical education in the Veterans Health Administration are specific to the special needs of veterans and should be encouraged to continue these efforts.

(3) Protocols eliciting pertinent information relating to the military history of veterans may be beneficial to understanding certain conditions for which veterans may be at risk and thereby facilitate the treatment of veterans for those conditions.

(4) The Department of Veterans Affairs is in the process of developing a Computerized Patient Record System that offers the potential to aid in the care and monitoring of such conditions.

(b) SENSE OF CONGRESS.—Congress—

(1) urges the Secretary of Veterans Affairs to assess the feasibility and desirability of using a computer-based system to conduct clinical evaluations relevant to military experiences and exposures; and

(2) recommends that the Secretary accelerate efforts within the Department of Veterans Affairs to ensure that relevant military histories of veterans are included in Department medical records.

SEC. 212. STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS.

(a) STUDY ON POST-TRAUMATIC STRESS DISORDER.—Not later than 10 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.

(b) FOLLOW-UP STUDY.—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of 1983 (Public Law 98–160). Such follow-up study shall use the data base and sample of the previous study.

(c) INFORMATION TO BE INCLUDED.—The study conducted pursuant to this section shall be designed to yield information on—

(1) the long-term course of post-traumatic stress disorder;

(2) any long-term medical consequences of post-traumatic stress disorder;

(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and

(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.

(d) REPORT.—The Secretary shall submit to the Committees of Veterans' Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.

Subtitle C—Medical Administration

SEC. 221. DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES.

(a) AUTHORITY.—Subchapter I of chapter 17 is amended by adding at the end the following new section:

''§ 1708. Temporary lodging

''(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.

''(b) Persons to whom the Secretary may provide lodging under subsection (a) are the following:

''(1) A veteran who must travel a significant distance to receive care or services under this title.

''(2) A member of the family of a veteran and others who accompany a veteran and provide the equivalent of familial support for such veteran.

''(c) In this section, the term 'Fisher house' means a housing facility that—

''(1) is located at, or in proximity to, a Department medical facility;

''(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and

''(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.

''(d) The Secretary may establish charges for providing lodging under this section. The proceeds from such charges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.

''(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—

''(1) limiting the duration of lodging provided under this section;

''(2) establishing standards and criteria under which charges are established for such lodging under subsection (d);

''(3) establishing criteria for persons considered to be accompanying a veteran under subsection (b)(2);

''(4) establishing criteria for the use of the premises of temporary lodging facilities under this section; and

''(5) establishing any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to lodging under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1707 the following new item:

''1708. Temporary lodging.''.

SEC. 222. EXCEPTION TO RECAPTURE RULE.

Section 8136 is amended—

(1) by inserting ''(a)'' at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

''(b) The establishment and operation by the Secretary of an outpatient clinic in facilities described in subsection (a) shall not constitute grounds entitling the United States to any recovery under that subsection.''.

SEC. 223. SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The procurement and distribution of medical items, including prescription drugs, is a multibillion-dollar annual business for both the Department of Defense and the Department of Veterans Affairs.

(2) Those departments prescribe common high-use drugs to many of their 12,000,000 patients who have similar medical profiles.

(3) The health care systems of those departments should have management systems that can share and communicate clinical and management information useful for both systems.

(4) The institutional barriers separating the two departments have begun to be overcome in the area of medical supplies, in part as a response to recommendations by the General Accounting Office and the Commission on Servicemembers and Veterans Transition Assistance.

(5) There is significant potential for improved savings and services by improving cooperation between the two departments in the procurement and management of prescription drugs, while remaining mindful that the two departments have different missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense and the Department of Veterans Affairs should increase, to the maximum extent consistent with their respective missions, their level of cooperation in the procurement and management of prescription drugs.

SEC. 224. TECHNICAL AND CONFORMING CHANGES.

(a) REQUIREMENT TO PROVIDE CARE.—Section 1710A(a) is amended by inserting ''(subject to section 1710(a)(4) of this title)'' after ''Secretary'' the first place it appears.

(b) CONFORMING AMENDMENTS.—Section 1710(a)(4) is amended—

(1) by inserting ''the requirement in section 1710A(a) of this title that the Secretary provide nursing home care,'' after ''medical services,''; and

(2) by striking the comma after ''extended care services''.

(c) OUTPATIENT TREATMENT.—Section 201 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1561) is amended by adding at the end the following new subsection:

''(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply with respect to medical services furnished under section 1710(a) of title 38, United States Code, on or after the effective date of the regulations prescribed by the Secretary of Veterans Affairs to establish the amounts required to be established under paragraphs (1) and (2) of section 1710(g) of that title, as amended by subsection (b).''.

(d) RATIFICATION.—Any action taken by the Secretary of Veterans Affairs under section 1710(g) of title 38, United States Code, during the period beginning on November 30, 1999, and ending on the date of the enactment of this Act is hereby ratified.

Subtitle D—Construction Authorization

SEC. 231. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) FISCAL YEAR 2001 PROJECTS.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in an amount not to exceed the amount specified for that project:

(1) Construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California, $26,600,000.

(2) Construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia, $9,500,000.

(3) Seismic corrections, clinical consolidation, and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California, $51,700,000.

(4) Construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida, $23,600,000.

(b) ADDITIONAL FISCAL YEAR 2000 PROJECT.—The Secretary is authorized to carry out a project for the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account—

(1) for fiscal years 2001 and 2002, a total of $87,800,000 for the projects authorized in paragraphs (1), (2), and (3) of section 231(a);

(2) for fiscal year 2001, an additional amount of $23,600,000 for the project authorized in paragraph (4) of that section; and

(3) for fiscal year 2002, an additional amount of $14,500,000 for the project authorized in section 401(1) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1572).

(b) LIMITATION.—The projects authorized in section 231(a) may only be carried out using—

(1) funds appropriated for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 (or, in the case of the project authorized in section 231(a)(4), for fiscal year 2001) for a category of activity not specific to a project.

(c) REVISION TO PRIOR LIMITATION.—Notwithstanding the limitation in section 403(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1573), the project referred to in subsection (a)(3) may be carried out using—

(1) funds appropriated for fiscal year 2002 pursuant to the authorization of appropriations in subsection (a)(3);

(2) funds appropriated for Construction, Major Projects, for fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2001 or fiscal year 2002 for a category of activity not specific to a project.

Subtitle E—Real Property Matters

SEC. 241. CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD.

Paragraph (2) of section 8163(c) is amended to read as follows:

''(2) The Secretary may not enter into an enhanced use lease until the end of the 90-day period beginning on the date of the submission of notice under paragraph (1).''.

SEC. 242. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE.

(a) RELEASE OF INTEREST.—The Secretary of Veterans Affairs shall execute such legal instruments as necessary to release the reversionary interest of the United States described in subsection (b) in a certain parcel of real property conveyed to the State of Tennessee pursuant to the Act entitled ''An Act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tennessee) to the State of Tennessee'', approved June 6, 1953 (67 Stat. 54).

(b) SPECIFIED REVERSIONARY INTEREST.—Subsection (a) applies to the reversionary interest of the United States required under section 2 of the Act referred to in subsection (a), requiring use of the property conveyed pursuant to that Act to be primarily for training of the National Guard and for other military purposes.

(c) CONFORMING AMENDMENT.—Section 2 of such Act is repealed.

SEC. 243. DEMOLITION, ENVIRONMENTAL CLEANUP, AND REVERSION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ALLEN PARK, MICHIGAN.

(a) AUTHORITY.—(1) The Secretary of Veterans Affairs shall enter into a multiyear contract with the Ford Motor Land Development Corporation (hereinafter in this section referred to as the ''Corporation'') to undertake project management responsibility to—

(A) demolish the buildings and auxiliary structures comprising the Department of Veterans Affairs Medical Center, Allen Park, Michigan; and

(B) remediate the site of all hazardous material and environmental contaminants found on the site.

(2) The contract under paragraph (1) may be entered into notwithstanding sections 303 and 304 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253, 254). The contract shall be for a period specified in the contract not to exceed seven years.

(b) CONTRACT COST AND SOURCE OF FUNDING.—(1) The Secretary may expend no more than $14,000,000 for the contract required by subsection (a). The contract shall provide that all costs for the demolition and site remediation under the contract in excess of $14,000,000 shall be borne by the Corporation.

(2) Payments by the Secretary under the contract shall be made in annual increments of no more than $2,000,000, beginning with fiscal year 2001, for the duration of the contract. Such payments shall be made from the nonrecurring maintenance portion of the annual Department of Veterans Affairs medical care appropriation.

(3) Notwithstanding any other provision of law, the amount obligated upon the award of the contract may not exceed $2,000,000 and the amount obligated with respect to any succeeding fiscal year may not exceed $2,000,000. Any funds obligated for the contact shall be subject to the availability of appropriated funds.

(c) REVERSION OF PROPERTY.—Upon completion of the demolition and remediation project under the contract to the satisfaction of the Secretary, the Secretary shall, on behalf of the United States, formally abandon the Allen Park property (title to which will then revert in accordance with the terms of the 1937 deed conveying such property to the United States).

(d) FLAGPOLE AND MEMORIAL.—The contract under subsection (a) shall require that the Corporation shall erect and maintain on the property abandoned by the United States under subsection (c) a flagpole and suitable memorial identifying the property as the location of the former Allen Park Medical Center. The Secretary and the Corporation shall jointly determine the placement of the memorial and flagpole and the form of, and appropriate inscription on, the memorial.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with regard to the contract with the Corporation under subsection (a) and with the reversion of the property under subsection (c) as the Secretary considers appropriate to protect the interest of the United States.

SEC. 244. CONVEYANCE OF CERTAIN PROPERTY AT THE CARL VINSON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, DUBLIN, GEORGIA.

(a) CONVEYANCE TO STATE BOARD OF REGENTS.—The Secretary of Veterans Affairs shall convey, without consideration, to the Board of Regents of the State of Georgia all right, title, and interest of the United States in and to two tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 39 acres, more or less, in Laurens County, Georgia.

(b) CONVEYANCE TO COMMUNITY SERVICE BOARD OF MIDDLE GEORGIA.—The Secretary of Veterans Affairs shall convey, without consideration, to the Community Service Board of Middle Georgia all right, title, and interest of the United States in and to three

tracts of real property, including any improvements thereon, at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia, consisting of 58 acres, more or less, in Laurens County, Georgia.

(c) CONDITIONS ON CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education purposes. The conveyance under subsection (b) shall be subject to the condition that the real property conveyed under that subsection be used in perpetuity solely for education and health care purposes.

(d) SURVEY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey or surveys satisfactory to the Secretary of Veterans Affairs. The cost of any such survey shall not be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Veterans Affairs may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 245. LAND CONVEYANCE, MILES CITY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER COMPLEX, MILES CITY, MONTANA.

(a) CONVEYANCE REQUIRED.—The Secretary of Veterans Affairs shall convey, without consideration, to Custer County, Montana (in this section referred to as the ''County''), all right, title, and interest of the United States in and to the parcels of real property consisting of the Miles City Department of Veterans Affairs Medical Center complex, which has served as a medical and support complex for the Department of Veterans Affairs in Miles City, Montana.

(b) TIMING OF CONVEYANCE.—The conveyance required by subsection (a) shall be made as soon as practicable after the date of the enactment of this Act.

(c) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the condition that the County—

(1) use the parcels conveyed, whether directly or through an agreement with a public or private entity, for veterans activities, community and economic development, or such other public purposes as the County considers appropriate; or

(2) convey the parcels to an appropriate public or private entity for use for the purposes specified in paragraph (1).

(d) CONVEYANCE OF IMPROVEMENTS.—(1) As part of the conveyance required by subsection (a), the Secretary may also convey to the County any improvements, equipment, fixtures, and other personal property located on the parcels conveyed under that subsection that are not required by the Secretary.

(2) Any conveyance under this subsection shall be without consideration.

(e) USE PENDING CONVEYANCE.—Until such time as the real property to be conveyed under subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the real property, together with any improvements thereon, under the terms and conditions of the current lease of the real property.

(f) MAINTENANCE PENDING CONVEYANCE.—The Secretary shall be responsible for maintaining the real property to be conveyed under subsection (a), and any improvements, equipment, fixtures, and other personal property to be conveyed under subsection (d), in its condition as of the date of the enactment of this Act until such time as the real property, and such improvements, equipment, fixtures, and other personal property are conveyed by deed under this section.

(g) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 246. CONVEYANCE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO, TO THE STATE OF COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Veterans Affairs may convey, without consideration, to the State of Colorado all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 512 acres and comprising the Fort Lyon Department of Veterans Affairs Medical Center. The purpose of the conveyance is to permit the State of Colorado to use the property for purposes of a correctional facility.

(b) PUBLIC ACCESS.—(1) The Secretary may not make the conveyance of real property authorized by subsection (a) unless the State of Colorado agrees to provide appropriate public access to Kit Carson Chapel (located on that real property) and the cemetery located adjacent to that real property.

(2) The State of Colorado may satisfy the condition specified in paragraph (1) with respect to Kit Carson Chapel by relocating the chapel to Fort Lyon National Cemetery, Colorado, or another appropriate location approved by the Secretary.

(c) PLAN REGARDING CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) before the date on which the Secretary implements a plan providing the following:

(A) Notwithstanding sections 1720(a)(3) and 1741 of title 38, United States Code, that veterans who are receiving inpatient or institutional long-term care at Fort Lyon Department of Veterans Affairs Medical Center as of the date of the enactment of this Act are provided appropriate inpatient or institutional long-term care under the same terms and conditions as such veterans are receiving inpatient or institutional long-term care as of that date.

(B) That the conveyance of the Fort Lyon Department of Veterans Affairs Medical Center does not result in a reduction of health care services available to veterans in the catchment area of the Medical Center.

(C) Improvements in veterans' overall access to health care in the catchment area through, for example, the opening of additional outpatient clinics.

(2) The Secretary shall prepare the plan referred to in paragraph (1) in consultation with appropriate representatives of veterans service organizations and other appropriate organizations.

(3) The Secretary shall publish a copy of the plan referred to in paragraph (1) before implementation of the plan.

(d) ENVIRONMENTAL RESTORATION.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary completes the evaluation and performance of any environmental restoration activities required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and by any other provision of law.

(e) PERSONAL PROPERTY.—As part of the conveyance authorized by subsection (a), the Secretary may convey, without consideration, to the State of Colorado any furniture, fixtures, equipment, and other personal property associated with the property conveyed under that subsection that the Secretary determines is not required for purposes of the Department of Veterans Affairs health care facilities to be established by the Secretary in southern Colorado or for purposes of Fort Lyon National Cemetery.

(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Any costs associated with the survey shall be borne by the State of Colorado.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions in connection with the conveyances authorized by subsections (a) and (e) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 247. EFFECT OF CLOSURE OF FORT LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER ON ADMINISTRATION OF HEALTH CARE FOR VETERANS.

(a) PAYMENT FOR NURSING HOME CARE.—Notwithstanding any limitation under section 1720 or 1741 of title 38, United States Code, the Secretary of Veterans Affairs may pay the State of Colorado, or any private nursing home care facility, for costs incurred in providing nursing home care to any veteran who is relocated from the Fort Lyon Department of Veterans Affairs Medical Center, Colorado, to a facility of the State of Colorado or such private facility, as the case may be, as a result of the closure of the Fort Lyon Department of Veterans Affairs Medical Center.

(b) OBLIGATION TO PROVIDE EXTENDED CARE SERVICES.—Nothing in section 246 or this section may be construed to alter or otherwise affect the obligation of the Secretary to meet the requirements of section 1710B(b) of title 38, United States Code, relating to staffing and levels of extended care services in fiscal years after fiscal year 1998.

(c) REPORT ON VETERANS HEALTH CARE IN SOUTHERN COLORADO.—Not later than one year after the conveyance, if any, authorized by section 246, the Under Secretary for Health of the Department of Veterans Affairs, acting through the Director of Veterans Integrated Service Network (VISN) 19, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the status of the health care system for veterans under that Network in southern Colorado. The report shall describe any improvements to the system in southern Colorado that have been put into effect in the period beginning on the date of the conveyance and ending on the date of the report.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

SEC. 301. STROKES AND HEART ATTACKS INCURRED OR AGGRAVATED BY MEMBERS OF RESERVE COMPONENTS IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING TO BE CONSIDERED TO BE SERVICE-CONNECTED.

(a) SCOPE OF TERM ''ACTIVE MILITARY, NAVAL, OR AIR SERVICE''.—Section 101(24) is amended to read as follows:

''(24) The term 'active military, naval, or air service' includes—

''(A) active duty;

''(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

''(C) any period of inactive duty training during which the individual concerned was disabled or died—

''(i) from an injury incurred or aggravated in line of duty; or

''(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.''.

(b) TRAVEL TO OR FROM TRAINING DUTY.—Section 106(d) is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting ''or covered disease'' after ''injury'' each place it appears;

(4) by designating the second sentence as paragraph (2);

(5) by designating the third sentence as paragraph (3); and

(6) by adding at the end the following new paragraph:

''(4) For purposes of this subsection, the term 'covered disease' means any of the following:

''(A) Acute myocardial infarction.

''(B) A cardiac arrest.

''(C) A cerebrovascular accident.''.

SEC. 302. SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY.

Section 1114(k) is amended—

(1) by striking ''or has suffered'' and inserting ''has suffered''; and

(2) by inserting after ''air and bone conduction,'' the following: ''or, in the case of a woman veteran, has suffered the anatomical loss of one or both breasts (including loss by mastectomy),''.

SEC. 303. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting ''(A)'' after ''proximately caused''; and

(2) by inserting before the period at the end the following: '', or (B) by participation in a program (known as a 'compensated work therapy program') under section 1718 of this title''.

SEC. 304. REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503(b)(1) is amended—

(1) in subparagraph (A)—

(A) by striking ''$1,500'' and inserting ''the amount equal to five times the section 1114(j) rate''; and

(B) by striking ''$500'' and inserting ''one-half that amount''; and

(2) by adding at the end the following new subparagraph:

''(D) For purposes of this paragraph, the term 'section 1114(j) rate' means the monthly rate of compensation in effect under section 1114(j) of this title for a veteran with a service-connected disability rated as total.''.

SEC. 305. REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY.

(a) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the program of the Defense Threat Reduction Agency of the Department of Defense known as the ''dose reconstruction program''.

(b) REVIEW ACTIVITIES.—The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine—

(1) whether or not the reconstruction of the sampled doses is accurate;

(2) whether or not the reconstructed dosage number is accurately reported;

(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

(c) DURATION OF REVIEW.—The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

(d) REPORT.—(1) Not later than 60 days after the conclusion of the period referred to in subsection (c), the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

(2) The report shall include the following:

(A) A detailed description of the activities of the National Academy of Sciences under the contract.

(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency.

Subtitle B—Life Insurance Matters

SEC. 311. PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70.

(a) CAP ON PREMIUMS.—Section 1922 is amended by adding at the end the following new subsection:

''(c) The premium rate of any term insurance issued under this section shall not exceed the renewal age 70 premium rate.''.

(b) REPORT.—Not later than September 30, 2001, the Secretary of Veterans Affairs shall submit to Congress a report setting forth a plan to liquidate the unfunded liability under the life insurance program under section 1922 of title 38, United States Code, not later than October 1, 2011.

SEC. 312. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 is amended in subsections (a), (c), and (d) by striking ''$200,000'' each place it appears and inserting ''$250,000''.

(b) MAXIMUM UNDER VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) is amended by striking ''$200,000'' each place it appears and inserting ''$250,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SEC. 313. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) ELIGIBILITY.—Section 1965(5) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10; and''.

(b) CONFORMING AMENDMENTS.—Sections 1967(a), 1968(a), and 1969(a)(2)(A) are amended by striking ''section 1965(5)(B) of this title'' each place it appears and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

Subtitle C—Housing and Employment Programs

SEC. 321. ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS FOR VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS.

Section 2102 is amended by adding at the end the following new subsection:

''(c) The amount of assistance afforded under subsection (a) for a veteran authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing unit, which is vested in the veteran, is also vested in any other person, if the veteran resides in the housing unit.''.

SEC. 322. VETERANS EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS.

(a) EMPLOYMENT EMPHASIS.—Subsection (a) of section 4212 is amended in the first sentence by inserting ''recently separated veterans,'' after ''veterans of the Vietnam era,''.

(b) CONFORMING AMENDMENTS.—Subsection (d)(1) of that section is amended by inserting ''recently separated veterans,'' after ''veterans of the Vietnam era,'' each place it appears in subparagraphs (A) and (B).

(c) RECENTLY SEPARATED VETERAN DEFINED.—Section 4211 is amended by adding at the end the following new paragraph:

''(6) The term 'recently separated veteran' means any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.''.

SEC. 323. EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE IN HONOR GUARDS FOR FUNERALS OF VETERANS.

(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—Section 4303(13) is amended—

(1) by striking ''and'' after ''National Guard duty''; and

(2) by inserting before the period at the end '', and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.''.

(b) REQUIRED LEAVE OF ABSENCE.—Section 4316 is amended by adding at the end the following new subsection:

''(e)(1) An employer shall grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow that employee to perform funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

''(2) For purposes of section 4312(e)(1) of this title, an employee who takes an authorized leave of absence under paragraph (1) is deemed to have notified the employer of the employee's intent to return to such position of employment.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of the enactment of this Act.

Subtitle D—Cemeteries and Memorial Affairs

SEC. 331. ELIGIBILITY FOR INTERMENT OF CERTAIN FILIPINO VETERANS OF WORLD WAR II IN NATIONAL CEMETERIES.

(a) ELIGIBILITY OF CERTAIN COMMONWEALTH ARMY VETERANS.—Section 2402 is amended

by adding at the end the following new paragraph:

''(8) Any individual whose service is described in section 107(a) of this title if such individual at the time of death—

''(A) was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States; and

''(B) resided in the United States.''.

(b) CONFORMING AMENDMENT.—Section 107(a)(3) is amended to read as follows:

''(3) chapters 11, 13 (except section 1312(a)), 23, and 24 (to the extent provided for in section 2402(8)) of this title.''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

SEC. 332. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II.

(a) PAYMENT RATE.—Section 107 is amended—

(1) in subsection (a), by striking ''Payments'' and inserting ''Subject to subsection (c), payments''; and

(2) by adding at the end the following new section:

''(c)(1) In the case of an individual described in paragraph (2), the second sentence of subsection (a) shall not apply.

''(2) Paragraph (1) applies to any individual whose service is described in subsection (a) and who dies after the date of the enactment of this subsection if the individual, on the individual's date of death—

''(A) is a citizen of, or an alien lawfully admitted for permanent residence in, the United States;

''(B) is residing in the United States; and

''(C) either—

''(i) is receiving compensation under chapter 11 of this title; or

''(ii) if the individual's service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.''.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).

SEC. 333. PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS CEMETERIES.

(a) IN GENERAL.—Section 2303(b)(1)(A) is amended to read as follows: ''(A) is used solely for the interment of persons who are (i) eligible for burial in a national cemetery, and (ii) members of a reserve component of the Armed Forces not otherwise eligible for such burial or former members of such a reserve component not otherwise eligible for such burial who are discharged or released from service under conditions other than dishonorable, and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the burial of persons dying on or after the date of the enactment of this Act.

TITLE IV—OTHER MATTERS

SEC. 401. BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 is amended by adding at the end the following new subchapter:

''SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

''§ 1811. Definitions

''In this subchapter:

''(1) The term 'eligible child' means an individual who—

''(A) is the child (as defined in section 1821(1) of this title) of a woman Vietnam veteran; and

''(B) was born with one or more covered birth defects.

''(2) The term 'covered birth defect' means a birth defect identified by the Secretary under section 1812 of this title.

''§ 1812. Covered birth defects

''(a) IDENTIFICATION.—The Secretary shall identify the birth defects of children of women Vietnam veterans that—

''(1) are associated with the service of those veterans in the Republic of Vietnam during the Vietnam era; and

''(2) result in permanent physical or mental disability.

''(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

''(A) A familial disorder.

''(B) A birth-related injury.

''(C) A fetal or neonatal infirmity with well-established causes.

''(2) In any case where affirmative evidence establishes that a covered birth defect of a child of a woman Vietnam veteran results from a cause other than the active military, naval, or air service of that veteran in the Republic of Vietnam during the Vietnam era, no benefits or assistance may be provided the child under this subchapter.

''§ 1813. Health care

''(a) NEEDED CARE.—The Secretary shall provide an eligible child such health care as the Secretary determines is needed by the child for that child's covered birth defects or any disability that is associated with those birth defects.

''(b) AUTHORITY FOR CARE TO BE PROVIDED DIRECTLY OR BY CONTRACT.—The Secretary may provide health care under this section directly or by contract or other arrangement with a health care provider.

''(c) DEFINITIONS.—For purposes of this section, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this section, except that for such purposes—

''(1) the reference to 'specialized spina bifida clinic' in paragraph (2) of that section shall be treated as a reference to a specialized clinic treating the birth defect concerned under this section; and

''(2) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of that section shall be treated as a reference to vocational training under section 1814 of this title.

''§ 1814. Vocational training

''(a) AUTHORITY.—The Secretary may provide a program of vocational training to an eligible child if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

''(b) APPLICABLE PROVISIONS.—Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under subsection (a).

''§ 1815. Monetary allowance

''(a) MONETARY ALLOWANCE.—The Secretary shall pay a monthly allowance to any eligible child for any disability resulting from the covered birth defects of that child.

''(b) SCHEDULE FOR RATING DISABILITIES.—(1) The amount of the monthly allowance paid under this section shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

''(2) In prescribing a schedule for rating disabilities for the purposes of this section, the Secretary shall establish four levels of disability upon which the amount of the allowance provided by this section shall be based. The levels of disability established may take into account functional limitations, including limitations on cognition, communication, motor abilities, activities of daily living, and employability.

''(c) AMOUNT OF MONTHLY ALLOWANCE.—The amount of the monthly allowance paid under this section shall be as follows:

''(1) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under subsection (b), $100.

''(2) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

''(A) $214; or

''(B) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

''(3) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

''(A) $743; or

''(B) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

''(4) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under subsection (b), the greater of—

''(A) $1,272; or

''(B) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

''(d) INDEXING TO SOCIAL SECURITY BENEFIT INCREASES.—Amounts under paragraphs (1), (2)(A), (3)(A), and (4)(A) of subsection (c) shall be subject to adjustment from time to time under section 5312 of this title.

''§ 1816. Regulations

''The Secretary shall prescribe regulations for purposes of the administration of this subchapter.''.

(b) CONSOLIDATION OF PROVISIONS APPLICABLE TO BOTH SUBCHAPTERS.—Chapter 18 is further amended by adding after subchapter II, as added by subsection (a), the following new subchapter:

''SUBCHAPTER III—GENERAL PROVISIONS

''§ 1821. Definitions

''In this chapter:

''(1) The term 'child' means an individual, regardless of age or marital status, who—

''(A) is the natural child of a Vietnam veteran; and

''(B) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

''(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era, without regard to the characterization of that individual's service.

''(3) The term 'Vietnam era' with respect to—

''(A) subchapter I of this chapter, means the period beginning on January 9, 1962, and ending on May 7, 1975; and

''(B) subchapter II of this chapter, means the period beginning on February 28, 1961, and ending on May 7, 1975.

"§ 1822. Applicability of certain administrative provisions

''(a) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO COMPENSATION.—The provisions of this title specified in subsection (b) apply with respect to benefits and assistance under this chapter in the same manner as those provisions apply to compensation paid under chapter 11 of this title.

''(b) SPECIFIED PROVISIONS.—The provisions of this title referred to in subsection (a) are the following:

''(1) Section 5101(c).

''(2) Subsections (a), (b)(2), (g), and (i) of section 5110.

''(3) Section 5111.

''(4) Subsection (a) and paragraphs (1), (6), (9), and (10) of subsection (b) of section 5112.

"§ 1823. Treatment of receipt of monetary allowance and other benefits

''(a) COORDINATION WITH OTHER BENEFITS PAID TO THE RECIPIENT.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

''(b) COORDINATION WITH BENEFITS BASED ON RELATIONSHIP OF RECIPIENTS.—Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

''(c) MONETARY ALLOWANCE NOT TO BE CONSIDERED AS INCOME OR RESOURCES FOR CERTAIN PURPOSES.—Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for, or the amount of benefits under, any Federal or federally assisted program.

"§ 1824. Nonduplication of benefits

''(a) MONETARY ALLOWANCE.—In the case of an eligible child under subchapter II of this chapter whose only covered birth defect is spina bifida, a monetary allowance shall be paid under subchapter I of this chapter. In the case of an eligible child under subchapter II of this chapter who has spina bifida and one or more additional covered birth defects, a monetary allowance shall be paid under subchapter II of this chapter.

''(b) VOCATIONAL REHABILITATION.—An individual may only be provided one program of vocational training under this chapter.''.

(c) REPEAL OF RECODIFIED PROVISIONS.—The following provisions are repealed:

(1) Section 1801.

(2) Subsections (c) and (d) of section 1805.

(3) Section 1806.

(d) DESIGNATION OF SUBCHAPTER I.—Chapter 18 is further amended by inserting before section 1802 the following:

''SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA''.

(e) CONFORMING AMENDMENTS.—(1) Section 1802 is amended by striking ''this chapter'' and inserting ''this subchapter''.

(2) Section 1805(a) is amended by striking ''this chapter'' and inserting ''this section''.

(f) CLERICAL AMENDMENTS.—(1) The chapter heading of chapter 18 is amended to read as follows:

"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS".

(2) The tables of chapters before part I, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

''18. Benefits for Children of Vietnam Veterans ..... 1802''.

(3) The table of sections at the beginning of chapter 18 is amended—

(A) by inserting at the beginning the following:

''SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA'';

(B) by striking the items relating to sections 1801 and 1806; and

(C) by adding at the end the following:

''SUBCHAPTER II—CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

''1811. Definitions.
''1812. Covered birth defects.
''1813. Health care.
''1814. Vocational training.
''1815. Monetary allowance.
''1816. Regulations.

''SUBCHAPTER III—GENERAL PROVISIONS

''1821. Definitions.
''1822. Applicability of certain administrative provisions.
''1823. Treatment of receipt of monetary allowance and other benefits.
''1824. Nonduplication of benefits.''.

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1812 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of chapter 18 of that title (as so added), not later than the effective date specified in paragraph (1).

SEC. 402. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2008''.

(b) HOME LOAN FEES.—Section 3729 is amended by striking everything after the section heading and inserting the following:

''(a) REQUIREMENT OF FEE.—(1) Except as provided in subsection (c), a fee shall be collected from each person obtaining a housing loan guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. No such loan may be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

''(2) The fee may be included in the loan and paid from the proceeds thereof.

''(b) DETERMINATION OF FEE.—(1) The amount of the fee shall be determined from the loan fee table in paragraph (2). The fee is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

''(2) The loan fee table referred to in paragraph (1) is as follows:

''LOAN FEE TABLE

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before October 1, 2008)	2.00	2.75	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2008)	1.25	2.00	NA

''LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before October 1, 2008)	3.00	3.00	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after October 1, 2008)	1.25	2.00	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before October 1, 2008)	1.50	2.25	NA

''LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after October 1, 2008)	.75	1.50	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before October 1, 2008)	1.25	2.00	NA
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after October 1, 2008)	.50	1.25	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA

''LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a) ..	2.25	2.25	2.25''.

''(3) Any reference to a section in the 'Type of loan' column in the loan fee table in paragraph (2) refers to a section of this title.

''(4) For the purposes of paragraph (2):

''(A) The term 'active duty veteran' means any veteran eligible for the benefits of this chapter other than a Reservist.

''(B) The term 'Reservist' means a veteran described in section 3701(b)(5)(A) of this title.

''(C) The term 'other obligor' means a person who is not a veteran, as defined in section 101 of this title or other provision of this chapter.

''(D) The term 'initial loan' means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

''(E) The term 'subsequent loan' means a loan to a veteran, other than an interest rate reduction refinancing loan, guaranteed under section 3710 or made under section 3711 of this title if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

''(F) The term 'interest rate reduction refinancing loan' means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 3710(a)(11), 3712(a)(1)(F), or 3762(h) of this title.

''(G) The term '0-down' means a downpayment, if any, of less than 5 percent of the

total purchase price or construction cost of the dwelling.

''(H) The term '5-down' means a downpayment of at least 5 percent or more, but less than 10 percent, of the total purchase price or construction cost of the dwelling.

''(I) The term '10-down' means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling.

''(c) WAIVER OF FEE.—A fee may not be collected under this section from a veteran who is receiving compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.''.

(c) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2008''.

(d) INCOME VERIFICATION AUTHORITY.—Section 5317(g) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

(e) LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.—Section 5503(f)(7) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

(f) ANNUAL REPORT OF COMMITTEE ON MENTALLY ILL VETERANS.—Section 7321(d)(2) is amended by striking ''three'' and inserting ''six''.

(g) AUTHORITY TO ESTABLISH RESEARCH AND EDUCATION CORPORATIONS.—Section 7368 is amended by striking ''December 31, 2000'' and inserting ''December 31, 2003''.

SEC. 403. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INAPPLICABILITY OF PRIOR REPORTS TERMINATION PROVISION TO CERTAIN REPORTS OF THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.

(b) REPEAL OF REPORTING REQUIREMENTS TERMINATED BY PRIOR LAW.—Sections 8111A(f) and 8201(h) are repealed.

(c) SUNSET OF CERTAIN REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT ON EQUITABLE RELIEF CASES.—Section 503(c) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(2) BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.—Section 541(c)(1) is amended by inserting ''through 2003'' after ''each odd-numbered year''.

(3) BIENNIAL REPORT OF ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by inserting ''through 2004'' after ''each even-numbered year''.

(4) BIENNIAL REPORTS ON MONTGOMERY GI BILL.—Subsection (d) of section 3036 is amended to read as follows:

''(d) No report shall be required under this section after January 1, 2005.''.

(5) ANNUAL REPORT OF SPECIAL MEDICAL ADVISORY GROUP.—Section 7312(d) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(d) COST INFORMATION TO BE PROVIDED WITH EACH REPORT REQUIRED BY CONGRESS.—(1)(A) Chapter 1 is amended by adding at the end the following new section:

''§ 116. Reports to Congress: cost information

''Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

''(1) a statement of the cost of preparing the report; and

''(2) a brief explanation of the methodology used in preparing that cost statement.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''116. Reports to Congress: cost information.''.

(2) Section 116 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90–day period beginning on the date of the enactment of this Act.

SEC. 404. TECHNICAL AMENDMENTS.

(a) TITLE 38.—Title 38, United States Code, is amended as follows:

(1) Section 1116(a)(2)(F) is amended by inserting ''of disability'' after ''to a degree''

(2) Section 1318(b)(3) is amended by striking ''not later than'' and inserting ''not less than''.

(3) Section 1712(a)(4)(A) is amended by striking ''subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)'' and inserting ''this subsection''.

(4) Section 1720A(c)(1) is amended by striking ''for such disability'' and all that follows through ''to such member'' and inserting ''for such disability. Care and services provided to a member so transferred''.

(5) Section 2402(7) is amended by striking ''chapter 67 of title 10'' and inserting ''chapter 1223 of title 10''.

(6) Section 3012(g)(2) is amended by striking ''subparagraphs'' both places it appears and inserting ''subparagraph''.

(7) Section 3684(c) is amended by striking ''calender'' and inserting ''calendar''.

(8) The table of sections at the beginning of chapter 41 is amended by inserting after the item relating to section 4110A the following new item:

''4110B. Coordination and nonduplication.''.

(9) The text of section 4213 is amended to read as follows:

''(a) Amounts and periods of time specified in subsection (b) shall be disregarded in determining eligibility under any of the following:

''(1) Any public service employment program.

''(2) Any emergency employment program.

''(3) Any job training program assisted under the Economic Opportunity Act of 1964.

''(4) Any employment or training program carried out under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

''(5) Any other employment or training (or related) program financed in whole or in part with Federal funds.

''(b) Subsection (a) applies with respect to the following amounts and periods of time:

''(1) Any amount received as pay or allowances by any person while serving on active duty.

''(2) Any period of time during which such person served on active duty.

''(3) Any amount received under chapters 11, 13, 30, 31, 32, and 36 of this title by an eligible veteran.

''(4) Any amount received by an eligible person under chapters 13 and 35 of this title.

''(5) Any amount received by an eligible member under chapter 106 of title 10.''.

(10) Section 7603(a)(1) is amended by striking ''subsection'' and inserting ''subchapter''.

(b) OTHER LAWS.—

(1) Effective November 30, 1999, and as if included therein as originally enacted, section 208(c)(2) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1568) is amended by striking ''subsection (c)(1)'' and inserting ''subsection (c)(3)''.

(2) Effective November 21, 1977, and as if included therein as originally enacted, section 402(e) of the Veterans' Benefits Act of 1997 (Public Law 105–114; 111 Stat. 2294) is amended by striking ''second sentence'' and inserting ''third sentence''.

In lieu of the House amendment to the title of the bill, amend the title so as to read: ''An Act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.''.

VETERANS BENEFITS ACT OF 2000

SPECTER (AND ROCKEFELLER) AMENDMENTS NOS. 4315–4316

Mr. MURKOWSKI (for Mr. SPECTER and Mr. ROCKEFELLER) proposed two amendments to the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes; as follows:

AMENDMENT NO. 4315

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2000''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

AMENDMENT NO. 4316

Amend the title so as to read: ''An Act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.''.

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Alex Mitrakos, a detailee to the VA–HUD subcommittee be granted the privilege of the floor during consideration of H.R. 4635, the VA–HUD appropriations bill.

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

Mr. BAUCUS. Mr. President, I ask consent that Peter Washburn, a fellow in the Environment Committee, be granted the privilege of the floor during consideration of H.R. 4635.

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

Mr. WARNER. I ask unanimous consent that Patricia Lewis of the Senate Armed Services Committee be granted privileges of the floor during consideration of the conference report accompanying H.R. 4205.

Mr. CLELAND. I ask unanimous consent that Tricia Heller and Geoff Gauger be granted the privilege of the floor during consideration of the Department of Defense authorization conference report.

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

Mr. INHOFE. I ask unanimous consent that Kyndra Jordan, who is a correspondent in my office, be granted floor privileges for the remainder of the debate on the Defense authorization bill.

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

HIGH STEENS AREA OF SOUTHEASTERN OREGON

Mr. SMITH of Oregon. Mr. President, I will not speak but a minute, along with my colleague, Senator WYDEN. He and I come to the floor to celebrate what Senator CRAIG will do later this evening by unanimous consent, and that is passage of H.R. 4828. It has to do with the high Steens area of southeastern Oregon. It is a beautiful and pristine area.

What we have done is truly bipartisan and truly historic in that the Sierra Club and the Oregon Cattlemen's Association enthusiastically support it. They support it because this has been a product of dialog and not Executive dictate. This has come about because people of good will have said: How can we protect the environment and protect the people as well? We have accomplished that in this bill. We are creating 170,000 acres of wilderness and providing other places for people to pursue their ranching lifestyles, and we are preserving the economy of Harney County.

I thank all of my colleagues—my colleague in the Senate, Senator WYDEN; Congressman WALDEN; all of the Oregon Congressmen, Republicans and Democrats alike; and the Governor of Oregon as well; and Secretary Bruce Babbitt who worked with us in good faith to make this possible. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, my friend and colleague, Senator SMITH, has said it extremely well, and I know our colleague Senator REED is waiting to speak, so I, too, will be very brief.

My view is that this Steens legislation is a monumental wilderness triumph. This legislation creates for the first time in statute cow-free wilderness. In the past, wilderness designations allowed the continuation of historic grazing practices, but because the ranchers in the Steens recognize the delicate nature of this ecosystem and because they were willing to work with Democrats and Republicans in our congressional delegation, Congressman GREG WALDEN, Congressman PETER DEFAZIO, and so many of our colleagues, we were able to build a coalition for a truly historic approach to protecting our wilderness.

We were able to find acceptable alternative grazing sites. Almost 100,000 acres of the total wilderness designation is now going to be by law cow free. In my view, this is just an example, a precedent of how communities can work together to protect our treasures.

All across this country when there are debates about national monuments, the sides go into opposing and what amounts to warring camps, the decibel level gets very high, and there is an awful lot of finger pointing and accusations.

In Oregon, we did it differently. We came up with an Oregon solution. Like Senator SMITH, I am very proud of what we have been able to achieve. This is a model that our delegation is going to use to tackle other critical natural resource questions and, frankly, we are especially proud tonight because we think that with our Steens bill, we set a model for other communities across this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

LIBERIAN IMMIGRANTS

Mr. REED. Mr. President, I want to take a moment to discuss the issue of Liberians in the United States who, up until a few days ago, faced an imminent threat of deportation. Today, through Executive action, that has been stayed at least for a year, but it is a community of people residing here who are literally living on the edge, not knowing if next year at this time they will, in fact, be deported back to Liberia, which is a country in great turmoil and crisis as we speak.

For the last several years I have tried with diligence and determination to do justice for these people, to give them a chance to become permanent residents of this country and ultimately citizens of this country. In my determination and my dedication, I have objected to the consideration of other legislation regarding immigrant groups, not because this legislation lacked merit, but because, in my view, it was unfair not to consider in some way the plight of the Liberians who are in the United States today.

I hope at this point, given assurances by the White House that this issue of justice for Liberians in the United States is a paramount issue for the President in the final days of this Congress in his negotiation with the congressional leadership, that the legislation I have objected to can and will move forward promptly.

Let me try to explain briefly the status of Liberians in this country.

In 1989, Liberia, which historically is a country with close ties with Africa and the United States—it was founded by freed American slaves; its capital is Monrovia, named after our President James Monroe—this country in 1989

was engulfed in a brutal civil war. This civil war over the next 7 years would claim 150,000 lives; it would displace the population; it would destroy infrastructure. In 1991, realizing the gravity of this crisis, the Attorney General of the United States granted temporary protective status to approximately 14,000 Liberians. They were allowed to remain in the United States. They could apply for work authorization, and they could work during this temporary protective status.

This status was renewed annually because of the crisis in Liberia until 1999. In that year, it was determined that since there had been at least an election of democratic reform in Liberia, and since the situation of armed conflict had subsided, temporary protective status was no longer required. But rather than immediate deportation, the President decided to authorize something which is known as deferred enforced departure, or DED, essentially telling the Liberian community in the United States: You are subject to deportation today, but we are simply deferring that for at least a year.

Just recently, again at the end of last month, we were able to get another Executive extension, but essentially what we are doing to these good people is putting their lives on hold one year at a time. They are unable to establish the same kind of permanency that we are seeking for other groups in this country.

They are good and decent people who have worked hard. They are a vital part of our community, and in the intervening almost 10 years, they have established themselves; quite literally many of them have children born here who are American citizens.

Yet each year we force these people to worry, to be concerned, to contemplate the very idea of leaving a home they have found and established here, taking with them children who know nothing of their native land, taking with them their skills which are not particularly useful, and going into a country that is violent.

Yesterday, the President of the United States and our Department of State declared the President of Liberia, Charles Taylor, persona non grata in the United States. He cannot get a visa to come here because of his deportations within Liberia, because of his support of a campaign of terror in Sierra Leone. We have all been horrified by the pictures of mutilated children in Sierra Leone. This is all part of his involvement there—his trading guns for diamonds, his attempt to destabilize the country, and defy international law.

That is the situation in Liberia, a situation, I might add, which we have also recognized is a threat to Americans. Our State Department is advising Americans they should not go to Liberia. We are withdrawing nonessential embassy personnel from Liberia. Yet we are unable to tell these Liberians in America: You can stay here and become permanent residents.

In fact, we are saying: We are prepared to deport you at the end of next year because that is the message that DED gives. I think it is wrong. I think it is unjust.

So I objected to certain measures. I think it is important to point out these measures.

First, there was legislation, H.R. 4681, to provide an adjustment status for Syrian Jews. These individuals came to the United States in 1992 through an arrangement between President Bush and President Assad of Syria. They were allowed to leave the country to seek refuge in the United States. But part of the negotiations, part of the fiction was that they would leave Syria on tourist visas. So they came to the United States. They did not come as refugees. They came as asylees. They sought asylum when they entered here.

Under our immigration law, there is a limit on the number of asylees that can adjust to permanent status each year. But it is important to point out, these individuals, these very good decent people, these Syrian Jews, are not in danger of being deported back to Syria.

Liberians are in grave danger of being deported back to Liberia. Essentially what this legislation would do—and I would support this legislation—is it would jump in ahead of other asylees who are waiting to fulfill the yearly quota of the number of asylees who can become permanent residents.

So this is a situation of concern and importance, but not the level of criticality, I believe, with respect to the Liberian community. Yet this legislation has moved through this House promptly, is on the verge of passage, while still the Liberian legislation languishes. I do not think that is right. I do not think it is just. I don't care. I certainly am pleased literally within a few days these Syrian Jews will have a chance to adjust to permanent status. Again, what about the Liberians?

There is another piece of legislation, the religious worker visa extension bill, which is also known as the Mother Teresa Religious Worker Act. This bill will allow the religious to come to the United States on a visa to do pastoral work.

It has been in effect for several years. It is a good program. About 2,500 workers come in a year. Very importantly, once these individuals are here, they can also adjust to permanent residency status, unlike the Liberians who now, under our DED, cannot do that. It is a worthy program, but it is a program, again, that I do not think has the same kind of compelling justice that the Liberians have in their case.

We again applaud the fact that this piece of legislation is likely to become law. But what about the Liberians?

There is also another piece of legislation that would grant immediate citizenship to children adopted internationally by the American public. Once again, these children are not in any danger of being returned to their homeland involuntarily. The Liberians are in such danger.

Each time now that a child is adopted, they come in on a visa. The adoptive parents can fill out an application for citizenship on behalf of the child and pay a $2,500 fee. The application is then considered with all other applications for permanent residency. It takes a few years, but these children are virtually assured of becoming American citizens.

Let me try to suggest the incongruity of not dealing with the Liberian legislation in the same way we are dealing with this type of legislation.

If we do not, next September, grant DED, we could be in the awkward position of having legislation which would allow an American couple to adopt a Liberian child and automatically make that child a citizen while at the same time we deport Liberian families in which the children are already American citizens having been born here. Again, not fair, not just. Even though this adoption bill is quite worthy—it will likely become law; I will support it—what about the Liberians?

So what we have seen is that legislation that has been introduced after legislation I introduced has already proceeded through the House and the Senate and will likely become law to the benefit of these good people, but what about the Liberians?

I have tried all I can to get a fair hearing for the Liberians in this country. I hope, in the last few days, we will get that hearing, through the intervention of the White House and through the consideration of my colleagues.

There are about 10,000 people here who have become important parts of our communities, who have sunk roots deep in our communities, many of whom have children who are Americans. It is not fair and it is not right that they are being ignored. I have tried to prevent at least that from happening, of them being completely ignored and being deported. They have suffered our indifference. I hope we can work this out in the next few days.

I thank my colleagues for their indulgence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

PUERTO RICAN ELECTIONS COMMISSION

Mr. CRAIG. Mr. President, this Congress has taken a historic step to advance the process of self-determination

of the American citizens of Puerto Rico by approving an appropriation of $2.5 million as requested by the President for a grant to the Elections Commission of Puerto Rico to be used for voter education and a choice among the island's future status options. As an advocate of that process and the need to resolve the island's political status after 102 years, I am pleased that we have acted.

This is historic because it represents the first authorization from Congress for the United States citizens of Puerto Rico to choose the ultimate political status for their island. Presidents since Truman have been seeking such an authorization and each house has passed similar language in the past, but the same language has never passed both houses and been enacted into law. Our approval of this appropriation should be read as Congress' determination to resolve the century-long question of the island's ultimate status and let Puerto Rican Americans choose a fully democratic governing arrangement if they wish to replace the current territorial status.

By adopting this provision as part of the unanticipated needs account of the Office of the President, it is Congress' intention that its support for a future vote in Puerto Rico be coordinated with the Administration's efforts to provide realistic options to be included on the ballot in the island's next referendum. In recent months the President has brought Puerto Rico's major political parties together in an unprecedented effort to define the available political status options. Our approval of the $2.5 million request evidences our expectation that the White House will provide realist options upon which to base a future status referendum. It can only responsibly allocate the funds for the consideration of options that are realistic.

Mr. President, the ultimate resolution of Puerto Rico's political status will require that Congress and the American citizens of Puerto Rico work together to make a choice based on clearly defined status options that are consistent with the U.S. Constitution. The action we have taken is a major contribution towards that goal.

CLIMATE CHANGE AND GLOBAL WARMING

Mr. CRAIG. Mr. President, I would like to speak for a couple of moments on an issue that I know is important to many of us and has been addressed by both myself and the chairman of the Energy and Natural Resources Committee who has now joined us on the floor, Senator Frank MURKOWSKI of Alaska.

Last night, the Vice President stated his belief that global warming is caused by fossil fuel use. The Senator from Alaska and I have both introduced legislation to deal with the question of climate change and global warming. We have looked at this issue extensively over the last several years, and through the eyes of the committee by a resolution, expressed on the floor of the Senate, as it related to the Kyoto Protocol.

With all of that, the Vice President said one thing last night. Governor Bush said he was not certain that climate change was a direct result of fossil fuel use. In fact, he said, science would govern environmental decision-making in his administration, and he did not believe that science had yet fully resolved that fossil fuel use and the creation of greenhouse gases was, in fact, creating climate change.

I happen to agree with the Vice President. I say that because the scientists we have had before us may generally agree that our globe is gaining some heat, with some temperature change, but they do not yet agree that fossil fuel usage and the aftereffects, the greenhouse gases, are in fact the sole cause or are they causing climate change?

Which opinion is more supported by the scientists themselves? On Monday, the Washington Post reported, in unusual detail, a new theory of global warming that is being advanced by scientists from Denmark to UCLA. It goes like this:

First of all, they say, charged particles from space, better known as cosmic rays, cause cloud formation by changing atmospheric molecules with neutral charges into charged ions. The charged ions cluster, forming dense, low clouds.

Now, this may sound like a scientific lecture, but this was the kind of detail that the Washington Post was giving in this article.

They said, secondly, the Sun's magnetic field deflects much of the cosmic rays away from the Earth, reducing their ability to trigger cloud formation.

With less cloud cover to shade the Earth, the Earth gets warmer.

That seems like pretty reasonable logic, doesn't it?

It turns out that satellite data over the last 20 years reveal an uncanny correlation between changes in the Sun's magnetic field and cloud cover. Meanwhile, Greenland ice-cores show that cosmic rays have declined over the past century.

James Hensen of NASA, once a leading proponent of the human cause theory that the Vice President embraces to the exclusion of all others, now acknowledges in the Post that the Sun has probably been a significant contributor in past climate change. But Hensen would still like to see some convincing evidence. Hensen, by the way, has also published recent work suggesting that methane gases, many of which are emitted naturally, may be as large a contributor to climate change as CO_2.

How can we find out what is right? Here is what the Post reports:

A consortium of more than fifty scientists have petitioned CERN, the European particle physics facility in Geneva, to conduct an experiment that could help settle this theory, this argument, this general issue, as reported by the Washington Post.

> The researchers want to use one of CERN's particle beams as a source of artificial cosmic rays that would strike a ''cloud chamber'' containing the equivalent of air in the lower atmosphere. If there is a clear link between cosmic rays and cloud formation, the experiment should reveal it.

The scientists proposing the experiment say:

> If this link is confirmed, the consequent global warming could be comparable to that presently attributed to greenhouse gases from the burning of fossil fuels.

In other words, what the scientists are saying is, if this theory and this test were proven accurate, then cosmic rays and their influence in the atmosphere and the formation of clouds could have equal or greater influence over the Earth's atmosphere and climate change or global warming.

How can we in the Senate use this information? If this experiment indicates that changes in solar magnetic fields account for all of the detected warming, then burning fossil fuel might account for none of it. Interrupting our economic growth by arbitrarily curtailing energy use either by taxing it or regulating it could be a far costlier experiment than the one these scientists have proposed at CERN. And because the human cause/effect is so weak and so few countries are likely to join our self-destructive experiment, useful scientific results may never materialize.

Let's do the real science, and do it now. In other words, I believe Gov. George Bush was right last night when he said, I believe there is a field of science we ought to understand and err on before we send this country down the road. He said his administration would make decisions on climate change based on science, not the politics or the popularity of the politics of the day.

Let's make science drive the issue. Science has to drive public policy in this area, not vice versa. We dare not let public policy drive science.

Meanwhile, let us hold off on dangerous experiments such as Kyoto that place our economy at risk in an attempt to prove one man right in the face of so much doubt. Truly, the kind of taxation the Vice President proposes and proposed but wouldn't own up to last night could certainly turn our economy into a recession and disadvantage our producers against other producers around the world.

In other words, what the Washington Post reported in great detail in an article well over a half a page long, on

Monday, was exactly what Governor Bush was saying last night.

Mr. Vice President, the jury is still out. And the jury is scientists all over the world who have not yet confirmed, nor do they agree, that fossil fuels are the sole cause of a climate growing warmer.

Let's err on the side of science and not politics as we make these decisions.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I share the concern expressed by my good friend from the State of Idaho with regard to the issue of global warming. Much of the rhetoric that has been used is not based on sound science. The reality that we have the technology, if given an opportunity to apply that technology, particularly in the developing Third World nations, results in a meaningful decrease of the concentrations of pollutants that we are all concerned about in association with clean air.

I commend my friend from Idaho for bringing this matter, again, to the attention of this body with the recognition that, indeed, through science and technology, we can make a significant difference in reducing overall the emissions, particularly from the emerging nations.

THE BREAKDOWN IN PEACE PROCESS IN MIDDLE EAST AND ITS EFFECT ON THE ENERGY CRISIS

Mr. MURKOWSKI. Mr. President, my purpose in coming before the Senate at this late hour is to bring to your attention a rather catastrophic situation that is occurring in the world today.

We are all familiar with the devastation associated with the breakdown of the peace process in the Mideast and the tensions associated with the conflict between Israel and the Palestinians. I think it is important to recognize another significant factor that has occurred today; that is, the price of oil has increased about $3.40 a barrel in one day. Currently oil closed at roughly $36.40. That is just a few cents under the all-time high of 3½ weeks ago where oil closed at $37 a barrel.

Clearly, our increased dependence on Mideast oil, where we import about 58 percent of the total oil we consume, is a significant factor in recognizing that any conflict in the Mideast not only affects oil prices in the United States, because our supply is threatened, but it affects our stock market which has dropped rather dramatically today as well.

Let me highlight a few things that I think represent an inconsistency in the administration's policies towards developing a sound energy policy.

Perhaps you noticed, I am not wearing a dark shirt, a dark tie, the kind worn by Regis on ''Who Wants To Be A Millionaire?'' As you know, this is a TV show on ABC where contestants compete to win up to $1 million in prizes. It is my understanding that to win, contestants on the TV show must answer some questions, just as the administration has had to answer a series of questions regarding the lack of an energy policy.

If contestants on the TV show get stumped by a question, they can use a so-called lifeline. For example, they can phone a friend. Well, we have seen when oil prices rose, this administration phoned their friends. They phoned the Saudis and asked them for more crude oil, and the Saudis obliged.

Now, contestants can ask the audience—in other words, consult the polls—to see who has the right answers. Doesn't that sound familiar? The administration, of course, loves polls.

Finally, TV contestants can use a 50/50 where only two choices are presented, one of which is the right answer, helps them out a little bit, not unlike the two contrasting energy policies that were presented by the major Presidential candidates. Well, the administration has used about all of its lifelines and still doesn't have an answer with regard to the energy policy. Now we find we are playing the game ''Who Wants to be a Millionaire'' with the Strategic Petroleum Reserve at the expense of our national energy security.

Some of the lucky winners, speculators who bid on this crude oil released from SPR recently, stand to profit handsomely; there is no question about it. But we should reflect on what the purpose was. The purpose was to build up heating oil inventories in the Northeast. Well, it is pretty hard to make a case that anything realistic has been done as a consequence of the SPR sale to build up those reserves.

I recall that the Vice President called on the President a few weeks ago to authorize the release of 30 million barrels of oil from the SPR. That was on September 21. Interestingly enough, the President responded the very next day. It is important to grasp that the aim of the emergency release, according to the administration, was to increase heating oil stocks in the Northeast and prevent high heating oil prices this winter. But what has been the result, Mr. President? Heating oil stocks in the Northeast have actually declined. They have declined 600,000 barrels since the President made his announcement. Those figures, which we reviewed, came from the American Petroleum Institute. That is a very disturbing trend because we are entering the winter season. It is getting colder up there and the reserves, again, are 600,000 barrels less than when the President made his announcement on September 21.

One can question the motive. Was the motive to lower prices and provide an excuse, cover, throughout the winter heating season, and perhaps throughout the elections, to ensure that the administration was doing something about the energy problem, something about the price of oil, something about our dependence on the Mideast, something about meeting the obligation of having adequate heating oil reserves?

I think the administration's premise was flawed from the start. If you consider these realistic facts, at the time of the SPR release, our refineries were operating at between 95 and 96 percent of capacity. That is a fact. Now, the oil in SPR is crude oil. In order to refine it, it has to go to a refinery. Furthermore, our pipelines for crude and finished product are already operating to capacity. We haven't had a new refinery for nearly two decades. And 37 refineries have been closed in this country in the last 10 years. So what we have is a situation where we have a bottleneck at our refineries, regardless of how much crude oil we have.

New heating oil resulting from SPR releases can't be delivered until late November at the earliest because you have to take this oil out of the SPR in the salt caverns of Louisiana on the gulf coast and you can only recover about 4 million barrels a day maximum, and you have to move it through a pipeline, put it on a tanker, and transport it to a refinery that is already full. There would be no guarantee that the crude oil released from SPR would have to be turned into heating oil for use in the United States. In other words, when they made this sale, they didn't make any requirement that whoever was the successful bidder on the sale was prohibited from exporting it. As a matter of fact, they didn't even have to turn it into heating oil. There is no provision in the contractual terms that mandates if you are the successful bidder for the SPR oil, you have to either turn it into heating oil and put it in a reserve in the United States, or, for that matter, you can export the oil. You certainly don't have to refine the oil.

The Wall Street Journal reported last week that heating oil from the United States is now being exported to Europe. We checked on that and found out that that is true. The heating oil market there is 50 percent larger than the U.S. market. Stocks are tight and prices are a few cents a gallon higher. I mentioned this to some of the principals in the Department of Energy and they said: We are letting the free market work.

I said: It is certainly working because that is where it is going—to the highest return, which is Europe.

So refiners are able to ship heating oil over to Europe because they pay a premium price at a time when there is a real shortage here in the United States.

Another question is, Why didn't the administration, when it put up 30 million barrels, put in a prohibition on exporting that oil, a mandate that it had to be refined, a mandate that it had to go into a reserve? We took oil out of the Strategic Petroleum Reserve, which was designed to address our needs should there be a curtailment of supply from the Mideast, and here we have a situation where no provision was even given to ensure that the action of taking 30 million barrels out of SPR resulted in any increase in our domestic heating oil supply for the Northeast part of the country.

And now the Department of Energy's Information Administration says that nearly two-thirds of the oil released from SPR—or 20 million barrels—will simply displace foreign imported oil. What that means is that we don't have the capacity in our refineries to take 30 million barrels; we are going to take 10. So instead of 30 million barrels, we will only get 10 million barrels of new crude actually from the SPR because of the displacement that I just explained.

Now, the Department of Energy claims that these 10 million barrels can still yield 3 million to 4 million barrels of heating oil. On the other hand, the industry tells us—and they are in the business because they have to refine it—that roughly 800,000 to 900,000 barrels of heating oil is all we are going to get out of the 10 million barrels that are refined. I don't know who is correct, but I suspect the industry is. In any event, recognize that the United States uses roughly 1 million barrels of heating oil a day.

So this pulldown of the SPR has either resulted in a 3-day supply or a 1-day supply. It sent a signal that we are so desperate that we are willing to reduce our Strategic Petroleum Reserve for the specific purpose of increasing the supply of heating oil, which we haven't achieved. One can question whether there was another motivation. Could that motivation have been to manipulate prices because prices did fall from $37 to about $32 after the announcement was made by the President that we were going to go in and sell 30 million barrels of SPR. But I point out where the price is today; the price closed at roughly $36.40 today. We are right back where we started.

As a consequence, the SPR release will, as I have said, likely end up representing less than 1 day's supply of heating oil. It is clear to me that the release of oil from the SPR won't help at all in increasing heating oil supplies in the Northeast this winter. If this had been the real concern of the administration, why would they turn away the invitation offered by Venezuela's state oil company, PDV, to produce heating oil for direct delivery to the United States? Well, we have asked the Secretary this. We asked him in an extended letter.

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, October 11, 2000.

Hon. BILL RICHARDSON,
Secretary of Energy, U.S. Department of Energy, Washington, DC.

DEAR MR. SECRETARY: I am writing to request that the Department provide the Committee the following information with respect to the proposed exchange of 30 million barrels of crude oil from the Strategic Petroleum Reserve:

1. A list of the bidders for the SPR oil.
2. For each bidder, the date on which their bid was submitted, the amount of SPR oil they bid for and the bid they made.
3. For each winning bidder, the amount and type of SPR oil they were awarded and the terms of the award.
4. For each winning bidder, the assurance they provided that they will be able to return oil to the SPR as is required.
5. Why DOE did not have any financial qualification for bidders.
6. For each losing bidder, the reasons why their bid was not accepted.
7. A list of all persons who the Department contacted to inform them of the proposed exchange, and the means by which such person was contacted.
8. Provisions in the contracts that require heating oil to be refined from the SPR oil.
9. Provisions in the contracts that require heating oil refined from the SPR oil to be delivered to the Northeast market.
10. Provisions in the contracts that prohibit the export of the SPR oil or petroleum product refined from the SPR oil, including export by exchange.

Please provide the Committee with this information as soon as possible, no later than 12:00 p.m., Monday, October 16, 2000. If you or your staff have any questions you may contact Mr. Brian Malnak (224–4970).

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

(Mr. CRAIG assumed the Chair.)

Mr. MURKOWSKI. This administration seems to have limited success in the real goal and, as I have indicated, it appears to be manipulating prices in the world market for, one can only conclude, a political effect. Crude oil prices, as I said, were at a 10-year high, $37 a barrel. After SPR, they hit $32. But today, as I have indicated, they are back up to $36.40. Along the way, they might be making some millionaires out of the speculators who were lucky enough to win a bid on SPR oil. We asked the Secretary to explain how those went out, who got them, how were they offered because if it is true, how did the administration, with this kind of an opportunity for speculators who didn't have to put up any financial requirement, prove a capability to get their bid? It appears that anyone was eligible to play.

Let's look at some of the bidders. Without being specific, very little was required of anyone who wanted to bid on the SPR oil. They did not have to show any financial capacity. The excuse was they were going to take care of that later. That was the official response from the Department of Energy. You didn't have to have any previous experience in the energy market; no track record. You didn't have to have any agreements with refiners who refine the oil. You didn't have any guarantee of even access to refiners and no guarantee that heating oil would be reserved specifically for the Northeast.

They made this bid proposal without any requirement that you could not export it, without any requirement that it be held in the United States for the Northeast reserve.

As a consequence, what have we really accomplished? All the winning bidders needed to do was promise to return more oil to SPR than the other bidders. You might have a pretty inexperienced bidder who wanted to get the bid and who didn't have to put up any financial responsibility proof, bid high, and get an award. Once you get an award, you can turn around and market it. For the larger companies that have the financial capacity, it is perhaps a little different.

I don't begrudge anyone for making a return on an investment. But it is a rather peculiar and I would suggest a poor way for government to do business.

As I think back at government sales, for example, in the forests, the Forest Service requires a participant who is putting up a bid to also show financial responsibility. You have to put up a letter of guarantee in your bank to even bid.

What happened here is we had the letters go out from the Department of Energy to prospective bidders. They simply bid and got an award. Then they have to put up the financial responsibility under a letter of credit after the fact.

In the meantime, if they are a broker, as a few of these folks were, with no experience and no refinery capacity, they are simply going to bid on the oil, and hopefully the price of oil will increase. They can sell their position to somebody else and walk away with a couple of million dollars.

I guess that is part of what makes America great. But, by the same token, you wonder to whom that profit should belong. Should it belong to the taxpayer or the speculator who puts up nothing for the opportunity to get a position and then be fortunate enough to sell it so he can make a few bucks?

We will have to see either today or tomorrow, when the letters of credit are due, whether some of these speculators have the financial capacity to actually meet the conditions after the fact. But I can tell you this. I have checked with several of the companies. These speculators have been busy trying to resell their positions. We will see how many are able to make good on their promises.

But it is important to recognize the winners. What do they get? I don't want you to misunderstand. But they basically get to borrow the crude from SPR. And, if the price goes up, they

can sell it at a higher price. They can take the money and buy back cheaper oil in 10 to 12 months to replace what they have borrowed from SPR with interest and, of course, keep any profits as a result. There is potentially millions of dollars—at whose expense? The taxpayer.

I have a little bit of background in banking and business. I can tell you it is a poor way to do business, to put out a bid proposal without any financial requirement for performance. That is what the Department of Energy has done. I think it is totally inappropriate when other Government agencies such as the Forest Service have a proven list of bidders.

I want to make another observation.

Isn't it rather peculiar that we have a Strategic Petroleum Reserve with about a 56-day supply of oil in case this country finds its oil supplies in the Mideast, on which we are 58-percent dependent, cut off by some action and we don't have an approved list of bidders who have already proven their financial capacity or the wherewithal to refine the oil and get it to market so we can do this in a process of a very short time? If the supply is disrupted, we are going to need to move it in a short period of time. It doesn't appear to be the case.

The Department of Energy evidently doesn't have a standing list of bidders who are willing to take the oil at a price, refine it, and get it out to the market. It appears that what we have done here is put this out to the highest bidder, and some of these speculators say: I didn't have to put up anything. I have nothing to lose. If I get a position, I can turn around and try to sell my position hoping that the price of oil has gone up, as it has today $3.50, and make a few bucks without any risk individually—because they haven't had to put up anything.

Let's get this straight. I think this was done at a considerable risk to our national security, and as a consequence, the release of oil from SPR by this administration has not contributed one identifiable barrel to the heating oil reserve for the Northeast part of this country.

Remember what we have achieved so far in the sale is identification that perhaps we will get at least a day's worth of heating oil. But it is not going to arrive until sometime in November.

Further, most of the crude oil released from SPR appears to be going into the foreign markets because they are paying a higher price in Europe than we are paying in the United States. There is no prohibition against the export. The only folks who appear to benefit will be perhaps a few of the speculators and a few of the oil companies that hit the jackpot. I can't imagine the Vice President is going to generate any expanded support from it. But the losers are really the fuel-starved consumers in the Northeast, the people this was designed to help.

I think that raises a number of questions regarding the administration's ability to basically manage the SPR.

When I think of the situation, as I have seen it evolve, I think the Secretary and the administration owe us a few answers.

For example, who bid on crude oil from SPR and what did they offer?

Why were the winning bids selected?

Who didn't get selected and why?

Whom were the bids sent out to?

What assurances did the administration get that oil release from SPR would be turned into heating oil in the Northeast?

How did the winning bidders plan to refine SPR oil?

How will they get it to market?

Why didn't the Department of Energy have a preapproved list of bidders that might be required in a real supply emergency?

Why wasn't financial responsibility part of the bidding process, similar to the way the Forest Service puts up timber for bid with financial requirements to be part of the bid submission?

I have asked these questions of the Secretary. I look forward to his response.

With regard to our national energy security, I think this administration really needs to respond to this question. The question is: Is that your final answer? Because that is simply not good enough for the American people.

In conclusion, it is my intention, as chairman of the Energy and Natural Resources Committee, to hold a hearing, which I intend to call for next Thursday, on the Strategic Petroleum Reserve, to try to generate the factual information relative to just what has been accomplished and what assurances people of the Northeast have that this action will actually result in any increase in our reserves of heating oil for the coming winter in view of the circumstances that exist today—the conflict in the Mideast, the tensions, and the realization that, indeed, we are at a time when we have become so dependent on imported oil that our national energy security is dictated by the likes of Saddam Hussein, Iraq, and others who do not necessarily look for the best interests of the United States when they sell their product to us.

I am always reflective on Saddam Hussein and the realization that now we are importing about 750,000 barrels a day from Iraq. How quickly the American people forget that we lost 147 lives in 1992 in the Persian Gulf war; we had 437 wounded. The cost to the taxpayer was in the billions of dollars.

Now we are looking to Saddam Hussein as a savior for our addiction to oil. I think it is further interesting to note the action taken by Saddam Hussein in relationship to the demand on Iraq from the U.N. to begin to pay Kuwait for reparations from the conflict there in the invasion from Iraq into Kuwait. Saddam Hussein told the U.N., if you require payment now, I will reduce my oil production. It is my understanding that the U.N. said: We will talk about it next quarter.

If you look at where we are today, we find the world's production and the world's consumption are almost equal. There is a little bit more production than there is consumption—just about 1 million barrels a day. But Saddam Hussein is producing 2.9 million barrels a day. His threat to cut production could increase the price of oil from $36 today to $56 tomorrow.

I always recall the issue of Israel and our commitment to Israel's security. He ends virtually every speech with ''Death to Israel.'' If there ever is a threat to peace in the Middle East, it comes from Iraq. They are building up their missile-delivery capability, their biological capability, and as a consequence of what we are seeing today in the Middle East, the crisis is increasing by the hour, and as a consequence the threat is increasing.

So this is all coupled with dependence, an increased growing dependence on imported oil and the inability of the administration to face up to appropriate relief associated with reducing our dependence on imported oil by producing more oil at home in the overthrust belt in Wyoming, Colorado, Utah—areas where the Federal Government is now taking nearly 60 percent of the public land and putting it off limits.

In my State of Alaska, we are attempting to open up the small sliver of ANWR, roughly a footprint of 2,000 acres out of 19 million acres, a potential supply of 16 billion barrels that would replace what we import from Saudi Arabia over a 30-year period. These are the actions that could be taken as well as conservation and tax incentives to address our energy security.

If we were to take these actions, there is no question in my mind we would be sending a strong signal to the Middle East. We would see a very significant drop in oil, much more so than occurred the other day when the President announced the sale of 30 million barrels from the SPR. I suggest we could expect at least a $10 to $15 a barrel drop in the price of oil.

I was thinking about the remarks of the previous speaker relative to the political season we are in. I was reminded in the debate last night of a statement by the Vice President that he always opposed energy taxes. I guess perhaps the Vice President overlooked the fact that when the administration came in in 1993 the first tax they proposed was the Btu tax, British thermal unit, a tax on energy. It was defeated in this body.

However, shortly thereafter there was the effort by the Vice President,

who was sitting in the chair of the Presiding Officer, and there was a tie vote in the Senate. The issue was the gas tax, 4.5 cents a gallon. The Vice President broke that tie and that gas tax went into effect.

In conclusion, I assume that the Vice President overlooked his record on increasing energy taxes and perhaps he should revisit his record and his memory.

DEFENSE PRODUCTION ACT AMENDMENTS OF 1999

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1715, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (H.R. 1715) to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the bill be considered read the third time and passed and the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1715) was read the third time and passed.

STEENS WILDERNESS ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4828, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A bill (H.R. 4828) to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

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

The bill (H.R. 4828) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, moments ago, by unanimous consent, the Senate passed H.R. 4828, the Steens Mountain Cooperative Management and Protection Act. This bill, supported by the entire Oregon delegation, is a very unique piece of legislation to enhance the protection of Steens Mountain in Southeastern Oregon, while preserving the local ranching economy.

As the sponsor of the Senate companion bill, S. 3052, cosponsored by my colleague, Senator WYDEN, I am here to thank my colleagues for the swift consideration of the House-passed bill.This bill enjoys broad support, ranging from the local community officials and the Oregon Cattlemen's Association, to Oregon Trout and the Sierra Club.

For those of my colleagues who have not had the good fortune to visit this special place, the Steens Mountain area in southeastern Oregon is a unique geologic formation that is home to a wide diversity of flora and fauna. The Steens Mountain fault block stretches sixty miles. It rises to an elevation of 9,700 feet and drops 5,500 feet in three miles to the historic lakebed of the Alvord Desert.

The federal lands on Steens Mountain are managed by the Bureau of Land Management. There is significant private ownership in the area, with over 270 separate landowners controlling about one-third of the land. There are several large ranching operations that graze both public and private lands in the Steens Mountain area.

Faced with multiple landowners, and a wide range of views on how best to protect the land, we finally crafted a great bill that enjoys local and national support, and that the President has indicated he will sign.

Through this bill, we are going to designate over one hundred and seventy thousand acres of wilderness. We are permanently removing cattle from over a hundred thousand acres in the High Steens. We will permanently withdraw over 1.1 million acres, including the Alvord Desert, from mining and geothermal development. We are also creating innovative management tools, such as a Redband Trout reserve and a Wildlands Juniper Management Area, to respond to the diverse stewardship needs of the Steens and the wildlife that finds its home there.

Mr. President, it was no easy task to achieve such wide-ranging environmental protection in my state without decimating the way of life of an entire community, and without creating more distrust of federal land management policies. This solution, though, works for the land and the people, rather than trying to make the land fit an existing management classification.

The best way to preserve special places like Steens Mountain, with significant private ownership, is not to force people off the land or to buy them all out. It is to ensure that open spaces are preserved in private ownership, and to provide incentives for the preservation of these open spaces. After all, it is the stewardship of this area by the private landowners over the last one hundred years that makes Steens Mountain the special place that it is today.

For over a year now, the entire Oregon congressional delegation and the Governor have worked closely with the Secretary of the Interior and stakeholders to achieve one primary goal: the preservation of Steens Mountain for future generations of Americans while ensuring that the ranchers can pass their ranches down to their children and grandchildren.

At the risk of leaving someone out, I would like to take a moment to mention some of the people who have contributed to this landmark process. I want to thank all of the Members of the Oregon delegation, the Secretary of the Interior, and the Governor, and all the dedicated staff members who worked on this bill—especially Valerie West, my Natural Resources Director, as well as Kurt Pfotenhauer and Matt Hill of my staff; Lindsay Slater, and Troy Tidwell in Congressman WALDEN's office; David Blair, Josh Kardon, and Sarah Bittleman in Senator WYDEN's office; Amelia Jenkins with Congressman DEFAZIO; Chris Huckleberry with Congresswoman HOOLEY; Michael Harrison with Congressman BLUMENAUER; and working on behalf of Governor Kitzhaber—Kevin Smith and Peter Green. In the Secretary of the Interior's office, I want to extend thanks to Molly McUsic and Laurie Sedlmayr. I also want to recognize the work of Mike Menge, David Dye, and David Brooks of the Senate Energy Committee, who helped bring this legislation before the Committee and to the floor of the Senate.

There are also many in Oregon that have been essential to this process. First and foremost, those who live in the shadow and beauty of Steens Mountain, and who will continue to act as its stewards: Stacy Davies, Fred Otley and Charlie Otley. There are also those who have represented the various environmental groups in Oregon: Bill Marlett, Andy Kerr, Sybil Ackerman, Jill Workman, and Jim Myron.

Mr. President, this bill is a historic achievement that will protect a mountain and a way of life that are deeply intertwined in the spirit of the American west, and I thank my colleagues for their support.

LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI

RELOCATING AND RENOVATING THE HAMILTON GRANGE, NEW YORK

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of the following resolutions, and further, the Senate proceed to their considerations en bloc: S. Con. Res. 114, S. Res. 368.

The PRESIDING OFFICER. The clerk will report the resolutions by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con.Res. 114) recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I.

A resolution (S. Res. 368) to recognize the importance of relocating and renovating the Hamilton Grange, New York.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. MURKOWSKI. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to consider be laid upon the table, that any statement related to the resolutions be printed in the RECORD, with the above occurring en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. CON. RES. 114

Whereas over 4 million Americans served in World War I, however, there is no nationally recognized symbol honoring the service of such Americans;

Whereas in 1919, citizens of Kansas City expressed an outpouring of support, raising over $2,000,000 in 2 weeks, which was a fundraising accomplishment unparalleled by any other city in the United States irrespective of population;

Whereas on November 1, 1921, the monument site was dedicated marking the only time in history that the 5 Allied military leaders (Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain) were together at one place;

Whereas during a solemn ceremony on Armistice Day in 1924, President Calvin Coolidge marked the beginning of a 3-year construction project by the laying of the cornerstone of the Liberty Memorial;

Whereas the 217-foot Memorial Tower topped with 4 stone ''Guardian Spirits'' representing courage, honor, patriotism, and sacrifice, rises above the observation deck, making the Liberty Memorial a noble tribute to all who served;

Whereas during a rededication of the Liberty Memorial in 1961, former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed;

Whereas the Liberty Memorial is the only public museum in the United States specifically dedicated to the history of World War I; and

Whereas the Liberty Memorial is internationally known as a major center of World War I remembrance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Liberty Memorial in Kansas City, Missouri, is recognized as a national World War I symbol, honoring those who defended liberty and our country through service in World War I.

S. RES. 368

Whereas Alexander Hamilton, assisted by James Madison and George Washington, was the principal drafter of the Constitution of the United States;

Whereas Hamilton was General Washington's aide-de-camp during the Revolutionary War, and, given command by Washington of the New York and Connecticut light infantry battalion, led the successful assault on British redoubt number 10 at Yorktown;

Whereas after serving as Secretary of the Treasury, Hamilton founded the Bank of New York and the New York Post;

Whereas the only home Hamilton ever owned, commonly known as ''the Grange'', is a fine example of Federal period architecture designed by New York architect John McComb, Jr., and was built in upper Manhattan in 1803;

Whereas the New York State Assembly enacted a law in 1908 authorizing New York City to acquire the Grange and move it to nearby St. Nicholas Park, part of the original Hamilton estate, but no action was taken;

Whereas in 1962, the National Park Service took over management of the Grange, by then wedged on Convent Avenue within inches between an apartment house on the north side and a church on the south side;

Whereas the 1962 designation of the Grange as a national memorial was contingent on the acquisition by the National Park Service of a site to which the building could be relocated;

Whereas the New York State Legislature enacted a law in 1998 that granted approval for New York City to transfer land in St. Nicholas Park to the National Park Service, causing renovations to the Grange to be postponed; and

Whereas no obelisk, monument, or classical temple along the national mall has been constructed to honor the man who more than any other designed the Government of the United States, Hamilton should at least be remembered by restoring his home in a sylvan setting: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the immense contribution Alexander Hamilton made to the United States as a principal drafter of the Constitution; and

(2) the National Park Service should expeditiously—

(A) proceed to relocate the Grange to St. Nicholas Park; and

(B) restore the Grange to a state befitting the memory of Alexander Hamilton.

DISTRICT OF COLUMBIA RECEIVERSHIP ACCOUNTABILITY ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 943, H.R. 3995.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3995) to establish procedures governing responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3995) was read the third time and passed.

RENAMING THE NATIONAL MUSEUM OF AMERICAN ART

Mr. MURKOWSKI. I ask unanimous consent the Senate now proceed to the immediate consideration of S. 3201, introduced earlier today by Senator FRIST, for himself, Mr. COCHRAN, and Mr. MOYNIHAN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3201) to rename the National Museum of American Art.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3201) was read the third time and passed, as follows:

S. 3201

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

SECTION 1. RENAMING OF NATIONAL MUSEUM OF AMERICAN ART.

(a) IN GENERAL.—The National Museum of American Art, as designated under section 1 of Public Law 96–441 (20 U.S.C. 71 note), shall be known as the ''Smithsonian American Art Museum''.

(b) REFERENCES IN LAW.—Any reference in any law, regulation, document, or paper to the National Museum of American Art shall be considered to be a reference to the Smithsonian American Art Museum.

SEC. 2. EFFECTIVE DATE.

Section 1 shall take effect on the day after the date of enactment of this Act.

COMMENDING THE MEN AND WOMEN WHO FOUGHT IN THE JASPER FIRE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 376, introduced earlier today by Senator DASCHLE and Senator JOHNSON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 376) expressing the sense of Senate that the men and women who fought the Jasper Fire in the Black Hills of South Dakota should be commended for their heroic efforts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHNSON. Mr President, I rise today in support of the Daschle-Johnson resolution that commends the men and women who valiantly fought the Jasper fire in the Black Hills of South Dakota. The fire that raged through the Black Hills caused considerable

damage to the forests in these states. Almost 100,000 acres burned in the Black Hills alone. To the great relief of all of us in South Dakota, the fire has been brought under control. The firefighters in our state did a tremendous job in containing the fire. Their efforts have been nothing short of Herculean.

The fire started near Jasper Cave on the Black Hills National Forest on August 24, 2000 and was contained by September 8, 2000. By the second day, the fire had quadrupled in size and was burning as fast as 100 acres per second. The fire threatened private homes in the communities of Deerfield, Custer and Hill City, the Jewel Cave National Monument and the Mount Rushmore National Memorial. It also forced the evacuation of many residents on northwestern Custer County and southwestern Pennington County.

1,160 men and women worked around the clock, most of them volunteers who literally risked their lives and made great sacrifices to contain the fire. Special mention should be made of the Tatanka Hotshot crew, an elite 20-person firefighting team based in the Black Hills who came from fighting fires in western Wyoming the fight the Jasper fire. While the Tatanka crew has fought several fires throughout the country, this was the first major fire they fought in their home forest .

The firefighters were incredibly successful. In spite of the rugged terrain and the intense speed and size of the Jasper fire, it was contained with only one home lost and with no injuries to any firefighters or local citizens. This resolution commends the firefighters for their bravery, their extraordinary efforts to contain the fire, and their commitment to protect lives, property and the surrounding communities. Senator DASCHLE, myself, and the entire Senate are proud of their efforts. We can't thank them enough.

Mr. MURKOWSKI. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table with no intervening action, and any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas the Jasper Fire started at 2:30 p.m. on Thursday, August 24, 2000, near Jasper Cave in the Black Hills National Forest and was contained at 6:00 p.m. on September 8, 2000;

Whereas two days after it started, the Jasper Fire nearly quadrupled in size in a matter of hours, burned as fast as 100 acres per second, and ultimately became the worst forest fire in the history of the Black Hills, consuming 83,508 acres;

Whereas the Jasper Fire threatened private homes in the Black Hills, including the South Dakota communities of Deerfield, Custer, and Hill City, Jewel Cave National Monument, and Mount Rushmore National Memorial, and forced the evacuation of many residents in northwestern Custer County and southwestern Pennington County;

Whereas volunteers from 67 community fire departments from across South Dakota made up a substantial part of the 1,160 men and women who worked around the clock to contain the Jasper Fire;

Whereas the Tatanka Hotshot crew, an elite 20-person firefighting team based in the Black Hills, came from fighting fires in western Wyoming to help fight the Jasper Fire;

Whereas while the Tatanka Hotshot crew has fought several fires throughout the country, the Jasper Fire was the first major fire they fought in their home forest;

Whereas the outpouring of support for the firefighters by local residents and communities, such as Hill City and Custer, helped boost firefighter morale; and

Whereas, in spite of the rugged terrain and the intense speed and size of the fire, the Jasper Fire was contained successfully with only one home lost and with no injuries to any firefighters or local citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Jasper Fire was the largest forest fire in the history of the Black Hills National Forest, consuming 83,508 acres;

(2) the volunteer firefighters from across South Dakota played a crucial role in combating the Jasper Fire and preventing it from destroying hundreds of homes;

(3) the Tatanka Hotshot crew was instrumental in providing the effort, expertise and training necessary to establish a fire line around the Jasper Fire; and

(4) the men and women who fought the Jasper Fire are commended for their bravery, their extraordinary efforts to contain the fire, and their commitment to protect lives, property, and the surrounding communities.

UNITED STATES GRAIN STANDARDS ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 4788.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4311

Mr. MURKOWSKI. Mr. President, Senator LUGAR has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. LUGAR, proposes an amendment numbered 4311.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4311) was agreed to.

The bill (H.R. 4788), as amended, was read the third time and passed.

GOOD CITIZENSHIP ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2883, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2883) to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 2883) was read the third time and passed.

PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT AND THE DINGELL-JOHNSON SPORT FISH RESTORATION ACT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 945, H.R. 3671.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3671) to amend the Acts popularly known as the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects and increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating opportunities for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and execution of those Acts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLES; TABLE OF CONTENTS.

(a) SHORT TITLES.—

(1) THIS ACT.—This Act may be cited as the ''Wildlife and Sport Fish Restoration Programs Improvement Act of 2000''.

(2) PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—The Act of September 2, 1937 (16 U.S.C. 669 et seq.), is amended by adding at the end the following:

''SEC. 14. SHORT TITLE.

''This Act may be cited as the 'Pittman-Robertson Wildlife Restoration Act'.''.

(3) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—The Act of August 9, 1950 (16 U.S.C. 777 et seq.), is amended by adding at the end the following:

''SEC. 16. SHORT TITLE.

''This Act may be cited as the 'Dingell-Johnson Sport Fish Restoration Act'.''.

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

Sec. 1. Short titles; table of contents.

TITLE I—WILDLIFE RESTORATION

Sec. 101. Expenditures for administration.
Sec. 102. Firearm and bow hunter education and safety program grants.
Sec. 103. Multistate conservation grant program.

TITLE II—SPORT FISH RESTORATION

Sec. 201. Expenditures for administration.
Sec. 202. Multistate conservation grant program.
Sec. 203. Conforming amendment.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

Sec. 301. Designation of programs.
Sec. 302. Implementation report.

TITLE I—WILDLIFE RESTORATION

SEC. 101. EXPENDITURES FOR ADMINISTRATION.

(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking ''SEC. 4.'' and all that follows through the end of the first sentence of subsection (a) and inserting the following:

''SEC. 4. ALLOCATION AND APPORTIONMENT OF AVAILABLE AMOUNTS.

''(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—

''(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the revenues (excluding interest accruing under section 3(b)) covered into the fund for the fiscal year, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for administrative expenses incurred in implementation of this Act, in accordance with this subsection and section 9.

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for fiscal year 2001, $9,500,000; and

''(ii) for fiscal year 2002 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

''(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

''(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States for the fiscal year.

''(b) APPORTIONMENT TO STATES.—''; and

(3) in subsection (b) (as designated by paragraph (2)), by striking ''after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section,'' and inserting ''after deducting the available amount under subsection (a), the amount apportioned under subsection (c), any amount apportioned under section 8A, and amounts provided as grants under sections 10 and 11, shall apportion''.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 9 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h) is amended to read as follows:

''SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.

''(a) AUTHORIZED ADMINISTRATIVE COSTS.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(a)(1) only for administrative expenses that directly support the implementation of this Act, consisting of—

''(1) personnel costs of employees who directly administer this Act on a full-time basis;

''(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of an employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

''(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

''(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

''(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

''(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

''(7) costs of audits under subsection (d);

''(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

''(9) costs of travel to States, territories, and Canada by personnel who—

''(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

''(B) administer grants under section 6, 10, or 11;

''(10) costs of travel by personnel outside the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

''(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

''(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6, 10, or 11.

''(b) REPORTING OF OTHER USES.—If the Secretary of the Interior determines that available amounts under section 4(a)(1) should be used for an administrative expense other than an administrative expense described in subsection (a), the Secretary—

''(1) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the administrative expense; and

''(2) may use any such available amounts for the administrative expense only after the end of the 30-day period beginning on the date of submission of the report under paragraph (1).

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under section 4(a)(1) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—

''(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for administrative expenses incurred in implementation of this Act.

''(2) AUDITOR.—

''(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit).

''(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

''(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each audit under this subsection.''.

(c) CONFORMING AMENDMENT.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended in the first sentence by striking ''section 4(b) of this Act'' and inserting ''section 4(c)''.

SEC. 102. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

The Pittman-Robertson Wildlife Restoration Act is amended—

(1) by redesignating section 10 (16 U.S.C. 669i) as section 12; and

(2) by inserting after section 9 (16 U.S.C. 669h) the following:

"SEC. 10. FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.

''(a) IN GENERAL.—Of the revenues covered into the fund for a fiscal year, $7,500,000 shall be apportioned among the States in the manner specified in section 4(b) by the Secretary of the Interior and used to make grants to the States to be used for—

''(1) the enhancement of hunter education programs, hunter and sporting firearm safety programs, and hunter development programs;

''(2) the enhancement of interstate coordination and development of hunter education and shooting range programs;

''(3) the enhancement of bow hunter and archery education, safety, and development programs; and

''(4) the enhancement of construction or development of firearm shooting ranges and archery ranges, and the updating of safety features of firearm shooting ranges and archery ranges.

''(b) COST SHARING.—The Federal share of the cost of any activity carried out with a grant under this section shall not exceed 75 percent of the total cost of the activity.

''(c) PERIOD OF AVAILABILITY; REAPPORTIONMENT.—

''(1) PERIOD OF AVAILABILITY.—A grant under this section shall remain available only for the fiscal year for which the grant is made.

''(2) REAPPORTIONMENT.—At the end of the period of availability under paragraph (1), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(b) for use by the States in accordance with this section.''.

SEC. 103. MULTISTATE CONSERVATION GRANT PROGRAM.

The Pittman-Robertson Wildlife Restoration Act (as amended by section 102) is amended by inserting after section 10 the following:

"SEC. 11. MULTISTATE CONSERVATION GRANT PROGRAM.

''(a) IN GENERAL.—

''(1) AMOUNT FOR GRANTS.—Not more than $3,500,000 of the revenues covered into the fund for a fiscal year shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

''(A) PERIOD OF AVAILABILITY.—A grant under this subsection shall remain available only for the fiscal year for which the grant is made and the following fiscal year.

''(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(b) for use by the States in the same manner as funds apportioned under section 4(b).

''(b) SELECTION OF PROJECTS.—

''(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

''(A) at least 26 States;

''(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

''(C) a regional association of State fish and game departments.

''(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may award grants under this section only for projects identified on a priority list of wildlife restoration projects described in paragraph (3).

''(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of projects that the International Association of Fish and Wildlife Agencies—

''(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

''(i) nongovernmental organizations that represent conservation organizations;

''(ii) sportsmen organizations; and

''(iii) industries that support or promote hunting, trapping, recreational shooting, bow hunting, or archery;

''(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

''(C) not later than October 1 of each fiscal year, submits to the Chief of the Division of Federal Aid.

''(4) PUBLICATION.—The Chief of the Division of Federal Aid shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States;

''(B) the United States Fish and Wildlife Service for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

''(C) subject to paragraph (2), a nongovernmental organization.

''(2) NONGOVERNMENTAL ORGANIZATIONS.—

''(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

''(i) does not promote or encourage opposition to the regulated hunting or trapping of wildlife; and

''(ii) will use any funds awarded under this section in compliance with subsection (d).

''(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to promote or encourage opposition to the regulated hunting or trapping of wildlife or that does not use funds in compliance with subsection (d) shall return all funds received under this section and be subject to any other penalties under law.

''(d) USE OF GRANTS.—A grant under this section shall not be used for an activity, project, or program that promotes or encourages opposition to the regulated hunting or trapping of wildlife.''.

TITLE II—SPORT FISH RESTORATION

SEC. 201. EXPENDITURES FOR ADMINISTRATION.

(a) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended by striking subsection (d) and inserting the following:

''(d) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—

''(1) IN GENERAL.—

''(A) SET-ASIDE.—For fiscal year 2001 and each fiscal year thereafter, of the balance of each such annual appropriation remaining after the distribution and use under subsections (a), (b), and (c) and section 14, the Secretary of the Interior may use not more than the available amount specified in subparagraph (B) for the fiscal year for administrative expenses incurred in implementation of this Act, in accordance with this subsection and section 9.

''(B) AVAILABLE AMOUNTS.—The available amount referred to in subparagraph (A) is—

''(i) for fiscal year 2001, $9,500,000; and

''(ii) for fiscal year 2002 and each fiscal year thereafter, the sum of—

''(I) the available amount for the preceding fiscal year; and

''(II) the amount determined by multiplying—

''(aa) the available amount for the preceding fiscal year; and

''(bb) the change, relative to the preceding fiscal year, in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT OF UNOBLIGATED AMOUNTS.—

''(A) PERIOD OF AVAILABILITY.—For each fiscal year, the available amount under paragraph (1) shall remain available for obligation for use under that paragraph until the end of the fiscal year.

''(B) APPORTIONMENT OF UNOBLIGATED AMOUNTS.—Not later than 60 days after the end of a fiscal year, the Secretary of the Interior shall apportion among the States any of the available amount under paragraph (1) that remains unobligated at the end of the fiscal year, on the same basis and in the same manner as other amounts made available under this Act are apportioned among the States under subsection (e) for the fiscal year.''.

(b) REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Section 9 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h) is amended to read as follows:

"SEC. 9. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.

''(a) AUTHORIZED ADMINISTRATIVE COSTS.—Except as provided in subsection (b), the Secretary of the Interior may use available amounts under section 4(d) only for administrative expenses that directly support the implementation of this Act, consisting of—

''(1) personnel costs of employees who directly administer this Act on a full-time basis;

''(2) personnel costs of employees who directly administer this Act on a part-time basis for at least 20 hours each week, not to exceed the portion of those costs incurred with respect to the work hours of an employee during which the employee directly administers this Act, as those hours are certified by the supervisor of the employee;

''(3) support costs directly associated with personnel costs authorized under paragraphs (1) and (2), excluding costs associated with staffing and operation of regional offices of the United States Fish and Wildlife Service and the Department of the Interior other than for the purposes of this Act;

''(4) costs of determining under section 6(a) whether State comprehensive plans and projects are substantial in character and design;

''(5) overhead costs, including the costs of general administrative services, that are directly attributable to administration of this Act and are based on—

''(A) actual costs, as determined by a direct cost allocation methodology approved by the Director of the Office of Management and Budget for use by Federal agencies; and

''(B) in the case of costs that are not determinable under subparagraph (A), an amount per full-time equivalent employee authorized under paragraphs (1) and (2) that does not exceed the amount charged or assessed for costs per full-time equivalent employee for any other division or program of the United States Fish and Wildlife Service;

''(6) costs incurred in auditing, every 5 years, the wildlife and sport fish activities of each State fish and game department and the use of funds under section 6 by each State fish and game department;

''(7) costs of audits under subsection (d);

''(8) costs of necessary training of Federal and State full-time personnel who administer this Act to improve administration of this Act;

''(9) costs of travel to States, territories, and Canada by personnel who—

''(A) administer this Act on a full-time basis for purposes directly related to administration of State programs or projects; or

''(B) administer grants under section 6 or 14;

''(10) costs of travel by personnel outside the United States (except travel to Canada) that relates directly to administration of this Act and that is approved directly by the Assistant Secretary for Fish and Wildlife and Parks;

''(11) relocation expenses for personnel who, after relocation, will administer this Act on a full-time basis for at least 1 year, as certified by the Director of the United States Fish and Wildlife Service at the time at which the relocation expenses are incurred; and

''(12) costs to audit, evaluate, approve, disapprove, and advise concerning grants under section 6 or 14.

''(b) REPORTING OF OTHER USES.—If the Secretary of the Interior determines that available amounts under section 4(d) should be used for an administrative expense other than an administrative expense described in subsection (a), the Secretary—

''(1) shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report describing the administrative expense; and

''(2) may use any such available amounts for the administrative expense only after the end of the 30-day period beginning on the date of submission of the report under paragraph (1).

''(c) RESTRICTION ON USE TO SUPPLEMENT GENERAL APPROPRIATIONS.—The Secretary of the Interior shall not use available amounts under section 4(d) to supplement the funding of any function for which general appropriations are made for the United States Fish and Wildlife Service or any other entity of the Department of the Interior.

''(d) AUDIT REQUIREMENT.—

''(1) IN GENERAL.—The Inspector General of the Department of the Interior shall procure the performance of biennial audits, in accordance with generally accepted accounting principles, of expenditures and obligations of amounts used by the Secretary of the Interior for administrative expenses incurred in implementation of this Act.

''(2) AUDITOR.—

''(A) IN GENERAL.—An audit under this subsection shall be performed under a contract that is awarded under competitive procedures (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) by a person or entity that is not associated in any way with the Department of the Interior (except by way of a contract for the performance of an audit).

''(B) SUPERVISION OF AUDITOR.—The auditor selected under subparagraph (A) shall report to, and be supervised by, the Inspector General of the Department of the Interior, except that the auditor shall submit a copy of the biennial audit findings to the Secretary of the Interior at the time at which the findings are submitted to the Inspector General of the Department of the Interior.

''(3) REPORT TO CONGRESS.—The Inspector General of the Department of the Interior shall promptly report to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of each audit under this subsection.''.

SEC. 202. MULTISTATE CONSERVATION GRANT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Dingell-Johnson Sport Fish Restoration Act is amended by striking the section 13 relating to effective date (16 U.S.C. 777 note) and inserting the following:

''SEC. 14. MULTISTATE CONSERVATION GRANT PROGRAM.

''(a) IN GENERAL.—

''(1) AMOUNT FOR GRANTS.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 in a fiscal year, not more than $3,500,000 shall be available to the Secretary of the Interior for making multistate conservation project grants in accordance with this section.

''(2) PERIOD OF AVAILABILITY; APPORTIONMENT.—

''(A) PERIOD OF AVAILABILITY.—A grant under this subsection shall remain available only for the fiscal year for which the grant is made and the following fiscal year.

''(B) APPORTIONMENT.—At the end of the period of availability under subparagraph (A), the Secretary of the Interior shall apportion any grant funds that remain available among the States in the manner specified in section 4(e) for use by the States in the same manner as funds apportioned under section 4(e).

''(b) SELECTION OF PROJECTS.—

''(1) STATES OR ENTITIES TO BE BENEFITED.—A project shall not be eligible for a grant under this section unless the project will benefit—

''(A) at least 26 States;

''(B) a majority of the States in a region of the United States Fish and Wildlife Service; or

''(C) a regional association of State fish and game departments.

''(2) USE OF SUBMITTED PRIORITY LIST OF PROJECTS.—The Secretary of the Interior may award grants under this section only for projects identified on a priority list of sport fish restoration projects described in paragraph (3).

''(3) PRIORITY LIST OF PROJECTS.—A priority list referred to in paragraph (2) is a priority list of projects that the International Association of Fish and Wildlife Agencies—

''(A) prepares through a committee comprised of the heads of State fish and game departments (or their designees), in consultation with—

''(i) nongovernmental organizations that represent conservation organizations;

''(ii) sportsmen organizations; and

''(iii) industries that fund the sport fish restoration programs under this Act;

''(B) approves by vote of a majority of the heads of State fish and game departments (or their designees); and

''(C) not later than October 1 of each fiscal year, submits to the Chief of the Division of Federal Aid.

''(4) PUBLICATION.—The Chief of the Division of Federal Aid shall publish in the Federal Register each priority list submitted under paragraph (3)(C).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—The Secretary of the Interior may make a grant under this section only to—

''(A) a State or group of States;

''(B) the United States Fish and Wildlife Service for the purpose of carrying out the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation; and

''(C) subject to paragraph (2), a nongovernmental organization.

''(2) NONGOVERNMENTAL ORGANIZATIONS.—

''(A) IN GENERAL.—Any nongovernmental organization that applies for a grant under this section shall submit with the application to the International Association of Fish and Wildlife Agencies a certification that the organization—

''(i) does not promote or encourage opposition to the regulated taking of fish; and

''(ii) will use any funds awarded under this section in compliance with subsection (d).

''(B) PENALTIES FOR CERTAIN ACTIVITIES.—Any nongovernmental organization that is found to promote or encourage opposition to the regulated taking of fish or that does not use funds in compliance with subsection (d) shall return all funds received under this section and be subject to any other penalties under law.

''(d) USE OF GRANTS.—A grant under this section shall not be used for an activity, project, or program that promotes or encourages opposition to the regulated taking of fish.

''(e) FUNDING FOR OTHER ACTIVITIES.—Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a), $2,100,000 shall be made available for—

''(1) the Atlantic States Marine Fisheries Commission;

''(2) the Gulf States Marine Fisheries Commission;

''(3) the Pacific States Marine Fisheries Commission;

''(4) the Great Lakes Fisheries Commission;

''(5) the Sport Fishing and Boating Partnership Council established by the United States Fish and Wildlife Service;

''(6) construction and renovation of pumpout stations and waste reception facilities under the Clean Vessel Act of 1992 (33 U.S.C. 1322 note; subtitle F of title V of Public Law 102–587);

''(7) coastal wetlands conservation grants under section 305 of the Coastal Wetlands Planning, Protection and Restoration Act (16 U.S.C. 3954);

''(8) boating infrastructure grants under section 7404 of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1); and

''(9) the National Outreach and Communications Program established under section 8(d).''.

(b) CONFORMING AMENDMENTS.—Section 4(e) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(e)) is amended in the first sentence by inserting ''and after deducting amounts used for grants under section 14,'' after ''respectively,''.

SEC. 203. CONFORMING AMENDMENT.

Section 9504(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''(as in effect on the date of the enactment of the TEA 21 Restoration Act)'' and inserting ''(as in effect on the date of enactment of the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000)''.

TITLE III—WILDLIFE AND SPORT FISH RESTORATION PROGRAMS

SEC. 301. DESIGNATION OF PROGRAMS.

The programs established under the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.) shall be known as the ''Federal Assistance Program for State Wildlife and Sport Fish Restoration''.

SEC. 302. IMPLEMENTATION REPORT.

(a) TIMING.—At the time at which the President submits a budget request for the Department of the Interior for the third fiscal year that begins after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the steps that have been taken to comply with this Act and the amendments made by this Act.

(b) CONTENTS.—The report under subsection (a) shall—

(1) describe—

(A) the extent to which compliance with this Act and the amendments made by this Act has required a reduction in the number of personnel assigned to administer, manage, and oversee the Federal Assistance Program for State Wildlife and Sport Fish Restoration;

(B) any revisions to this Act or the amendments made by this Act that would be desirable in order for the Secretary of the Interior to adequately administer the Programs and ensure that funds provided to State agencies are properly used; and

(C) any other information concerning the implementation of this Act and the amendments

made by this Act that the Secretary of the Interior considers appropriate; and

(2) certify, with respect to the period beginning on the date of enactment of this Act—

(A)(i) the amounts used under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)); and

(ii) a breakdown of the categories for which the amounts were used;

(B) the amounts apportioned to States under section 4(a)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(2)) and section 4(d)(2)(A) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)(2)(A));

(C) the results of the audits performed under section 9(d) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h(d) and section 9(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777h(d));

(D) that all amounts used under section 4(a)(1) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c(a)(1)) and section 4(d) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(d)) were necessary for administrative expenses incurred in implementation of those Acts;

(E) that all amounts used to administer those Acts by agency headquarters and by regional offices of the United States Fish and Wildlife Service were used in accordance with those Acts; and

(F) that the Secretary of the Interior, the Assistant Secretary for Fish and Wildlife and Parks, the Director of the United States Fish and Wildlife Service, and the Chief of the Division of Federal Aid each properly discharged their duties under those Acts.

(c) LIMITATION ON DELEGATION.—The Secretary of the Interior shall not delegate the responsibility for making a certification under subsection (b)(2) to any person except the Assistant Secretary for Fish and Wildlife and Parks.

(d) PUBLICATION OF CERTIFICATIONS.—The Secretary of the Interior shall promptly publish in the Federal Register each certification under subsection (b)(2).

AMENDMENT NO. 4312

Mr. MURKOWSKI. Mr. President, Senator SMITH of New Hampshire has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SMITH of New Hampshire, proposes an amendment numbered 4312.

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

DOG FIELD TRIALS

Mr. CRAPO. I would like to engage the distinguished Senator from New Hampshire, Mr. SMITH, in a colloquy regarding the Federal Aid bill and concerns that have been raised with respect to the use of Pittman-Robertson Act-acquired lands for dog field trials.

Mr. SMITH of New Hampshire. I am delighted to accommodate my friend from Idaho.

Mr. CRAPO. As the chairman of the Environment and Public Works Committee knows, there is nothing that precludes the use Pittman-Robertson lands for dog field trials, and, that in fact, this is a legitimate use of these lands, provided that the field trials are consistent with the objectives of the Pittman-Robertson Act.

Mr. SMITH of New Hampshire. I agree that Pittman-Robertson lands can certainly be used for field trials in a way that is consistent with the act.

Mr. CRAPO. Concerns have been raised that Pittman-Robertson lands should not be used for field trials. As the Senator from New Hampshire knows, the sportsmen who pay this excise tax have varied interests—they are hunters, field trialers, and shooting enthusiasts. The primary goal of the Pittman-Robertson Act is wildlife conservation, but it is also important that these lands support multiple uses.

Mr. SMITH of New Hampshire. I agree with the chairman of the Fisheries, Wildlife, and Water Subcommittee.

Mr. CRAPO. Multiple uses of public lands necessarily require the balancing of occasionally competing interests and objectives. The most appropriate parties to make decisions regarding wildlife habitat development and other uses and activities are state wildlife managers who are most familiar with site specific conditions, habitat needs, and the impact of sporting activities.

Mr. SMITH of New Hampshire. I agree wholeheartedly with the Senator from Idaho. It is those closest to the land who can help determine on a case-by-case basis how to balance wildlife needs with users who engage in various sporting activities, while remaining consistent with the objectives of the Pittman-Robertson Act.

ASSISTANT DIRECTOR

Mr. BAUCUS. Mr. President, I want to make a point about one provision of the amendment and ask the committee chairman, Senator SMITH, whether he agrees. Section 132 of the bill establishes a new position, in the Fish and Wildlife Service, of Assistant Director for Wildlife and Sport Fish Restoration Programs. The provision also specifies the Assistant Director's responsibilities.

Although this provision is similar to section 302 of the version of the bill that passed the House, it differs in one significant respect. The House report said that ''individuals in the Regional offices who are responsible for administering the Wildlife and Sport Fish Restoration Programs will also report to the Assistant Director.'' We considered and rejected this approach. The Fish and Wildlife Service operates through a system of regional offices. Employees in the regional offices report to the regional directors, and the regional directors report to the Director of the Fish and Wildlife Service. In light of this, it would be potentially disruptive to require that individuals who are responsible for administering the federal aid program to report directly to the Assistant Director, in Washington, D.C., rather than to the regional director. We do not intend section 132 to mandate such a change. Does the chairman agree?

Mr. SMITH of New Hampshire. Yes. By approving section 132, we intend to elevate the role of the head of the Federal Aid program, as part of our overall effort, in this bill, to give the program the full attention that it deserves. We do not intend, however, to mandate a change in the general Fish and Wildlife Service's administrative structure. No case has been made for such a change, and it could potentially be counterproductive.

FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM

Mr. BAUCUS. Mr. President, the manager's amendment amends the Firearm and Bow Hunter Education and Safety Program that was included in the bill as reported out of the Committee. It is my understanding that the manager's amendment authorizes $7.5 million for fiscal year 2001 and 2002, and $8 million for fiscal year 2003 and every year thereafter. The authorized funds would be provided to the States in the form of direct grants. Would you please briefly explain how this new grant program will impact the States, especially States like Montana and New Hampshire that are spending a considerable amount on these type of projects already?

Mr. SMITH of New Hampshire. As you know, under current law, States are authorized to use one half of the revenue collected from taxes on handguns and archery equipment for hunter education and the development of target ranges. Under our provision, any State that is fully utilizing the authorized amount for these purposes can spend the grant money on any project that is authorized in the Pittman-Robertson Act. States that are spending less than the authorized amount have to use the grant funds for hunter education and range development until they utilize the amount authorized by the Pittman-Robertson Act for those purposes. The States can then spend any remaining funds above the authorized level on hunter education, range development or any other project that is authorized in Pittman-Robertson. For example, say New Hampshire is authorized to use $270 thousand of Pittman-Robertson funds on hunter education and range development but is only spending $266 thousand. New Hampshire would be then required to spend $4 thousand of its grant money on hunter education and range development. After that New Hampshire could use any remaining amount on any project that is consistent with the purposes of the Pittman-Robertson Act.

Mr. BAUCUS. I think it is very important for us to recognize that the vast majority of states spend a considerable sum of money, both Pittman-Robertson and state funds, on hunter education and target range development.

Mr. SMITH of New Hampshire. Mr. President, I rise today to encourage my colleagues to support final passage of H.R. 3671, the Fish and Wildlife Programs Improvement Act. I believe that this bill will enhance State wildlife conservation programs across the country. I am proud to be a cosponsor of this important legislation.

The Pittman-Robertson Act and the Wallop-Breaux Act created user-pay benefit trust funds. Together, these programs are called the Sport Fish and Wildlife Restoration Programs and are known more generally as the Federal Aid Program. The States are primarily responsible for managing the Federal Aid Program. They identify eligible projects and then pay for the projects up front. The projects must be directly related to old and sport fish restoration efforts. Projects that are eligible for funding through the Pittman-Robertson and Wallop Breaux Programs include: acquisition and improvement of wildlife habitat; hunter education; wildlife population surveys; construction of facilities to improve public access; management of wildlife areas fish stocking, boating and fishing access; and facility development and maintenance. States are reimbursed for up to 75 percent of the total cost of each project from the Federal Aid funds.

I am offering a manager's amendment in the nature of a substitute that makes several important changes to the Federal Aid bill that reported by the Committee on Environment and Public Works. I believe that in adopting these changes, we will not only improve the bill, but will also ensure that this important legislation is signed into law this year. In addition, the manager's package includes the National Fish and Wildlife Refuge System Centennial bill, and reauthorized the National Fish and Wildlife Foundation. This package has been negotiated with the House Committee on Natural Resources.

Earlier this year, the Environment and Public Works Subcommittee on Fisheries, Wildlife and Water held a hearing on the Fish and Wildlife Service's Administration of the Wallop-Breaux and Pittman-Robertson Acts and what we discovered was shocking.

The Pittman-Robertson and Wallop-Breaux Restoration Funds were created over 50 years ago. Congress intended to allow sportsmen to contribute to the preservation and enhancement of the fields, streams and great outdoors that they enjoy so much. These two programs together authorize the collection of excise taxes from the manufacturers and importers of hunting and fishing equipment. Congress entrusted the Fish and Wildlife Service, through the Federal Aid Division, with the responsibility of managing these programs and distributing the funds to the States. Unfortunately, a report issued by the General Accounting Office indicates that the Fish and Wildlife Service has violated that trust.

These are significant wildlife programs, with substantial resources to fund them. Last year alone, sportsmen contributed over $430 million to the programs. Every time a hunter buys a gun, or an angler buys a rod, they know a portion of the cost is supposed to be given to the States to fund conservation projects, such as fish stocking or habitat restoration. I say ''supposed to'' because GAO recently found that not all of the money the States are entitled to is, in fact, being given to them. Both the Wallop-Breaux and Pittman-Robertson Acts allowed the Fish and Wildlife Service to reserve a percentage of the mounts received from the excise tax. However, the Acts also require that any excess amounts not needed for administration of the programs be distributed among the States. Unfortunately, for years, the Fish and Wildlife Service just ignored that requirement and shortchanged the States.

The problems that plague these programs are numerous. The Service created several grant programs which they had, at best, questionable authority to do. Initially, they failed to account for millions of dollars. They ignored their own established guidelines for approving travel. This is unacceptable behavior.

I believe that the manager's amendment will put an end to the mismanagement that plagues the programs today. At the same time, it will institute a more effective way in which to manage these programs in the future. We address the problems that were identified in the GAO report and in the hearing by making four fundamental changes to the wildlife restoration and sport fish programs. These changes are intended to enhance accountability within the Fish and Wildlife Service with respect to the administration of the Federal Aid Program; to provide further clarity regarding the use of administrative funds; to encourage safe hunting through education; and to provide additional flexibility to the States for regional conservation projects.

First, the manager's amendment authorizes $18 million in fiscal years 2001 and 2002, and $16.4 million in fiscal year 2003 and subsequent years, with an increase relative to the Consumer Price Index for the Secretary of the Interior to administer both the Pittman-Robertson and Wallop-Breaux Programs. I felt that it was extremely important for the Secretary to have enough resources to administer the program effectively, but not so much money that there would be an incentive to waste it needlessly. Although I am confident that the program can run effectively on the authorized amount, it is extremely important to revisit this issue in several years. This is particularly important because the administration was unable to justify many of its costs. The manager's amendment requires a biennial audit that will give the Committee additional information on whether or not the authorized amount needs to be adjusted.

Second, the manager's amendment enumerates legitimate administrative costs and limits the use of Federal Aid funds to those expenses. The General Accounting Office investigation found that the Fish and Wildlife Service, among other things, failed to maintain adequate controls over funds, expenditures, and grants, and used administrative funds inconsistently among different FWS regional offices. By specifically listing what constitutes appropriate administrative costs, these problems should not arise in the future.

Third, the manager's amendment creates a new Firearm and Bow Hunter Education and Safety Grant Program authorized at $7.5 million in fiscal years 2001 and 2002, and $8 million in fiscal year 2003 and every year thereafter. The authorized funds would be provided to the States in the form of direct grants. Under current law, States are authorized to use half of the revenue collected from taxes on handguns and archery equipment for hunter education and the development of target ranges. This new provision would allow any State that is fully utilizing the authorized amount for these purposes to spend the grant money on any project that is authorized in the Pittman-Robertson Act. States that are spending less than the authorized amount would be required to use the grant funds for hunter education and range development until they utilize the amount authorized by the Pittman-Robertson Act for those purposes. At that point, the States can spend any remaining funds above the authorized level on hunter education, range development or any other project that is authorized in Pittman-Robertson.

In my home State of New Hampshire, for example, the Department of Fish and Game is authorized to use $270 thousand of Pittman-Robertson funds on hunter education and range development, but is currently only spending $266 thousand. Under this bill, New Hampshire would be required to spend $4 thousand of its grant money on hunter education and range development; after that, however, the State would have the discretion to spend the remaining amount on any project that is consistent with the purposes of the Pittman-Robertson Act. This strikes a good balance between the interests of the hunting community that wanted states to spend the 50 percent level authorized under the law, and the States who want discretion to spend Pittman-Robertson funds to meet their priorities, both education and conservation programs.

Finally, the manager's amendment authorizes a new Multistate Conservation Grant Program at $6 million to allow for Federal Aid funds to be used for regional projects. The Multistate Grant program requires the International Association of Fish and Wildlife Agencies International to submit a list to the Secretary of the Interior recommending projects that should receive funding. The bill as reported out of Committee prohibited the International from considering any grant submitted by an organization that opposes hunting or fishing. Shortly before the markup, we realized this approach raised First Amendment concerns, and I promised to work with interested parties to resolve this problem. The manager's amendment prohibits any grant funds from supporting, in whole or in part, any activity that promotes opposition to hunting and fishing. Any organization can apply for a grant but it can't use these funds in any activity that targets the individuals who pay the excise tax. This is a common sense solution that protects the first amendment rights of all, without penalizing sportsmen who help fund the programs.

This manager's amendment also reauthorizes the National Fish and Wildlife Foundation Establishment Act of 1984. The manager's amendment makes important changes in the Foundation's charter, changes that I believe will allow the Foundation to build on its fine record of providing funding for the conservation of our nation's fish, wildlife and plant resources.

The National Fish and Wildlife Foundation was established in 1984 to bring together diverse groups to engage in conservation projects across America and, in some cases, around the world. Since its inception, the Foundation has made more than 3,400 grants totaling over $435 million. This is an impressive record of accomplishment. The Foundation has pioneered some notable conservation programs, including implementing the North American Waterfowl Management plan, Partners in Flight for neotropical birds, Bring Back the Natives Program, the Exxon Save the Tiger Fund, and the establishment of the Conservation Plan for Sterling Forest in New York and New Jersey, to name just a few.

The Foundation has funded these programs by raising private funds to match federal appropriations on at least a 2 to 1 basis. During this time of fiscal constraint, this is an impressive record of leveraging federal dollars. Moreover, all of the Foundation's operating costs are covered by separate private sources, which means that Federal and private dollars given for conservation are spent only on conservation projects.

The National Fish and Wildlife Foundation has more than fulfilled the hopes of its original sponsors. It has helped to implement solutions to some difficult natural resource problems and is becoming widely recognized for its innovative approach to solving environmental problems. For example, when Atlantic salmon neared extinction in the U.S. due to overharvest in Greenland, the Foundation and its partners bought Greenland Salmon quotas. I, like many others in Congress, want the Foundation to continue its important conservation efforts.

This legislation is quite simple. The manager's amendment would expand the Foundation's governing Board of Directors from 15 members to 25 members. This will allow a greater number of individuals with a strong interest in conservation to actively participate in, and contribute to, the Foundation's activities. Also, it would authorize appropriations to the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration through 2003.

Finally, the manager's amendment would authorize the ''National Wildlife Refuge System Centennial Commemoration Act of 2000.'' This landmark provision commemorates the centennial of the first national wildlife refuge in the United States, established on March 14, 1903, by a great man and conservationist, President Theodore Roosevelt. By setting aside land at Indian River Lagoon on Pelican Island, Florida as a haven for birds, President Roosevelt began a conservation legacy known as the National Wildlife Refuge System.

Today, the National Wildlife Refuge System has evolved into the most comprehensive system of lands devoted to wildlife protection and management in the world—spanning nearly 93 million acres across the United States and its territories. By placing special emphasis on conservation, our nation's network of refuges ensures the continued protection of our wildlife resources, including threatened and endangered species, and land areas with significant wildlife-oriented recreational, historical and cultural value.

Currently, there are more than 500 refuges in the United States and its territories, providing important habitat for 700 bird species, 220 mammal species, 250 species of amphibians and reptiles, and over 200 fish species. The Refuge System also hosts some of our country's premiere fisheries, and serves a vital role in the protection of threatened and endangered species by preserving their critical habitats.

Approximately 98 percent of the Refuge System land is open to the public. Each year, the System attracts more than 34 million visitors to participate in a variety of recreational activities that include observing and photographing wildlife, fishing, hunting and taking part in system-sponsored educational programs. By providing the public with an opportunity to participate in these activities, refuges promote a sense of appreciation for the natural wonders of this nation and emphasize our important role as stewards of these lands.

The manager's amendment commemorates the Refuge System by creating a Commission that will oversee the Centennial anniversary and promote public awareness and understanding of the importance of refuges to our nation. Additionally, the manger's amendment directs the Fish and Wildlife Service to prepare a long-term plan for the Refuge System that will enable the Service to look ahead and determine the future needs and priorities of the system network.

Mr. President, I strongly urge my colleagues to support adoption of this bill.

Mr. CRAPO. Mr. President, I rise today in support of H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000. The bill we have before us today is the culmination of a bi-partisan, bi-cameral effort. I want to thank Chairman BOB SMITH, Ranking Member BAUCUS, and Senator BOXER for their hard work and recognition of how important it was to pass this bill this year. I also thank Representative DON YOUNG, Chairman of the House Resources Committee, for his efforts and investigation into the program.

I think we have a bill that everyone can support. It will reduce Government waste and prevent misuse of funds, while enhancing the program. The federal aid program has been a conservation success story. This bill will ensure that this success continues by restoring accountability and responsibility to the program. Ultimately, this legislation will restore trust in the program, without affecting the effectiveness of the program.

Senator CRAIG and I introduced the Senate version of this bill because there was a problem and America's hunters and fishermen needed trust returned to the administration of the Wildlife and Sport Fish Restoration Programs. The bill we have before us today restricts the amount of money that the U.S. Fish and Wildlife Service can spend on administrative expenses, while clearly identifying authorized expenses. The bill also improves the program by funding a multi-state grant program, and ensuring that hunter education and shooting range programs are funded at the level hunters and shooting enthusiasts expect and deserve. These changes are good for the program, good for hunters, fishermen, and shooting enthusiasts, and are simply good government.

Congressional investigations and a General Accounting Office audit of the U.S. Fish and Wildlife Service revealed that, contrary to existing law, money had been routinely diverted to administrative slush funds, withheld from states, and generally misused for purposes unrelated to either fisheries or

wildlife conservation. In addition, the GAO called the Division of Federal Aid, ''if not the worst, one of the worst-managed programs we have encountered.'' As an avid outsdoorsman, I was particularly disturbed by this abuse. As a legislator, I am pleased to have an opportunity to prevent such abuses in the future.

This bill reestablishes the trust between the hunters and anglers who pay the excise taxes and the Federal Government. It is an opportunity to repair a system that has been lauded as one of the nation's most successful conservation efforts. I hope my colleagues will join me in passing this bipartisan effort to restore accountability and responsibility to the Federal Aid programs and the Fish and Wildlife Service.

I thank the Chair.

Mr. BAUCUS. Mr. President, I support H.R. 3671, the Wildlife Sport Fish Restoration Programs Improvement Act of 2000, and the substitute amendment proposed by the chairman of the Environment and Public Works Committee, Senator SMITH.

The Federal aid program, embodied in the Pittman-Robertson Act and the Wallop-Breaux Act, uses the revenue derived from the excise taxes on firearms and fishing equipment to support state efforts to promote wildlife conservation, sport fish conservation, hunter education, and related activities. It's a good program. It has provided more than $7 billion to support state wildlife conservation and sport fish projects. To give you a more specific idea about the benefits of the program, in 1999 Montana received almost $5 million dollars under these programs, for activities ranging from our hunter education program, to improving habitat for white tail deer, waterfowl, and upland birds, to acquisition of access rights to private land, to our program to reduce conflicts between grizzly bears and people. A few years ago, the program helped us complete the Gallatin land exchange.

Over the years, problems developed in the administration of the program. In particular, the General Accounting Office and others found that money that was set aside, by statute, for administration of the program was being used for unrelated activities. There also were considerable problems with budgeting and overall management.

The bill is designed to address these problems. It makes several reforms. Among other things, it reduces the amount available for administrative expenses, clarifies what constitutes a proper administrative expense, and establishes a new multistate grant program, in part, codifying a previous practice.

These reforms are important. They will assure that taxpayers' money is well spent and that states receive the funds that they are entitled to. In addition, both the bill reported by the Environment and Public Works Committee and the substitute amendment improve on the version of the bill that passed the House. The bill and amendment provide a level of funding for administration that, while significantly lower than the previous level, will fully fund the current activities of the federal aid office of the Fish and Wildlife Service. They also provide the Service with some limited flexibility in determining what is an appropriate administrative expense and avoid prescribing the Service's activities in such detail that we risk ''micromanaging.'' These changes make a good bill even better.

I am pleased that the bill also includes two other important provisions, one reauthorizing the National Fish and Wildlife Foundation and another establishing a program to recognize the upcoming centennial of the National Wildlife Refuge System. Both have previously passed the Senate.

I urge adoption of the amendment and passage of the bill.

MULTI-STATE CONSERVATION GRANT PROGRAM

Mr. BAUCUS. Mr. President, as you know H.R. 3671 establishes a new Multi-State Conservation Grant program. This program requires the International Association of Fish and Wildlife Agencies, representing State fish and wildlife agencies, to submit a list to the Secretary of the Interior of recommendation projects eligible for funding under this program prior to October 1 of each year. It is my understanding that the International submitted a list to the Secretary of the Interior prior to October 1 of this year for consideration. Senator SMITH, is it your understanding that the list should be considered submitted in accordance with the provisions of this bill?

Mr. SMITH of New Hampshire. Yes, it is. I do not believe that the grant recipients, many of whom are States, should be penalized because we were unable to pass a bill prior to October 1.

Mr. BAUCUS. The multi-state grant program also requires the International to consult with the various non-governmental organizations and interests involved in this program in preparing this list. It is my understanding that this provision should ensure that these groups are involved both in preparing the request for grant proposals and in evaluating them. Is this also the view of the Chairman?

Mr. SMITH of New Hampshire. Yes, it is. This bill requires that the various interests involved in the Sport Fish and Wildlife Restoration programs be fully and meaningfully consulted in the process, as indicated by the Senator. This should be carefully adhered to in the development of future recommendations.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4312) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 3671), as amended, was read the third time and passed.

The title was amended so as to read:

An Act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

MAKING CERTAIN CORRECTIONS IN COPYRIGHT LAW

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5107, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5107) to make certain corrections in copyright law.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, with the imminent passage of the work made for hire legislation today, I believe a few comments are in order. Last year a technical amendment was included in the Intellectual Property and Communications Omnibus Reform Act of 1999 which added sound recordings to the list of works eligible for, or considered as having, the status of works made for hire under the Copyright Act. Works made within the scope of employment or large collaborative works such as motion pictures are most often accorded the status of works made for hire, and the copyright for those works resides in the employer or the corporation doing the hiring, such as the movie studio. The status of sound recordings had been in some doubt because sound recordings did not obtain the status of copyrighted works until relatively recently, and, when added to the list of copyrightable works was not added to the list of works made for hire.

When the technical amendment was raised for consideration in the conference, our research indicated that the practice of the Copyright Office has uniformly been to register sound recordings as works made for hire. The technical amendment therefore seemed a reasonable codification of the ongoing practice at the Copyright Office, and was adopted.

Soon thereafter, however, it became clear that while the technical amendment aligned the code with long-time Copyright Office practice, it was not uncontroversial. Indeed many recording artists had believed that the work-for-hire clauses of their contracts were unenforceable because contrary to the copyright code: i.e., sound recordings are not listed as works made for hire. They view their contracts as operating as assignments or transfers of copyright. This distinction is important because under work-for-hire, the copyright is owned by the record company for the life of the copyright and the artists' rights are extinguished; under a transfer or assignment, the artist may recapture his or her copyright after 35 years and then either renegotiate more favorable terms with the same company or sell the remaining copyright to another label on more favorable terms. The basic premise of this recapture is that the initial assignment of copyright might not fully reward the unproven artist who is an unknown quantity in a risky business. Once the artist's commercial value is better proven an opportunity is given the artist to reap the rewards of his or her creations that have stood the test of time. That the assumptions of the artists and labels about the status of these works have been diametrically opposed might not have appeared until 35 years after the 1978 effective act of the current Copyright Act, but for this technical amendment.

What ought the status of sound recordings be then? Sound recordings can be something of a hybrid art form lying on a continuum between the individual author writing a song or book and the motion picture where possibly hundreds of employees collaborate on the final work. Sound recordings can be more like the former or the latter, depending on the circumstances. Because the facts can vary so widely—some albums are primarily the product of the producer, some of one artist, some of a group, many have hired musicians or technicians who contribute but do so as part of their normal employment, some recordings are compilations of smaller recordings—it is not clear what general rule would be either most fair to all concerned or would most encourage the continued creativity of recording artists. Since it may take some time, and will require the input of all the affected parties, it seems reasonable at this time to undo last years' technical amendment without prejudice to either side in case litigation should arise later, while we explore whether a more comprehensive rule can be crafted. That is why we have made this change today, containing in the legislative language the congressional intent that neither enactment prejudice any future litigation.

It is my hope that the dialogue on this issue is beginning, rather then ending, with this legislation. I think it is important to avoid costly litigation if possible. And I believe it of paramount importance that artists are fairly compensated for the work they do. Without the creativity of the artist, the record companies would have nothing to market, and the audience would have nothing to enjoy. For the sake of the future of music, I hope that using new technologies, artists and audience can begin having a closer relationship, where artists are encourage to stretch themselves creatively and fans are enabled to enjoy artists' work more fully. I think a focused conversation on the relative roles of artists and label, as well as the artist's role in controlling their work in traditional and new media, can hasten that day. If the legislative roundabout on the work-for-hire issue concluded today can serve as such a beginning, then it has served a useful purpose.

I commend this legislation to my colleagues. At this time I also wish to thank my colleagues in the House and Senate who have supported this legislation, and the recording artists and labels who have worked together on this legislation and who will begin the task of exploring what more comprehensive settlement we might reach with regard to the status of sound recordings under the copyright law, which will allow them to continue their creative works.

Mr. LEAHY. Mr. President, more than a week ago I came to the floor to be sure the record was clear that all Democrats had cleared for final passage H.R. 5107, the Work for Hire and Copyright Corrections Act of 2000. I urged the Senate to take up H.R. 5107 without further unnecessary delay. I am glad that the majority has finally decided that action on this consensus bill is appropriate. I still do not know what caused the unexplained 2-week delay on the Republican side.

Representatives BERMAN and COBLE deserve credit, along with the interested parties, for working out a consensus solution in this legislation. The purpose of this bill is to restore the status quo ante, as it existed before November 29, 1999 regarding whether a sound recording can qualify as a ''work made for hire'' under the second part of the definition of that term in section 101 of the Copyright Act, and to do so in a manner that does not prejudice any person or entity that might have interests concerning this question. The House held an oversight hearing to explore this matter earlier this year and originated this legislation. This bill restores the law to the same place it was before the enactment of section 1101(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law Number 106–113, so that neither side is prejudiced by what was enacted at the end of 1999 or by what is being enacted now. This bill does not express or imply any view as to the proper interpretation of the work made for hire definition before November 29, 1999. Thus, neither the enactment of section 1101(d) nor this bill's deletion of that language are to be considered in any way or otherwise given any effect by a court or the Copyright Office when interpreting the work made for hire definition.

I congratulate Congressmen BERMAN and COBLE on final passage of this measure.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 5107) was read the third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 715 and 716. I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board.

Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy.

Mr. MURKOWSKI. Those confirmed are Robert Shamansky, to be a member of the National Security Education Board, and Robert Pirie to be Under Secretary of the Navy. I wish them congratulations.

DIRECTING THE RETURN OF CERTAIN TREATIES TO THE PRESIDENT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 267) directing the return of certain treaties to the President.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 4313

Mr. MURKOWSKI. Senator HELMS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for Mr. HELMS, proposes an amendment numbered 4313.

The amendment is as follows:

(Purpose: To remove from the list of treaties required to be returned to the President a mutual legal assistance treaty between the United States and Nigeria)

On page 5, strike lines 7 through 11.

On page 5, lines 12, strike ''(18)'' and insert ''(17)''.

Mr. MURKOWSKI. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4313) was agreed to.

Mr. MURKOWSKI. I ask unanimous consent the resolution, as amended, be agreed to, the motion to reconsider be laid upon the table, and the Senate then resume legislative session.

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

The resolution (S. Res. 267), as amended, was agreed to, as follows:

[The resolution will be printed in a future edition of the RECORD.]

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–49

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on October 12, 2000, by the President of the United States: International Convention for Suppression of Financing Terrorism (Treaty Document No. 106–49).

Further, I ask unanimous consent that the convention be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

In recent years, the United States has increasingly focused world attention on the importance of combating terrorist financing as a means of choking off the resources that fuel international terrorism. While international terrorists do not generally seek financial gain as an end, they actively solicit and raise money and other resources to attract and retain adherents and to support their presence and activities both in the United States and abroad. The present Convention is aimed at cutting off the sustenance that these groups need to operate. This Convention provides, for the first time, an obligation that States Parties criminalize such conduct and establishes an international legal framework for cooperation among States Parties directed toward prevention of such financing and ensuring the prosecution and punishment of offenders, wherever found.

Article 2 of the Convention states that any person commits an offense within the meaning of the Convention ''if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out'' either of two categories of terrorist acts defined in the Convention. The first category includes any act that constitutes an offense within the scope of and as defined in one of the counter terrorism treaties listed in the Annex to the Convention. The second category encompasses any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in hostilities in a situation of armed conflict, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

The Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits an offense as defined in Article 2 of the Convention, attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of an offense by a group of persons acting with a common purpose. A State Party is subject to these obligations without regard to the place where the alleged act covered by Article 2 took place.

States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 2.

Legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is a critical new weapon in the campaign against the scourge of international terrorism. I hope that all countries will become Parties to this Convention at the earliest possible time. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understanding, declaration and reservation that are described in the accompanying report of the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 12, 2000.*

VETERANS BENEFITS AND HEALTH CARE IMPROVEMENT ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1402) to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI bill and to enhance programs providing educational benefits under that title, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1402) entitled ''An Act to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans and Dependents Millennium Education Act''.

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

Sec. 1. Short title; table of contents; references to title 38, United States Code.
Sec. 2. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 3. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 4. Increase in rates of survivors and dependents educational assistance.
Sec. 5. Adjusted effective date for award of survivors' and dependents' educational assistance.
Sec. 6. Revision of educational assistance interval payment requirements.
Sec. 7. Availability of education benefits for payment for licensing or certification tests.
Sec. 8. Extension of certain temporary authorities.
Sec. 9. Codification of recurring provisions in annual Department of Veterans Affairs appropriations Acts.
Sec. 10. Preservation of certain reporting requirements.

(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided,

whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—(1) Section 3015 is amended—

(A) in subsection (a)(1), by striking ''$528'' and inserting ''$720''; and

(B) in subsection (b)(1), by striking ''$429'' and inserting ''$585''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000, and before October 2002 under section 3015 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting ''$600'' for ''$528''; and

(B) subsection (b)(1) of such section shall be applied by substituting ''$487'' for ''$429''.

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal years 2001 and 2003.

SEC. 3. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

''(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the 1-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

''(2) A qualified individual referred to in paragraph (1) is an individual who meets the following requirements:

''(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

''(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

''(C) The individual meets the requirements of subsection (a)(3).

''(D) The individual is discharged or released from active duty with an honorable discharge.

''(3)(A) Subject to succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

''(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

''(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

''(I) the Secretary concerned shall collect from the qualified individual; or

''(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

''(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

''(C) The provisions of subsection (c) shall apply to individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

''(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

''(A) the Secretary concerned collects the applicable amount under subparagraph (I) of such paragraph; or

''(B) the retired or retainer pay of the qualified individual is first reduced under subparagraph (II) of such paragraph.

''(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.''.

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking ''subsection (a)'' and inserting ''subsection (a) or (e)''.

SEC. 4. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—(1) Section 3532 is amended—

(A) in subsection (a)(1)—

(i) by striking ''$485'' and inserting ''$720'';

(ii) by striking ''$365'' and inserting ''$540''; and

(iii) by striking ''$242'' and inserting ''$360'';

(B) in subsection (a)(2), by striking ''$485'' and inserting ''$720'';

(C) in subsection (b), by striking ''$485'' and inserting ''$720''; and

(D) in subsection (c)(2)—

(i) by striking ''$392'' and inserting ''$582'';

(ii) by striking ''$294'' and inserting ''$436''; and

(iii) by striking ''$196'' and inserting ''$291''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3532 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting—

(i) ''$600'' for ''$485'';

(ii) ''$450'' for ''$365''; and

(iii) ''$300'' for ''$242'';

(B) subsection (a)(2) of such section shall be applied by substituting ''$600'' for ''$485'';

(C) subsection (b) of such section shall be applied by substituting ''$600'' for ''$485''; and

(D) subsection (c)(2) of such section shall be applied by substituting—

(i) ''$485'' for ''$392'';

(ii) ''$364'' for ''$294''; and

(iii) ''$242'' for ''$196''.

(b) CORRESPONDENCE COURSE.—(1) Section 3534(b) is amended by striking ''$485'' and inserting ''$720''.

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3534(b) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3534 of such title, subsection (b) of such section shall be applied by substituting ''$600'' for ''$485''.

(c) SPECIAL RESTORATIVE TRAINING.—(1) Section 3542(a) is amended—

(A) by striking ''$485'' and inserting ''$720'';

(B) by striking ''$152'' each place it appears and inserting ''$225''; and

(C) by striking ''$16.16'' and inserting ''$24''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3542(a) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3542 of such title, subsection (a) of such section shall be applied by substituting—

(A) ''$600'' for ''$485'';

(B) ''$188'' for ''$152'' each place it appears; and

(C) ''$20'' for ''$16.16''.

(d) APPRENTICESHIP TRAINING.—(1) Section 3687(b)(2) is amended—

(A) by striking ''$353'' and inserting ''$524'';

(B) by striking ''$264'' and inserting ''$392'';

(C) by striking ''$175'' and inserting ''$260''; and

(D) by striking ''$88'' and inserting ''$131''.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3687(b)(2) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3687 of such title, subsection (b)(2) of such section shall be applied by substituting—

(A) ''$437'' for ''$353'';

(B) ''$327'' for ''$264'';

(C) ''$216'' for ''$175''; and

(D) ''$109'' for ''$88''.

(e) PROVISION FOR ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) CHAPTER 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

''§3564. Annual adjustment of amounts of educational assistance

''With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

''3564. Annual adjustment of amounts of educational assistance.''.

(2) CHAPTER 36.—Section 3687 is amended by adding at the end the following new subsection:

''(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to fiscal year 2002 and each fiscal year beginning on or after October 1, 2003.

SEC. 5. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking ''subsection (b) of this section'' and inserting ''subsections (b) and (c)''; and

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) When determining the effective date of an award of survivors' and dependents' educational assistance under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary shall consider the individual's application (under section 3513 of this title) as having been filed on the effective date from which the Secretary, by rating decision, determines that the individual is entitled to such educational assistance (such entitlement being based on the total service-connected disability evaluated as permanent in nature, or the service-connected death, of the spouse or parent from whom the individual's eligibility is derived) if that date is more than 1 year before the date such rating decision is made.

''(2) An individual referred to in paragraph (1) is a person who is eligible for educational assistance under chapter 35 of this title by reason of subparagraph (A)(i), (A)(ii), (B), or (D) of section 3501(a)(1) of this title who—

''(A) submits to the Secretary an original application under such section 3513 for such educational assistance within 1 year of the date that the Secretary issues the rating decision referred to in paragraph (1);

''(B) claims such educational assistance for an approved program of education for months preceding the 1-year period ending on the date on which the individual's application under such section was received by the Secretary; and

''(C) would have been entitled to such educational assistance for such course pursuit for such months, without regard to this subsection, if the individual had submitted such an application on the effective date from which the Secretary determined the individual was eligible for such educational assistance.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act; or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs or (B) exhaustion of available administrative and judicial remedies.

SEC. 6. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.

(a) IN GENERAL.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

''(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if: (i) the period between such terms does not exceed 8 weeks; and (ii) both the terms preceding and following the period are not shorter in length than the period.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

SEC. 7. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.

(a) IN GENERAL.—Sections 3452(b) and 3501(a)(5) are each amended by adding at the end the following new sentence: ''Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.''.

(b) AMOUNT OF PAYMENT.—

(1) CHAPTER 30.—Section 3032 is amended by adding at the end the following new subsection:

''(g) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(2) CHAPTER 32.—Section 3232 is amended by adding at the end the following new subsection:

''(c) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(3) CHAPTER 34.—Section 3482 is amended by adding at the end the following new subsection:

''(h) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(4) CHAPTER 35.—Section 3532 is amended by adding at the end the following new subsection:

''(f) PAYMENT AMOUNT FOR LICENSING OR CERTIFICATION TEST.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

''(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

''(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.''.

(c) REQUIREMENTS FOR LICENSING AND CREDENTIALING TESTING.—

(1) IN GENERAL.—Chapter 36 is amended by inserting after section 3688 the following new section:

''§ 3689. Approval requirements for licensing and certification testing

''(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or section 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the relevant provisions of this part and with such regulations promulgated by the Secretary to carry out this section.

''(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

''(b) REQUIREMENTS FOR TESTS.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

''(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; or

''(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(2) A licensing or certification test offered by a State, or a political subdivision of the State, is deemed approved by the Secretary.

''(c) REQUIREMENTS FOR ORGANIZATIONS OR ENTITIES OFFERING TESTS.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, and that meets the following requirements shall be approved by the Secretary to offer such test:

''(A) The organization or entity certifies to the Secretary that each licensing or certification

test offered by the organization or entity is required to obtain the license or certificate required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

''(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered such tests for a minimum of 2 years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

''(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license of certificate issued.

''(D) The organization or entity has no direct financial interest in—

''(i) the outcome of a test; or

''(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

''(E) The organization or entity maintains appropriate records with respect to all candidates who take such a test for a period prescribed by the Secretary, but in no case for a period of less than 3 years.

''(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

''(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to a test the organization or entity offers or the process for obtaining a license or certificate required for vocations or professions.

''(G) The organization or entity furnishes to the Secretary such information with respect to a licensing or certification test offered by the organization or entity as the Secretary requires to determine whether payment may be made for the test under this part, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

''(H) The organization or entity furnishes to the Secretary the following information:

''(i) A description of each licensing or certification test offered by the organization or entity, including the purpose of each test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

''(ii) The requirements to take such a test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

''(iii) The period for which the license or certificate awarded upon successful completion of such a test is valid, and the requirements for maintaining or renewing the license or certificate.

''(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

''(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests; and

''(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

''(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

''(d) ADMINISTRATION.—(1) Except as otherwise specifically provided in this section or part, in implementing this section and making payment under this part for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

''(2) The Secretary shall use amounts appropriated to the Department in fiscal year 2001 for readjustment benefits to develop the systems and procedures required to make payments under this part for a licensing or certification test, such amounts not to exceed $3,000,000.

''(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereafter in this section referred to as the 'Committee').

''(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under this part, and such other related issues as the Committee determines to be appropriate.

''(3)(A) The Secretary shall appoint five individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee, of whom—

''(i) one shall be a representative of the Coalition for Professional Certification;

''(ii) one shall be a representative of the Council on Licensure and Enforcement; and

''(iii) one shall be a representative of the National Skill Standards Board (established under section 503 of the National Skill Standards Act of 1994 (20 U.S.C. 5933)).

''(B) The Secretary of Labor and the Secretary of Defense shall serve as ex-officio members of the Committee.

''(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

''(4)(A) The Secretary shall appoint the chairman of the Committee.

''(B) The Committee shall meet at the call of the chairman.

''(C)(i) Members of the Committee shall serve without compensation.

''(ii) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

''(5) The Committee shall terminate December 31, 2006.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

''3689. Approval requirements for licensing and certification testing.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000, and apply with respect to licensing and certification tests approved by the Secretary on or after such date.

SEC. 8. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES.

(a) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2008''.

(b) HOME LOAN FEES.—Section 3729(a) is amended—

(1) in paragraph (4)(B)—

(A) by striking ''2002'' and inserting ''2008''; and

(B) by striking ''2003'' and inserting ''2009''; and

(2) in paragraph (5)(C), by striking ''October 1, 2002'' and inserting ''October 1, 2008''.

(c) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2008''.

(d) INCOME VERIFICATION AUTHORITY.—Section 5317(g) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

(e) LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.—Section 5503(f)(7) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2008''.

SEC. 9. CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) CODIFICATION OF RECURRING PROVISIONS.—(1) Section 313 is amended by adding at the end the following new subsections:

''(c) COMPENSATION AND PENSION.—Funds appropriated for Compensation and Pensions are available for the following purposes:

''(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 13, 51, 53, 55, and 61 of this title.

''(2) Pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of this title and section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

''(3) The payment of benefits as authorized under chapter 18 of this title.

''(4) Burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payments of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.), and other benefits as authorized by sections 107, 1312, 1977, and 2106 and chapters 23, 51, 53, 55, and 61 of this title and the World War Adjusted Compensation Act (43 Stat. 122, 123), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87–875 (76 Stat. 1198).

''(d) MEDICAL CARE.—Funds appropriated for Medical Care are available for the following purposes:

''(1) The maintenance and operation of hospitals, nursing homes, and domiciliary facilities.

''(2) Furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department, including care and treatment in facilities not under the jurisdiction of the Department.

''(3) Furnishing recreational facilities, supplies, and equipment.

''(4) Funeral and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

''(5) Administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

''(6) Oversight, engineering, and architectural activities not charged to project cost.

''(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

''(8) Uniforms or uniform allowances, as authorized by sections 5901 and 5902 of title 5.

''(9) Aid to State homes, as authorized by section 1741 of this title.

''(10) Administrative and legal expenses of the Department for collecting and recovering

amounts owed the Department as authorized under chapter 17 of this title and Public Law 87–693, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

''(e) MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:

''(1) The administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law.

''(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

''(3) Engineering and architectural activities not charged to project costs.

''(4) Research and development in building construction technology.

''(f) GENERAL OPERATING EXPENSES.—Funds appropriated for General Operating Expenses are available for the following purposes:

''(1) Uniforms or allowances therefor.

''(2) Hire of passenger motor vehicles.

''(3) Reimbursement of the General Services Administration for security guard services.

''(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.

''(5) Administration of the Service Members Occupational Conversion and Training Act of 1992 (10 U.S.C. 1143 note).

''(g) CONSTRUCTION.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available, with respect to a project, for the following purposes:

''(1) Planning.

''(2) Architectural and engineering services.

''(3) Maintenance or guarantee period services costs associated with equipment guarantees provided under the project.

''(4) Services of claims analysts.

''(5) Offsite utility and storm drainage system construction costs.

''(6) Site acquisition.

''(h) CONSTRUCTION, MINOR PROJECTS.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

''(1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

''(2) temporary measures necessary to prevent or to minimize further loss by such causes.''.

(2)(A) Chapter 1 is amended by adding at the end the following new section:

''§ 116. Definition of cost of direct and guaranteed loans

''For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of any such loan, including the cost of modifying any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''116. Definition of cost of direct and guaranteed loans.''.

(b) EFFECTIVE DATE.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a)(1), and section 116 of such title, as added by subsection (a)(2), shall take effect with respect to funds appropriated for fiscal year 2002.

SEC. 10. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

(a) INAPPLICABILITY OF PRIOR REPORTS TERMINATION PROVISION TO CERTAIN REPORTS OF THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d) of title 38, United States Code.

(b) REPEAL OF REPORTING REQUIREMENTS TERMINATED BY PRIOR LAW.—Sections 8111A(f) and 8201(h) are repealed.

(c) SUNSET OF CERTAIN REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT ON EQUITABLE RELIEF CASES.—Section 503(c) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(2) BIENNIAL REPORT OF ADVISORY COMMITTEE ON FORMER PRISONERS OF WAR.—Section 541(c)(1) is amended by inserting ''through 2003'' after ''each odd-numbered year''.

(3) BIENNIAL REPORT OF ADVISORY COMMITTEE ON WOMEN VETERANS.—Section 542(c)(1) is amended by inserting ''through 2004'' after ''each even-numbered year''.

(4) BIENNIAL REPORTS ON MONTGOMERY GI BILL.—Subsection (d) of section 3036 is amended to read as follows:

''(d) No report shall be required under this section after January 1, 2005.''.

(5) ANNUAL REPORT OF SPECIAL MEDICAL ADVISORY GROUP.—Section 7312(d) is amended by adding at the end the following new sentence: ''No report shall be required under this subsection after December 31, 2004.''.

(d) COST INFORMATION TO BE PROVIDED WITH EACH REPORT REQUIRED BY CONGRESS.—

(1) IN GENERAL.—(A) Chapter 1, as amended by section 9(2)(A), is further amended by adding at the end the following new section:

''§ 117. Reports to Congress: cost information

''Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

''(1) a statement of the cost of preparing the report; and

''(2) a brief explanation of the methodology used in preparing that cost statement.''.

(B) The table of sections at the beginning of such chapter, as amended by section 9(2)(B), is further amended by adding at the end the following new item:

''117. Reports to Congress: cost information.''.

(2) EFFECTIVE DATE.—Section 117 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act.

AMENDMENT NO. 4314

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate concur in the House amendments with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for Mr. SPECTER, proposes an amendment numbered 4314.

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that an explanatory statement be printed in the RECORD.

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

EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO HOUSE AMENDMENTS TO S. 1402, AS AMENDED

The Senate amendments to the House amendments to S. 1402, as amended, reflect a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, H.R. 5139, H.R. 5346, H. Con. Res. 413, S. 1076, S. 1402, and S. 1810. On May 23, 2000, the House passed S. 1402 with an amendment consisting of the text of H.R. 4268 as reported. H.R. 4850 passed the House on July 25, 2000. H.R. 5109 passed the House on September 21, 2000. H.R. 284 passed the House on October 3, 2000. S. 1076 passed the Senate on September 8, 1999, and S. 1810 passed the Senate on September 21, 2000. S. 1402 passed the Senate on July 26, 1999. H. Con. Res. 413 was introduced on September 28, 2000. H.R. 5346 was introduced on September 29, 2000. H.R. 5139 passed the House on October 3, 2000.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of S. 1402, as amended (hereinafter referred to as the ''Compromise Agreement''). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 284, H.R. 4268, H.R. 4850, H.R. 5109, S. 1076, S. 1402, and S. 1810 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Subtitle A—Montgomery GI Bill Educational Assistance

INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

Current Law

Section 3011 of title 38, United States Code, establishes basic educational assistance entitlement under the All-Volunteer Force Educational Assistance Program (commonly referred to as the ''Montgomery GI Bill'' or ''MGIB'') Active Duty program. Section 3015 establishes the base amount of such educational assistance at the monthly rate of $528 for a 3-year period of service and $429 for a 2-year period of service. These amounts increased to $552 per month and $449 per month, respectively, on October 1, 2000.

House Bill

Section 2 of the House amendments to S. 1402 would increase the current monthly rate of basic education benefits to $600 per month effective October 1, 2000, and to $720 per month on October 1, 2002, for full-time students. The monthly rate for 2-year enlistees would increase to $487 per month effective October 1, 2000, and to $585 per month on October 1, 2002. This section provides parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. No cost-of-living increases would be made in fiscal years 2001 and 2003.

Senate Bill

Section 4 of S. 1402 would increase the monthly rate of basic education benefits to $600 per month for 3-year enlistees and $488 per month for 2-year enlistees.

Compromise Agreement

Under section 101 of the compromise agreement, effective November 1, 2000, the basic

education benefit would be increased from $552 per month (effective October 1, 2000) to $650 per month for a 3-year period of service, and $528 per month for a 2-year period of service.

UNIFORM REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS

Current Law

To be eligible to receive educational assistance, section 3011(a)(2) of title 38, United States Code, requires that a servicemember complete the requirements of a secondary school diploma (or equivalent certificate) before the end of the individual's initial obligated period of active duty. Section 3012(a)(2) contains a similar requirement for servicemembers who serve 2 years of active duty as part of a 6-year Selected Reserve commitment.

Senate Bill

Section 111 of S. 1810 would create a single, uniform secondary school diploma requirement as a prerequisite for eligibility for education benefits—a requirement that, prior to applying for benefits, the applicant will have received a high school diploma or equivalency certificate, or will have completed the equivalent of 12 semester hours in a program of education leading to a standard college degree.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 102 of the compromise agreement follows the Senate language, modified to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS

Current Law

Sections 3011(a)(1)(A)(i) and 3012(a)(1)(A)(i) of title 38, United States Code, set forth initial-period-of-active-duty requirements to earn basic educational assistance entitlement under the Montgomery GI Bill. The period within which a servicemember's eligibility for educational assistance can be established is currently restricted to the initial period of active duty service.

Senate Bill

Section 112 of S. 1810 would strike the requirement that MGIB benefit entitlement be predicated on serving an ''initial'' period of obligated service and substitute in its place a requirement that an obligated period of active duty be served.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 103 of the compromise agreement follows the Senate language with a clarifying amendment that for an obligated period of service of at least 3 years, the servicemember would have to complete at least 30 months of continuous active duty under that period of obligated service. In addition, the compromise agreement contains a modification to reflect a new 10-year eligibility period for individuals affected by this provision, which would begin tolling on such individual's last discharge (or release from active duty) or the effective date of this Act, whichever is later.

ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL

Current Law

Section 3018C of title 38, United States Code, furnishes an opportunity for certain post-Vietnam-era Veterans' Educational Assistance Program (VEAP) participants to convert to the Montgomery GI Bill (MGIB) if the individual was a participant in VEAP on October 9, 1996, was serving on active duty on that date, meets high school diploma or equivalency requirements before applying for MGIB benefits, is discharged from active duty after the individual makes the election to convert, and during the 1-year period beginning on October 9, 1996, makes an irrevocable election to receive benefits under the MGIB in lieu of VEAP, and also elects a $1,200 pay reduction.

House Bill

Section 3 of the House amendments to S. 1402 would furnish individuals who have served continuously on active duty since October 9, 1996, through at least April 1, 2000, and who either turned down a previous opportunity to convert to the MGIB or had a zero balance in their VEAP account, the option to pay $2,700 to convert to the MGIB program; individuals would have 12 months to elect to convert and 18 months to make payment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 104 of the compromise agreement contains the House language.

INCREASED ACTIVE DUTY EDUCATIONAL ASSISTANCE BENEFIT FOR CONTRIBUTING MEMBERS

Current Law

Section 3011(b) of title 38, United States Code, requires servicemembers who elect to participate in the Montgomery GI Bill program to participate in a voluntary pay reduction of $100 per month for the first 12 months of active service to establish entitlement to basic educational assistance.

Senate Bill

Section 6 of S. 1810 would allow servicemembers who have not opted out of MGIB participation to increase the monthly rate of educational benefits they will receive after service by making contributions, at any time prior to leaving service, over and above the $1,200 basic pay reduction necessary to establish MGIB eligibility. Under section 6, a servicemember could contribute up to an additional $600 in multiples of $4. The monthly rate of basic educational assistance would be increased by $1 per month for each $4 so contributed. Thus, MGIB participants who ''use up'' their full 36 months of MGIB benefits would receive a 9-to-1 return on their additional contribution investment. A maximum in-service contribution of $600 would yield an additional $5,400 of entitlement to the 36-month MGIB benefit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 105 of the compromise agreement follows the Senate language with amendments to make this provision effective May 1, 2001, and to make eligible any servicemember who was on active duty on the date of enactment and subsequently discharged between date of enactment and May 1, 2001 to have until July 31, 2001. These individuals would have until July 31, 2001, to make an election to ''buy up'' additional benefits.

Subtitle B—Survivors' and Dependents' Educational Assistance

INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3532 of title 38, United States Code, provides survivors' and dependents' educational assistance (DEA) allowances of $485 per month for full-time school attendance, with lesser amounts for part-time training. Generally, eligible survivors and dependents include unremarried spouses of veterans who died or are permanently or totally disabled or servicemembers who are missing in action or captured for more than 90 days by a hostile force or detained or interned for more than 90 days by a foreign government. Under section 3534, such benefits are also available for correspondence courses, special restorative training, and apprenticeship training.

House Bill

Section 4 of the House amendments to S. 1402 would increase DEA benefits for full-time classroom training students to $600 per month effective October 1, 2000, and $720 per month effective October 1, 2002, with parallel increases for part-time students and similar adjustments to the rates paid for correspondence and other types of training. Apprenticeship training would increase from $353 to $437 per month effective October 1, 2000, and $524 per month effective October 1, 2002. This provision also requires annual cost-of-living allowances for DEA benefits.

Senate Bill

Section 5 of S. 1402 would increase the full-time rate of DEA benefits by 13.6 percent to $550 per month, and make parallel increases in the benefit rates afforded to three-quarter time and half-time students. Increases of 13.6 percent in the amounts for correspondence courses, special restorative training, and apprenticeship training would also be afforded.

Compromise Agreement

Under section 111 of the compromise agreement, effective November 1, 2000, the basic education benefit for survivors and dependents would increase from $485 per month to $588 per month, with future annual cost-of-living increases effective October 1, 2001.

ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 3512(a)(3) of title 38, United States Code, provides that if the Secretary first finds that the parent from whom eligibility for DEA benefits is derived has a total and permanent service-connected disability, or if the death of the parent from whom eligibility is derived occurs between an eligible child's 18th and 26th birthdays, then such eligibility period shall end 8 years after whichever date last occurs: (1) the date on which the Secretary first finds that the parent from whom eligibility is derived has a total and permanent service-connected disability, or (2) the date of death of the parent from whom eligibility is derived. ''First finds'' is defined in this section as either the date the Secretary notifies an eligible parent of total and permanent service-connected disability or the effective date of such disability award.

Senate Bill

Section 114 of S. 1810 would allow a child to elect the beginning date of eligibility for

DEA benefits that is between (1) in the case of a child whose eligibility is based on a parent who has a total and permanent service-connected disability, the effective date of the rating determination and the date of notification by the Secretary for such disability, (2) in the case of a child whose eligibility is based on the death of a parent, the date of the parent's death and the date of the Secretary's decision that the death was service-connected.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 112 of the compromise agreement contains the Senate language.

ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

Current Law

Section 5113 of title 38, United States Code, states that except for the effective date of adjusted benefits, dates relating to awards under chapters 30, 31, 32, 34, and 35, or chapter 1606 of title 10 shall, to the extent feasible, correspond to effective dates relating to awards of disability compensation.

House Bill

Section 4 of the House amendments to S. 1402 would permit the award of DEA benefits to be retroactive to the date of the entitling event, that is, service-connected death or award of a total and permanent service-connected disability. This provision would be limited to eligible persons who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Senate Bill

Section 115 of S. 1810 would tie the effective date of award for DEA benefits to the date of the entitling event, i.e., the date of a veteran's service-connected death or award of a permanent and total disability rating. This provision would be limited to eligible persons who submit an original claim for DEA benefits within 1 year after the date of the rating decision first establishing the person's entitlement.

Compromise Agreement

Section 113 of the compromise agreement contains the Senate language.

AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL REQUIREMENTS

Current Law

Sections 3002(3) and 3501(a)(5) of title 38, United States Code, define the ''program of education'' for which veterans and surviving spouses and children, receive educational assistance benefits. Section 701 of Public Law 106–118 modified section 3002(3) of title 38, United States Code, to permit a veteran to use benefits for preparatory courses. Examples of preparatory courses include courses for standardized tests used for admission to college or graduate school.

Senate Bill

Section 113 of S. 1810 would allow survivors'' and dependents' educational assistance benefits to be provided for use on preparatory courses.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 114 of the compromise agreement follows the Senate language with an amendment clarifying that qualifying persons may pursue preparatory courses prior to the person's 18th birthday.

Subtitle C—General Educational Assistance

REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS

Current Law

Section 3680(a)(C) of title 38, United States Code, allows VA to pay educational assistance for periods between a term, semester, or quarter if the interval between these periods does not exceed one calendar month.

House Bill

Section 6 of the House amendments to S. 1402 would allow monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 121 of the compromise agreement contains the House language.

AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS

Current Law

Chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, do not currently authorize use of VA educational assistance benefits for occupational licensing or certification tests.

House Bill

Section 7 of the House amendments to S. 1402 would allow veterans' and DEA benefits to be used for up to $2,000 in fees for civilian occupational licensing or certification examinations that are necessary to enter, maintain, or advance into employment in a vocation or profession. This section would establish various requirements regarding the use of such entitlement and requirements for organizations or entities offering licensing or certification tests. This section also establishes minimum approval requirements of a licensing or certification body, requirements for tests, requirements for organizations or entities offering these tests, VA administrative authority (including a requirement to develop the computer systems and procedures to make payments to beneficiaries for these tests), and a seven-member, organization-specific VA Professional Certification and Licensing Advisory Committee.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 122 of the compromise agreement follows the House language with an amendment that the Secretary shall name seven individuals to the VA Professional Certification and Licensing Advisory Committee, an amendment that deletes specific names of organizations from which members shall be named, and an amendment that deletes the requirement that members shall serve without compensation.

INCREASE FOR FISCAL YEARS 2001 AND 2002 IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES

Current Law

Section 3674(a)(4) of title 38, United States Code, makes available amounts not exceeding $13 million in each fiscal year for duties carried out by State Approving Agencies.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 123 of the compromise agreement amends the amount available for State Approving Agencies to $14 million for fiscal year 2001 and fiscal year 2002.

TITLE II—HEALTH PROVISIONS

Subtitle A—Personnel Matters

ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

The rate of pay for VA nurses is determined using a mechanism contained in Subchapter IV of Chapter 74, title 38, United States Code. The law links changes in total pay to nurse compensation trends in local health care labor markets. This locality pay feature has not always produced the results envisioned by Congress. For example, even though many VA nurses received very substantial one-time increases as a consequence of the 1990 restructuring of basic pay, some VA nurses have not received any additional pay raises since that time.

House Bill

Section 101 of H.R. 5109 would reform the local labor market survey process and replace it with a discretionary survey technique. The bill would provide more flexibility to VA medical center directors to obtain the data needed to complete necessary surveys and also restrict their authority to withhold indicated rate increases. Directors would be prohibited from reducing nurse pay. In addition, the House bill would also guarantee VA nurses a national comparability increase equivalent to the amount provided to other federal employees. The bill also would require Veterans Health Administration network directors to consult with nurses on questions of policy affecting the work of VA nurses, and would provide for registered nurses' participation on medical center committees considering clinical care, budget matters, or resource allocation involving the care and treatment of veteran patients.

Senate Bill

Senate bills contain no comparable provision.

Compromise Agreement

Section 201 of the compromise agreement contains the House language.

SPECIAL PAY FOR DENTISTS

Current Law

Subchapter III of Chapter 74, title 38, United States Code, authorizes special pay to physicians and dentists employed in the Veterans Health Administration. This authority is intended to improve recruitment and retention of dentists and physicians.

House Bill

Section 102 of H.R. 5109 would revise and increase the rates of special pay for VA dentists. This is the first proposed change in these rates since 1991.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 202 of the compromise agreement contains the House language. The Committees urge medical center directors to utilize the full range of pay increases authorized, including increases in the higher range, to optimize dentist recruitment and retention efforts.

EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES

Current Law

Under section 7455 of title 38, United States Code, VA has authority to increase rates of basic pay for certain health care personnel—either nationally, locally or on another geographic basis—when deemed necessary for successful recruiting and retention. Special rates may be granted in response to salaries in local labor markets, but may not enable VA to be a pay leader. With limited exceptions, the law restricts such ''special salary rates'' to a maximum pay rate, but exempts two categories of health care personnel from that statutory ceiling: nurse anesthetists and physical therapists.

House Bill

Section 103 of H.R. 5109 adds VA pharmacists to the existing categories of VA personnel exempted from such statutory pay ceilings. This amendment would enable VA to improve retention of the most senior members of the current pharmacy workforce and would improve its competitiveness in recruiting new pharmacists.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 203 of the compromise agreement contains the House language.

TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL

Current Law

Section 7405 of title 38, United States Code, authorizes VA to provide temporary appointments of individuals in certain professions, including nursing, pharmacy, and respiratory, physical, and occupational therapy, who have successfully completed a full course of study but who are pending registration, licensure, or certification. Upon obtaining the required credentials, these professionals may be converted to career appointments. This temporary appointment authority provides VA a means of recruiting new health professionals still in the process of meeting the technical qualification standards pertinent to their fields.

However, VA must now limit physician assistants (PAs) waiting to take the PA certification examination to a general 1 year, nonrenewable appointment. Since the national certification examination is only offered once a year, this 1-year appointment limits VA's efforts to provide a smooth transition from a training appointment to a permanent appointment for such graduates.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(2) of title 38, United States Code, to add the position of physician assistant to the existing group of professional and technical occupations for which VA may make temporary graduate technician appointments, provided these individuals have completed training programs acceptable to the Secretary. Under this appointment authority, graduate physician assistants would have up to 2 years to obtain professional certification or licensure.

Senate Bill

Section 203 of S. 1810 would accomplish the same ends as the above-described language with respect to physician assistant temporary graduate technician appointments.

Compromise Agreement

Section 204(a) of the compromise agreement contains the House language.

MEDICAL SUPPORT PERSONNEL

Current Law

Section 7405 of title 38, United States Code, permits the temporary appointment of certain medical support personnel who work primarily in the laboratories and other facilities of VA principal investigators who have been awarded VA research and development funds through VA's scientific merit review process. These technicians are appointed for a maximum term of 2 years. The normal VA cycle of 3-year research awards conflicts with the 2-year maximum term for appointments of these key personnel in VA's research and development program.

House Bill

Section 105 of H.R. 5109 would amend section 7405(c)(3) of title 38, United States Code, to authorize the Secretary to make and to renew temporary full time appointments for periods not to exceed 3 years.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 204(b) of the compromise agreement contains the House language.

QUALIFICATIONS OF SOCIAL WORKERS

Current Law

Section 7402(b)(9) of title 38, United States Code, requires that a VA social worker become licensed, certified, or registered in the state in which he or she works within 3 years of initial appointment in this capacity by the VA. Certain states, such as California, impose prerequisites to the licensure examination that routinely require more than 3 years to satisfy. Many states do not provide reciprocity in social work licensure, and thus will not grant a license in the absence of a new state licensing examination. At present, VA social workers are the only VA health care practitioners who cannot use their state licenses to gain credentials in other states' VA medical centers.

House Bill

Section 106 of H.R. 5109 would allow the Secretary, on the recommendation of the Under Secretary for Health, to waive the 3–year requirement in order to provide sufficient time to newly graduated or transferred VA social workers to prepare for their state licensure examinations.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 205 of the compromise agreement contains the House language.

PHYSICIAN ASSISTANT ADVISOR TO THE UNDER SECRETARY FOR HEALTH

Current Law

Section 7306 of title 38, United States Code, establishes the Office of the Under Secretary for Health and requires that the office include representatives of certain health care professions. VA is the nation's largest single employer of physician assistants (PAs), with over 1,100 physician assistants on VA's employment rolls. Nevertheless, PAs are not represented by a member of their field in the office of the Under Secretary for Health.

House Bill

Section 104 of H.R. 5109 would establish a PA consultant position which would be filled by a VHA physician assistant designated by the Under Secretary for Health. This individual could be assigned to the field with occasional official visits as needed to VHA headquarters or elsewhere as required to fulfill assigned duties of the position. The PA consultant would advise the Under Secretary on all matters relating to the utilization and employment of physician assistants in the Veterans Health Administration.

Senate Bill

Section 202 of S. 1810 would add an Advisor on Physician Assistants to the immediate Office of the Under Secretary for Health, would require this individual to serve in an advisory capacity and would require that the PA advisor shall advise the Under Secretary on matters regarding general and expanded utilization, clinical privileges, and employment (including various specific matters associated therewith) of physician assistants in the Veterans Health Administration.

Compromise Agreement

Section 206 of the compromise agreement incorporates portions of both the House and Senate language. The Committees call upon VA to provide the individual selected as Advisor on Physician Assistants with necessary support and resources to enable this consultant to fulfill the assigned responsibilities of the position.

EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS

Current Law

Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, authorized a temporary program of voluntary separation incentive payments to assist VA in restructuring its workforce. This program limited VA to a 15–month authorization period for such ''buyouts'' of VA employees, limited to 4,700 the number of staff who could participate, and required VA to make a contribution of 26 percent of the average salary of participating employees to the Civil Service Retirement and Disability Fund. This provision also requires a one-for-one employee replacement for each such buyout approved under this policy.

House Bill

Section 107 of H.R. 5109 would amend title XI of Public Law 106–117 to increase the number of VA positions subject to buyouts to 8,110. The House measure would also adjust the contribution made by VA to the retirement fund to 15 percent, an amount equivalent to the amount that most other Federal agencies must contribute to the fund for their buyout participants. The measure extends VA's buyout authority from December 31, 2000 to December 31, 2002.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 207 of the compromise agreement follows the House language, but limits the number of VA positions subject to buyouts to 7,734 and allocates the positions for activities of the Veterans Health Administration, Veterans Benefits Administration, National Cemetery Administration, and VA staff offices.

Subtitle B—Military Service Issues

MILITARY SERVICE HISTORY

Current Law

No provision.

House Bill

Section 301 of H.R. 5109 would require VA to take and maintain a thorough history of each veteran's health, including a military medical history. Ascertaining that a veteran was a prisoner of war, participated directly

in combat, or was exposed to sustained subfreezing conditions, toxic substances, environmental hazards, or nuclear ionizing radiation often facilitates diagnosis and treatment of veterans. The House bill would provide veterans assurance that such a policy becomes a matter of routine clinical practice in VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 211 of the compromise agreement adopts the intent of the House proposal, but in the form of a Sense of the Congress Resolution to express the sense of Congress that VA proceed to implement a system of record keeping to record veterans' military history.

STUDY OF POST-TRAUMATIC STRESS DISORDER (PTSD) IN VIETNAM VETERANS

Current Law

Public Law 98–160 directed VA to conduct a large-scale survey on the prevalence and incidence of PTSD and other psychological problems in Vietnam veterans. The study found that 15 percent of male and 8.5 percent of female Vietnam veterans suffered from PTSD. Among those exposed to high levels of war zone stress, however, PTSD rates were dramatically higher. Also, the study found that nearly one-third of Vietnam veterans had suffered from PTSD at some point after military service.

House Bill

Section 302 of HR 5109 would direct the VA to enter into a contract with an ''appropriate entity'' to carry out a follow-up study to the study conducted under Public Law 98–160.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 212 of the compromise agreement contains the House language. The Committees agree the new study should be kept distinct and independent from VA, as in the original. The compromise agreement is not intended to pre-judge the entity that will win this award.

Subtitle C—Medical Administration

DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES

Current Law

Current law does not explicitly provide VA with authority to house veterans overnight to expedite outpatient care or next-day hospital admissions. Nor does current law provide explicit authority for VA to accept, maintain, or operate facilities for housing families or others who accompany veterans to VA facilities. However, most VA medical centers offer veterans who live some distance from a medical facility from which they are receiving care or services help with some form of lodging to facilitate scheduled visits or admissions. Indeed, more than 115 facilities offer lodging of some kind on VA grounds, and services are available in non-VA facilities at a number of other locations. Also, over the years, many VA medical centers have converted unused wards and other available space to establish temporary lodging facilities for use by patients. The Under Secretary for Health has encouraged medical centers to establish such facilities to avert the need for hospitalizing patients when outpatient treatment is more appropriate. This guidance to VA facilities suggested that facilities could provide lodging without charge to outpatients and their family members and others accompanying veterans when ''medically necessary.'' The guidance also sanctioned the use of a revocable license for family members under which an individual could be required to pay VA a fee equal to the fair-market value of the services being furnished.

House Bill

Section 404 of H.R. 5109 would clarify VA's authority to provide temporary overnight accommodations in ''Fisher Houses,'' built with funds donated by the Zachary and Elizabeth M. Fisher Foundation. Four such facilities are now being operated in conjunction with VA medical centers and other similar facilities located at or near a VA facility. These accommodations are available to veterans who have business at a VA medical facility and must travel a significant distance to receive Department services, and to other individuals accompanying veterans. Section 404 would also give VA clear authority to charge veterans (and those accompanying them) for overnight accommodations and apply fees collected to support continuation of these services. The measure would require VA to promulgate regulations to address matters such as the appropriate limitations on the use of the facilities and the length of time individuals may stay in the facilities.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 221 of the compromise agreement contains the House language.

EXCEPTION TO THE RECAPTURE RULE

Current Law

Section 8136 of title 38, United States Code, requires VA to ''recapture'' the amount of a grant to a state home for purposes of building or renovating a state veterans home, if, within 20 years, the state home ceases to be used for providing domiciliary, nursing home, or hospital care for veterans. This provision could be interpreted to require recapture of the grant if the state home allows VA to establish an outpatient clinic in the home.

House Bill

Section 406 of H.R. 5109 would clarify that establishment of an outpatient clinic in a state home would not constitute grounds entitling the United States to recover its grant.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 222 of the compromise agreement contains the House language.

SENSE OF CONGRESS CONCERNING COOPERATION BETWEEN THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE IN THE PROCUREMENT OF MEDICAL ITEMS

Current Law

Under the Department of Veterans Affairs (VA) and Department of Defense (DOD) Health Resources Sharing and Emergency Operations Act, Public Law 97–174, VA and DOD have the authority to share medical resources. In 1999, VA and DOD entered into sharing agreements amounting to $60 million dollars out of combined budgets of approximately $35 billion. This is resource sharing of less than two-tenths of one percent. On May 25, 2000, the General Accounting Office reported that greater joint pharmaceutical procurements alone could lead to as much as $345 million in annual recurring savings.

House Bill

H. Con. Res. 413 would encourage expanded joint procurement of medical items, to include prescription drugs.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 223 of the compromise agreement contains the House language.

Subtitle D—Construction Authorization

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS

Current Law

Section 8104 of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and VA may not obligate or expend funds (other than for planning and design) for any medical construction project involving a total expenditure of more than $4 million unless funds for that project have been specifically authorized by law.

House Bill

Section 201 of H.R. 5109 would authorize the construction of a gero-psychiatric care building at the Department of Veterans Affairs Medical Center, Palo Alto, California ($26.6 million); the construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida ($23.6 million); and, seismic corrections, clinical consolidation and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California ($51.7 million). Also, the House bill would authorize the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, using funds previously appropriated for this specific purpose ($14 million).

Senate Bill

Section 301 of S. 1810 would authorize construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California ($26.6 million); and, construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia ($9.5 million). In section 302 of S. 1810, the Senate would amend section 401 of the Veterans Millennium Health Care and Benefits Act of 1999, Public Law 106–117, to add as a seventh project authorized by that act for fiscal year 2000–2001 the Murfreesboro construction project ($14 million).

Compromise Agreement

Section 231 of the compromise agreement incorporates each of the projects authorized by either body and includes specific authorization for the Murfreesboro project. Also, the compromise agreement provides that the authorizations for Palo Alto, Long Beach, and Beckley will be for 2 years, covering fiscal years 2001 and 2002, while the authorization for the Miami project will be only for fiscal year 2001. The compromise agreement also renews and extends the prior authorization of a project at the Lebanon, Pennsylvania VA Medical Center through the end of fiscal year 2002.

The Miami electrical plant and utility vault project is authorized only for fiscal year 2001. While the compromise agreement authorizes the project to proceed, we note that the current estimate to replace these facilities is $32 million. Given this level of anticipated expenditure, the Committees urge the Secretary to examine innovative ways to reduce VA's outlay, at least on an

initial basis. For example, the Committees note that the Miami facility is located in the midst of a very densely developed community of health and public safety-related institutions, including the Jackson Memorial Hospital and Metro-Dade police headquarters, among others. Given the need for such crucial institutions, including the VA medical center, to have dependable, stable, weather-proof and even fail-safe electrical sources, the Committees urge the Secretary to consider a ''performance-based contract'' for these services through the local utility (Florida Power and Light), or by consortium with multiple partners in need of similar improvements, assurances and security of utilities. At a minimum, the Secretary must carefully examine the reported cost of this project to ensure that it is being planned to meet known needs, rather than planned for the ''highest possible use.''

AUTHORIZATION OF APPROPRIATIONS

House Bill

The House bill (H.R. 5109, section 202) would authorize appropriations for fiscal years 2001 and 2002 of $101.9 million for construction of the facilities authorized in section 201 thereof.

Senate Bill

S. 1810, section 303, would authorize appropriations for fiscal years 2001 and 2002 of $36.1 million for construction of the facilities authorized in section 301. Also, section 303 alters the authorization funding level of projects authorized in Public Law 106–117 by including the Murfreesboro project discussed above.

Compromise Agreement

Section 232 of the compromise agreement authorizes appropriations for the amounts indicated in each measure for these projects, affecting both fiscal year 2001 and fiscal year 2002, as follows:

[In millions of dollars]

Authorizations	*Amount authorized*
Beckley	$9.5
Lebanon[1]	14.5
Long Beach	51.7
Miami[2]	23.6
Murfreesboro	14.0
Palo Alto	26.6

[1] Indicates authorization of appropriation in fiscal year 2002 only.

[2] Indicates authorization of appropriation in fiscal year 2001 only.

EXTENSION OF CONSTRUCTION AUTHORIZATION AT THE LEBANON, PENNSYLVANIA VA MEDICAL CENTER

Current Law

Section 401 of Public Law 106–117 (113 Stat. 1572) authorized a major construction project at the Lebanon, Pennsylvania, VA Medical Center. The project was authorized for fiscal year 2000 and fiscal year 2001.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 232(a)(3) of the compromise agreement extends through fiscal year 2002 the prior authorization for construction of a long-term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14.5 million.

Subtitle E—Real Property Matters

CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD

Current Law

Section 8163(c) of title 38, United States Code, requires the Secretary to notify Congress of VA's intention to pursue an enhanced-use lease of unused VA property, then wait a period of ''60 legislative days'' prior to proceeding with the specific lease objective(s). In the Veterans' Millennium Health Care Act, Public Law 106–117, Congress eased limits in law on leasing underused VA property based on a finding that long-term leasing could be used more extensively to enhance health care delivery to veterans.

House Bill

Section 407 of H.R. 5109 would amend the waiting period for VA notifications to Congress from 60 ''legislative'' days, to 90 ''calendar'' days. This change would shorten the length of time VA must wait before entering into an enhanced-use lease.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 241 of the compromise agreement contains the House language.

RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE

Current Law

In 1953, by Act of Congress (67 Stat. 54), the federal government transferred certain property of the Veterans Administration (now Department of Veterans Affairs) in Johnson City (now Mountain Home), Tennessee, to the State of Tennessee, for use by the Army National Guard of the State of Tennessee. The act of transfer retained a reversionary interest in the land on the part of the government in the event that the State of Tennessee ceased to use the land as a training area for the guard and for ''other military purposes.'' The land is no longer being used by the Tennessee National Guard and has no practical use by the government. Local municipal officials desire the land as a site for a public park and recreation area, and the State of Tennessee has made a commitment to transfer the land for these purposes but may not do so absent a recision of the federal government's reversionary interest in the property.

House Bill

Section 407 of H.R. 5109 would rescind the government's reversionary interest in the Tennessee property.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 242 of the compromise agreement contains the House language.

TRANSFER OF THE ALLEN PARK, MICHIGAN, VA MEDICAL CENTER TO FORD MOTOR LAND DEVELOPMENT CORPORATION

Current Law

In 1937, the Henry Ford family donated a 39-acre plot to VA expressly for the establishment of the Allen Park, Michigan VA Hospital. The conveyance provided that VA must return the land, in the same condition as it was received, if VA ceased to utilize it for veterans' health care. In 1996, VA activated a new VA Medical Center in Detroit.

House Bill

H.R. 5346 would transfer the land, the site of the former Allen Park, Michigan VA Medical Center, and all improvements thereon, to the Ford Motor Land Development Corporation, a subsidiary of Ford Motor Company. Having been replaced in 1996 by a new VA Medical Center in Detroit, the facility now is in disrepair. The bill would require up to 7 years of cooperation between VA and Ford in demolition, environmental cleanup (including remediation of hazardous material and environmental contaminants found on the site), and restoration of the property to its prior state. VA contributions would be limited to $2 million per year over the period, and Ford would be responsible for any amount over VA's total contribution ($14 million) required to complete the restoration. At the conclusion of restorative work, the Secretary would formally abandon the property, which would then revert to Ford Motor Land Development Corporation, in accordance with the reversionary clause contained in the original 1937 gift.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 243 of the compromise agreement contains the House language.

TRANSFER OF LAND AT THE CARL VINSON VA MEDICAL CENTER, DUBLIN, GEORGIA

Current Law

No provision.

House Bill

H.R. 5139 would convey to the Board of Regents of the State of Georgia two tracts of real property, including improvements, consisting of 39 acres at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia. The bill also conveys to the Community Service Board of Middle Georgia three tracts of property consisting of 58 acres, including improvements, at the Carl Vinson facility. The bill requires these properties be used in perpetuity for education or health care.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 244 of the compromise agreement contains the House language.

LAND CONVEYANCE OF MILES CITY, MONTANA VETERANS AFFAIRS MEDICAL CENTER TO CUSTER COUNTY, MONTANA

Current Law

No provision.

Senate Bill

Section 312 of S. 1810 would transfer VA medical center facilities in Miles City, Montana, to Custer County, Montana, while authorizing VA to lease space in which VA would operate an outpatient clinic. Custer County would devote the transferred land to assisted living apartments for the elderly and to a number of other economic enhancement and community activity uses, including education and training courses through Miles Community College, a technology center, local fire department training, and use by the Montana Area Food Bank. VA, in turn, is relieved of the requirement to spend over $500,000 per year maintaining a facility that is poorly suited to provide health care to the veterans of eastern Montana. VA would devote the saved funds to expanding Montana veterans' access to care by activating additional community based outpatient clinics in Montana.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 245 of the compromise agreement follows the Senate language. The compromise agreement anticipates that VA will work with the civic leadership of Custer County, Montana in order to identify potential improvements that may be reasonably necessary to effectuate the transfer of the Miles City property to Custer County. Also, the compromise agreement calls for the Secretary to determine to what extent it may be necessary to stipulate any conditions about the transfer, or conditions for VA's future use of this property, prior to the transfer of ownership of this property to Custer County. The compromise agreement further envisions funds appropriated to VA for non-recurring maintenance may be used, as authorized by law, to facilitate the transfer of VA's interest in the Miles City VA Medical Center to Custer County.

TRANSFER OF THE FORT LYON, COLORADO, VA MEDICAL CENTER TO THE STATE OF COLORADO

Current Law

No provision.

Senate Bill

Sections 313 and 314 of S. 1810 would transfer the VA Medical Center, Ft. Lyon, Colorado to the State of Colorado for use by the State as a corrections facility. Under the terms of the bill, the conveyance would take place only when arrangements are made to protect the interests of affected patients and employees of the facility. With respect to patients, the bill would require VA to make alternate arrangements to ensure that appropriate medical care and nursing home care services continue to be provided, on the same basis that care had been provided at Ft. Lyon, to all veterans receiving such services at the medical center. Under the bill, the VA would be authorized to provide care in community facilities at VA expense, notwithstanding other statutory limitations—e.g., title 38, United States Code, section 1720, which limits to 6 months the duration for which such care might be provided to veterans for nonservice-connected disabilities—or by state homes where VA would pay full costs and reimburse the veterans' share of copayments. Further, VA would be authorized to offer voluntary separation incentive payments to eligible employees of the Ft. Lyon VA medical center. In addition, the State would be required to allow public access to the Kit Carson Chapel located on the grounds of the VA medical center. And, finally, the VA would report on the status of the VA health care system in southern Colorado, not later than 1 year after the conveyance.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Sections 246 and 247 of the compromise agreement follow the Senate language, except for the provision extending VA's authority to offer voluntary separation incentive payments [subsection (c) of section 314 of S. 1810].

The inclusion of this language in this legislation should not be misconstrued as an erosion of, or acquiescence in, the requirement enacted in Public Law 106–117, the Veterans Millennium Health Care and Benefits Act of 1999, for VA to maintain VA-provided long-term care capacity at the 1998 level. VA continues to be obligated by law to ensure that the cumulative effect of its actions does not result in a reduction in VA's ability to provide institutional long-term care.

It should be noted that section 207 of this bill provides a 2-year extension of VA-wide authority to offer voluntary separation incentive payments to VA employees. The Committees find that the provision specifically granting the Fort Lyon facility a 1-year authority to offer voluntary separation incentive payments is redundant. Further, the Committees were concerned that retaining the Fort Lyon-specific provision in final legislation could have the unintended effect of limiting the 2-year, VA-wide buyout authority, granted in section 207, to 1 year when applied in the case of Fort Lyon. The Committees expect VA to use the authority granted in section 207, as an important human resources management tool, in its conveyance of the Fort Lyon facility.

TITLE III—COMPENSATION, INSURANCE, HOUSING, EMPLOYMENT, AND MEMORIAL AFFAIRS PROVISIONS

Subtitle A—Compensation Program Changes

PRESUMPTION OF SERVICE CONNECTION FOR HEART ATTACK OR STROKE SUFFERED BY A MEMBER OF A RESERVE COMPONENT IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING

Current Law

Under section 101(24) of title 38, United States Code, guardsmen and reservists who sustain an ''injury'' during inactive duty training are eligible for certain veterans' benefits, but are not eligible to receive disability compensation for a condition characterized as a ''disease'' that is incurred or aggravated during such training.

House Bill

Section 201(a) of H.R. 4850 would amend section 101(24) to include an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident resulting in disability or death and occurring during any period of inactive duty training for the purposes of service-connected benefits administered by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 301 of the compromise agreement contains the House provision.

SPECIAL MONTHLY COMPENSATION FOR WOMEN VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY

Current Law

Section 1114(k) of title 38, United States Code, authorizes a special rate of compensation if a veteran, as the result of a service-connected disability, has suffered the anatomical loss or loss of use of one or more creative organs, or one foot, or one hand, or both buttocks, or blindness of one eye, having only light perception, or has suffered complete loss of the ability to speak, or deafness of both ears. The special monthly compensation is payable in addition to the compensation payable by reason of ratings assigned under the rating schedule.

House Bill

Section 202 of H.R. 4850 would amend section 1114(k) by making veterans eligible for special monthly compensation due to the service-connected loss of one or both breasts due to a radical mastectomy or modified radical mastectomy.

Senate Bill

Section 103 of S. 1810 would amend section 1114(k) by making female veterans eligible for special monthly compensation due to the loss of one or both breasts, including loss by mastectomy.

Compromise Agreement

Section 302 of the compromise agreement contains the Senate provision.

BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM

Current Law

Section 1151 of title 38, United States Code, provides compensation, under certain circumstances, to veterans who are injured as a result of VA health care or participation in VA vocational rehabilitation. Section 1718 of title 38, United States Code, authorizes the ''Compensated Work Therapy Program (CWT),'' which pays veterans to work in a variety of positions on contracts with governmental and industrial entities. CWT work is intended to be therapeutic by helping veterans re-enter the work force, enabling them to increase self-confidence and by improving their ability to adjust to the work setting. However, current law provides no mechanism to compensate CWT participants who may be injured as a result of participation.

House Bill

Section 402 of H.R. 5109 would allow VA to provide disability benefits under section 1151 to CWT participants injured while participating in this program.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 303 of the compromise agreement contains the House language.

REVISION TO LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS

Current Law

Under section 5503 of title 38, United States Code, VA is prohibited from paying compensation and pension benefits to an incompetent veteran who has assets of $1,500 or more if the veteran is being provided institutional care with or without charge by VA (or another governmental provider) and he or she has no dependents. Such payments are restored if the veteran's assets drop to $500 in value. If VA later determines that the veteran is competent for at least 6 months, the withheld payments are made in a lump sum.

Senate Bill

Section 205 of S. 1076 would repeal the limitation on benefit payments imposed by section 5503 of title 38, United States Code.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Under section 304 of the compromise agreement, the amount of resources that an incompetent veteran may retain and still qualify for payments is increased from $1,500 to five times the benefit amount payable to a service-connected disabled veteran rated at 100 percent. If payments are withheld, they may be restored if the veteran's assets drop to one-half of that amount. The Committees expect that in notifying veterans and fiduciaries of the applicability of this requirement, VA will briefly indicate the assets that are counted or excluded in determining net worth. (See 38 C.F.R. §13.109)

REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY

Current Law

VA provides service-connected compensation benefits to veterans who were exposed

to ionizing radiation in service (due to participation in the occupation forces of Hiroshima or Nagasaki immediately after World War II, or in nuclear testing activities during the Cold War era) and who, subsequently, are diagnosed with the presumptive diseases listed in section 1112(c)(2) of title 38, United States Code. VA may also compensate radiation-exposed veterans with diseases not presumed to be service-connected if it determines that it is as likely as not that the disease is the result of exposure, taking into account the amount of exposure and the radiogenic properties of the disease; but VA utilizes dose reconstruction analysis provided by the Department of Defense to determine the estimated exposure.

Senate Bill

Section 171 of S. 1810 specifies that the Department of Defense (DOD) shall contract with the National Academy of Sciences (NAS) to carry out periodic reviews of the dose reconstruction program. NAS would review whether DOD's reconstruction of sampled doses is accurate, whether DOD assumptions regarding exposure based upon sampled doses are credible, and whether data from nuclear testing used by DOD in its reconstructions are accurate. The review would last 24 months and culminate in a report detailing NAS' findings and recommendations, if any, for a permanent review program.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 305 of the compromise agreement follows the Senate language.

Subtitle B—Life Insurance Matters

PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70

Current Law

VA administers the Service-Disabled Veterans Insurance (SDVI) program under chapter 19 of title 38, United States Code. SDVI term policy premiums increase every 5 years to reflect the increased risk of death as individuals age.

Senate Bill

Section 131 of S. 1810 would cap premiums for SDVI term policies at the age 70 renewal rate.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 311 of the compromise agreement follows the Senate language with an amendment requiring VA to report to Congress, not later than September 30, 2001, on plans to liquidate the unfunded liability in the SDVI program not later than October 1, 2011.

INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current Law

The Servicemembers' Group Life Insurance (SGLI) program provides up to $200,000 in coverage to individuals on active duty in the Armed Forces, members of the Ready Reserves, the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Public Health Service, cadets and midshipmen of the four service academies, and members of the Reserve Officer Training Corps. The maximum coverage of $200,000 is automatically provided unless the servicemember declines coverage or elects coverage at a reduced amount.

Senate Bill

Section 132 of S. 1810 would increase the maximum amount of coverage available through the SGLI program from $200,000 to $250,000.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 312 of the compromise agreement contains the Senate language.

ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Members of the Selected Reserve are eligible for enrollment in the Servicemembers' Group Life Insurance (SGLI) program. Members of the Individual Ready Reserve (IRR) are eligible for SGLI only when called to active duty.

Members of the IRR are currently eligible for Veterans Group Life Insurance, but only a small percentage participates.

House Bill

Section 301 of H.R. 4850 would provide those members of the IRR who are subject to involuntary call-up authority to enroll in the Servicemembers' Group Life Insurance program.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 313 of the compromise agreement contains the House language.

Subtitle C—Housing and Employment Programs

ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS

Current Law

Under chapter 21 of title 38, United States Code, veterans with severe disabilities such as loss of ambulatory function are eligible for specially adapted housing grants of up to $43,000 to finance the purchase or remodeling of housing units with special adaptions necessary to accommodate their disabilities. No particular form of ownership is specified in current law. Under regulations promulgated by the Secretary of Veterans Affairs, co-ownership of the property by the veteran and another person is not relevant to the amount of the grant if the co-owner is the veteran's spouse. If, however, the co-owner is a person other than the veteran's spouse, the maximum grant amount is reduced by regulation to reflect the veteran's partial ownership of the property interest, e.g., if the veteran jointly owns the property with one other person such as a sibling, the maximum grant is $21,500. (See 38 C.F.R. §36.4403)

Senate Bill

Section 121 of S. 1810 would amend section 2102 of chapter 21 of title 38, United States Code, to allow VA to make non-reduced grants for specially adapted housing in cases where title to the housing unit is not vested solely in the veteran, if the veteran resides in the housing unit.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 321 of the compromise agreement contains the Senate language.

VETERANS' EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS

Current Law

Section 4212 of title 38, United States Code, requires that certain Federal contractors and subcontractors take affirmative action to employ and advance ''special disabled veterans'' (generally, veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, and other veterans who are ''preference eligible'' (generally, veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized).

Senate Bill

Section 151 of S. 1810 would add recently separated veterans (veterans who have been discharged or released from active duty within a 1–year period) to the definition of veterans to whom Federal contractors and subcontractors must extend affirmative action to employ and advance in employment.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 322 of the compromise agreement contains the Senate language.

EMPLOYERS REQUIRED TO GRANT LEAVE OF ABSENCE FOR EMPLOYEES TO PARTICIPATE AS HONOR GUARDS FOR FUNERALS OF VETERANS

Current Law

Section 4303(13) of title 38, United States Code, defines ''service in the uniformed services,'' as the performance of duty on a voluntary or involuntary basis. Section 4316 defines the rights, benefits, and obligations of persons absent from employment for service in a uniformed service.

House Bill

H.R. 284 would add to the definition of ''service in the uniformed services'' a period for which a person is absent from employment for the purpose of performing funeral honors authorized duty under section 12503 of title 10, United States Code, or section 115 of title 32, United States Code. An employer would be required to grant an employee who is a member of a reserve component an authorized leave of absence from a position of employment to allow the employee to perform funeral duties. For purposes of intent to return to a position of employment with an employer, H.R. 284 would stipulate that an employee who takes an authorized leave of absence to perform funeral honors duty would be deemed to have notified the employer of the employee's intent to return to such position of employment.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 323 of the compromise agreement contains the House language.

Subtitle D—Cemeteries and Memorial Affairs

ELIGIBILITY OF CERTAIN FILIPINO VETERANS OF WORLD WAR II FOR INTERMENT IN NATIONAL CEMETERIES

Current Law

Section 2402(4) of title 38, United States Code, provides that eligibility for burial in any open VA national cemetery include any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any

government allied with the United States during that war, and whose last such service terminated honorably.

Senate Bill

Section 141 of S. 1810 would amend section 2402(4) of title 38, United States Code, to provide for the eligibility of a Philippine Commonwealth Army veteran for burial in a national cemetery if, at the time of death, the Commonwealth Army veteran is a naturalized citizen of the United States, and he is a resident of the United States.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 331 of the compromise agreement follows the Senate language with an amendment requiring that the veteran be a citizen of, or lawfully admitted for permanent residence in, the United States, and be receiving compensation or be determined to have been eligible for pension had the veteran's service been deemed to be active military, naval, or air service.

PAYMENT RATE OF BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II

Current Law

Former members of the Philippine Commonwealth Army may qualify for VA disability compensation, burial benefits, and National Service Life Insurance benefits, and their survivors may qualify for dependency and indemnity compensation. These benefits are paid at one-half the rate they are provided to U.S. veterans. (See 38 U.S.C. §107).

Senate Bill

Section 201 of S. 1076 would authorize payment of the full-rate funeral expense and plot allowance to survivors of Philippine Commonwealth Army veterans who, at the time of death, (a) are citizens of the United States residing in the U.S. and (b) are receiving compensation for a service-connected disability or would have been eligible for VA pension benefits had their service been deemed to have been active military, naval, or air service.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 332 of the compromise agreement follows the Senate language with an amendment that as an alternate requirement to citizenship, permanent resident status would suffice for purposes of establishing eligibility.

PLOT ALLOWANCE FOR BURIAL IN STATE VETERANS' CEMETERIES

Current Law

Section 2303(b)(1) provides a plot allowance of $150 for each veteran buried in a State-owned veterans' cemetery, provided that only persons eligible for burial in a national cemetery are buried in that cemetery.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 333 of the compromise agreement would allow a State to bury in a State veterans' cemetery members of the Armed Forces or former members discharged or released from service under conditions other than dishonorable—who are not otherwise eligible for burial in a national cemetery—without the State losing its eligibility for a plot allowance.

TITLE IV—OTHER MATTERS

BENEFITS FOR THE CHILDREN OF WOMEN VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS

Current Law

VA has authority to compensate veterans (including additional amounts of compensation for dependents) for service-connected disease or injury. VA may, pursuant to Public Law 104–204, provide benefits to children of Vietnam veterans born with ''all forms and manifestations'' of spina bifida except spina bifida occulta. Children with spina bifida born of Vietnam veterans currently are eligible for (1) a monthly allowance, varying by degree of disability of the person with spina bifida, (2) health care for any disability associated with that person's spina bifida, and (3) vocational training, job placement, and post-job placement services.

Senate Bill

Section 162 of S. 1810 would extend (with a single variation) to the children born with birth defects to women Vietnam veterans the same benefits as those now afforded to Vietnam veterans' children born with spina bifida under chapter 18 of title 38, United States Code.

House Bill

The House bills contain no comparable provision.

Compromise Agreement

Section 401 of the compromise agreement generally follows the Senate language. The former chapter 18 has been redesignated as subchapter I, the compromise agreement from section 401 of S. 1810 has been designated as subchapter II of chapter 18 and certain general definitional and administrative provisions applicable to both subchapters I and II of chapter 18 have been placed in a new subchapter III.

The definition of ''child'' in the Senate bill has been moved to a general definitions section (new section 1821) contained in subchapter III. A separate definition of ''eligible child'' (for purposes of subchapter II) has been provided in a new section 1811. The definition of ''female Vietnam veteran'' contained in S. 1810 has been removed from subchapter II and replaced by general definitions of Vietnam veteran and Vietnam era in new section 1821.

S. 1810 would have excluded spina bifida from the definition of a covered birth defect in subchapter II. Thus, the Senate bill could have been interpreted so as to require a child to choose to receive a monthly monetary allowance and health care based only on spina bifida or based only on non-spina bifida disabilities, but not both. Because the Committees wish to include spina bifida with all other covered disabilities for purposes of rating the disabilities from which an eligible child may suffer, the prohibition in proposed section 1812(b)(2) has been deleted from the compromise bill. The compromise agreement is intended to ensure that children of women Vietnam veterans who suffer both from spina bifida and any other covered birth defect will have all of their disabilities considered in determining the appropriate disability rating and the amount of monetary benefits to be paid under subchapter II of chapter 18. If the only covered birth defect present is spina bifida, the eligible child would be compensated under the spina bifida provisions of subchapter I of chapter 18.

The requirement in S. 1810 that birth defects identified by the Secretary be listed in regulations has been omitted. In drafting this legislation, the Committees considered the report of the Department of Veterans Affairs, Veterans Health Administration, Environmental Epidemiology Service, entitled ''Women Vietnam Veterans Reproductive Outcomes Health Study'' (October, 1998). Because this report identifies a wide variety of birth defects identified in the children of women Vietnam veterans, the Committees concluded that it was not necessary to provide a rating for each separate defect. Thus, the Committees intend that, in addition to whatever specific defects the Secretary may identify, the Secretary may also describe defects in generic terms, such as ''a congenital muscular impairment resulting in the inability to stand or walk without assistive devices.'' Language authorizing the Secretary to take into account functional limitations when formulating a schedule for rating disabilities under the new subchapter was added to specifically allow for ratings based upon generic descriptions of functional limitations imposed by the disabilities.

The limitation contained in the Senate bill which barred assistance under the new authority to an individual who qualified for spina bifida benefits has been deleted to assure that children who suffer from spina bifida and any other covered defect may receive a monetary allowance under subchapter II and health care which takes into account the disabilities imposed by spina bifida and any other condition.

EXTENSION OF CERTAIN EXPIRING AUTHORITIES

Current Law

The following authorities expire on September 30, 2002: (1) VA's authority to verify the eligibility of recipients of, or applicants for, VA needs-based benefits and VA means-tested medical care by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, (2) the reduction to $90 per month for VA pension and death pension benefits to veterans or other beneficiaries without dependents who are receiving Medicaid-covered nursing home care, (3) the Secretary's authority to charge borrowers who obtain VA-guaranteed, insured or direct home loans a ''home loan'' fee, and (4) procedures applicable to liquidation sales of defaulted home loans guaranteed by VA. The Secretary's (enhanced loan asset) authority to issue and guarantee securities representing an interest in home loans expires on December 31, 2002.

House Bill

Section 8 of H.R. 4268 would extend temporary authorities to 2008 that would otherwise expire on September 30, 2002, including: (1) VA income verification authority through which VA verifies the eligibility for VA needs-based benefits and VA means-tested medical care, by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service, (2) limitation on VA pension and death pension payments to beneficiaries without dependents receiving Medicaid-covered nursing home care, (3) VA-enhanced loan asset authority guaranteeing the payment of principal and interest on VA-issued certificates or other securities, VA home loan fees of ¾ of one percent of the total loan amount, and (4) procedures applicable to liquidation sales on defaulted home loans guaranteed by VA.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 402 of the compromise agreement contains the House language.

PRESERVATION OF CERTAIN REPORTING REQUIREMENTS

Current Law

The Federal Reports Elimination and Sunset Act of 1995 repealed a number of agency report requirements that Congress had imposed during the 20th century. The effect of that law, which otherwise would have taken effect last year, was temporarily suspended until May 15, 2000, by a provision in last year's omnibus appropriations act, Public Law 106–113.

House Bill

Section 10 of H.R. 4268 would reinstate the requirements that the Secretary provide periodic reports concerning equitable relief granted by the Secretary to an individual beneficiary (expires December 31, 2004); work and activities of the Department; programs and activities examined by the Advisory Committees on a) former prisoners of war (expires December 31, 2003) and b) women veterans (expires after biennial reports submitted in 2004); operation of the Montgomery GI Bill educational assistance program (expires December 31, 2004); and activities of the Secretary's special medical advisory group (expires December 31, 2004). It also requires the Secretary to include with any report that is required by law or by a joint explanatory statement of a Congressional conference committee an estimate of the cost of preparing the report.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

Section 403 of the compromise agreement contains the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS

Current Law

Section 1112(c)(2) of title 38, United States Code, lists 16 diseases which, if they become manifest in a radiation-exposed veteran at any time in his or her lifetime, would be considered to have been incurred in or aggravated during active service.

Senate Bill

Section 102 of S. 1810 would amend section 1112(c)(2) by adding lung cancer, colon cancer, tumors of the brain and central nervous system, and ovarian cancer to the list of diseases presumed to be service-connected if they are contracted by radiation-exposed veterans.

House Bill

The House bills contain no comparable provision.

INCREASE IN MAXIMUM AMOUNT OF HOUSING LOAN GUARANTEE

Current Law

Under section 3703(a)(1)(A)(IV) of title 38, United States Code, VA guarantees 25 percent of a home loan amount for loans of more than $144,000, with a maximum guaranty of $50,750. Under current mortgage loan industry practices, a loan guaranty of $50,750 is sufficient to allow a veteran to borrow up to $203,000 toward the purchase of a home with no down payment.

Senate Bill

Section 122 of S. 1810 would amend section 3703(a)(1) to increase the maximum amount of the VA guaranty from $50,750 to $63,175.

House Bill

The House bills contain no comparable provision.

TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS

Current Law

Section 3729(c) of title 38, United States Code, provides that a loan fee may not be collected from a veteran who is receiving disability compensation (or who, but for the receipt of retirement pay, would be entitled to receive compensation) or from a surviving spouse of any veteran who died from a service-connected disability (including a person who died in the active military, naval, or air service).

Senate Bill

Section 123 of S. 1810 would amend section 3729 to add an additional category of fee-exempt borrower; persons who have been evaluated by VA prior to discharge from military service and who are expected to qualify for a compensable service-connected disability upon discharge, but who are not yet receiving disability compensation because they are still on active duty.

House Bill

The House bills contain no comparable provision.

FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

Current Law

Spouses and dependent children are not eligible for any VA-administered insurance program.

Senate Bill

Section 133 of S. 1810 would create a new section 1967A within chapter 19 of title 38, United States Code. This section would provide to SGLI-insured servicemembers an opportunity to provide for coverage of their spouses and children. The amount of coverage for a spouse would be equal to the coverage of the insured servicemember, up to a maximum of $50,000. The lives of an insured servicemembers' dependent children would be insured for $5,000.

House Bill

The House bills contain no comparable provision.

COMPTROLLER GENERAL AUDIT OF VETERANS' EMPLOYMENT AND TRAINING SERVICE OF THE DEPARTMENT OF LABOR

Current Law

Not applicable.

Senate Bill

Section 152 of S. 1810 would require the Comptroller General of the United States to carry out a comprehensive audit of the Veterans' Employment and Training Service of the Department of Labor. The audit would commence not earlier than January 1, 2001, and would be completed not later than 1 year after enactment of this provision. Its purpose would be to provide a basis for future evaluations of the effectiveness of the Service in meeting its mission. The audit would review the requirements applicable to the Service under law, evaluate the organizational structure of the Service, and any other matters related to the Service that the Comptroller General considers appropriate.

House Bill

The House bills contain no comparable provision.

ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE

Current Law

Current law does not provide for accelerated educational assistance payments in VA-administered education programs.

Senate Bill

Section 9 of S. 1402 would authorize VA to make accelerated payments under the terms of regulations that VA would promulgate to allow MGIB participants to receive a semester's, a quarter's, or a term's worth of benefits at the beginning of the semester, quarter, or term. For courses not so organized, VA could make an accelerated payment up to a limit established by VA regulation, not to exceed the cost of the course.

House Bill

The House bills contain no comparable provision.

ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE

Current Law

Sections 3011(c)(1) (for active duty service of at least 3 years) and 3012(d)(1) (for active duty service of 2 years and 4 continuous years in the Selected Reserve) of title 38, United States Code, provide that any servicemember may make an election not to receive educational assistance under chapter 30 of title 38, United States Code. Any such election shall be made at the time the individual initially enters active duty. For servicemembers who elect to sign up for the Montgomery GI Bill, section 3011(b) requires a pay reduction of $100 per month for the first 12 months of active service.

Senate Bill

Section 8 of S. 1402 would authorize servicemembers who had ''opted out'' of MGIB participation (by electing not to receive MGIB benefits and whose basic pay during the first 12 months of service, therefore, had not been reduced by $100 per month for 12 months) to regain eligibility for MGIB benefits by making a $1,500 lump sum payment.

House Bill

The House bills contain no comparable provision.

CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS

Current Law

Each year the Congress appropriates funds to the Department of Veterans Affairs as part of the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act (VA–HUD appropriations bill). Although the amount of the appropriations varies from year to year, the purposes for which appropriations are made are generally fixed, and change little, if any, from year to year. Because the style of appropriations language discourages normal punctuation or sentence structure, some of the ''sentences'' making appropriations exceed a page in length. This approach appears to make the appropriations language difficult for the average person to read.

House Bill

Section 9 of H.R. 4268 would codify recurring provisions in annual Department of Veterans Affairs Appropriations Acts.

Senate Bill

The Senate bills contain no comparable provision.

MAJOR CONSTRUCTION PROJECT AT THE BOSTON, MASSACHUSETTS HEALTH CARE SYSTEM: INTEGRATION OF THE BOSTON, WEST ROXBURY, AND BROCKTON VA MEDICAL CENTERS

Current Law

No provision.

House Bill

The House bills contain no comparable provision.

Senate Bill

The Senate bills contain no comparable provision.

Compromise Agreement

The Committees take note of concerns registered by Members of both Houses over the pace and poor planning associated with an important project in the greater Boston VA environment. The most recent information on the Boston integration indicates that a new review—by the Capital Assets Restructuring For Enhanced Services (CARES) contractor for New England—will begin soon. The Committees expect VA to complete the Boston integration plan in an expedited manner. Further, the Committees expect the VA to submit a proposal, or a major construction authorization request, to address these infrastructure needs following completion of the CARES validation of bed need in the area. The Committees support this process and look forward to the results of the analysis and any proposal VA consequently may make.

PILOT PROGRAM FOR COORDINATION OF HOSPITAL BENEFITS

Current Law

No provision.

House Bill

Section 401 of H.R. 5109 would authorize a four-site VA pilot program. Under the program, veterans with Medicare or private health coverage (and a number of indigent veterans), who rely on a VA community-based clinic, could voluntarily choose nearby community hospital care for brief episodes of medical-surgical inpatient care. The VA clinic would coordinate care and cover required copayments.

Senate Bill

The Senate bills contain no comparable provision.

UNIFICATION OF MEDICATION COPAYMENTS

Current Law

Under Section 1710(a)(2)(G) of title 38, United States Code, VA provides medical care, without imposing an obligation to make copayments for such care, to veterans who are ''unable to defray the expenses of necessary care. . . .'' This is determined by comparing the veteran's annual income against an income threshold that is adjusted annually. A separate provision of law, section 1722A of title 38, United States Code, mandates that VA charge a copayment for each 30-day supply of prescription medications provided to a veteran on an outpatient basis if that medication is for the treatment of a nonservice-connected condition.

Two categories of veterans are exempt from the copayment obligation: veterans who have service-connected disability ratings of 50 percent or higher, and veterans whose annual income does not exceed the maximum amount of ''means tested'' VA pension that would be payable if such veterans were to qualify for pension. Eligibility for pension is also determined by calculating countable income against an income threshold. This pension level is lower than the health care eligibility income threshold. As a consequence, veterans who are given priority access to VA health care and are exempted from making copayments for that health care under one measurement of their means are required to make copayments for medications under a different measurement of their means.

Senate Bill

Section 201 of S. 1810 would unify the copayment exemption thresholds at the health care eligibility income threshold.

House Bill

The House bills contain no comparable provision.

EXTENSION OF MAXIMUM TERM OF VA LEASES TO PROVIDERS OF HOMELESS VETERANS SERVICES

Current Law

VA's Home Loan Guaranty Program assists veterans by facilitating their purchase, construction, and improvement of homes. VA does so by encouraging private lenders to extend favorable credit terms to veterans by guaranteeing repayment of a portion of the lender-provided home loan.

In some circumstances, veterans default on mortgage loans guaranteed by VA. In such cases, the lender will foreclose, and VA, as a guarantor, may come into possession of the property. Such properties, typically, are sold to the public by VA. VA, however, has the option of leasing such properties to public and nonprofit private providers of services to homeless veterans so that such service-providers may offer shelter and other services to homeless veterans and their families. However, such leases to the providers of services to homeless veterans may not exceed 3 years in term.

Senate Bill

Section 311 of S. 1810 would extend the maximum term of VA leases to providers of services to homeless veterans from 3 to 20 years.

House Bill

The House bills contain no comparable provision.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I urge my colleagues to support this comprehensive bill which would make changes to a wide range of veterans's benefits and services. The bill represents compromise on both sides of the aisle and in both Houses of Congress, and many, many hours of staff and Members' work. For that, I thank everyone involved.

The bill covers a wide spectrum of issues—from new educational benefits for service members to improvement in VA nurses' and dentists' pay. I would like to address some of the major provisions.

Mr. President, S. 1402, as amended, represents a comprehensive effort to address the shortfall in the amount provided for veterans' education. The current basic GI Bill benefit is $536 per month, which, according to College Board data, pays for less than 60 percent of the costs of a public four-year university. The cost of tuition and fees for public and private educational institutions rose approximately 90 percent from 1980–1995, while the MGIB benefit rates only increased 42 percent from 1985 to 1995. S. 1402 will provide an increase for fiscal year 2001 of 22 percent, raising the basic rate to $650 per month.

Additionally, this compromise bill adopts a Senate ''buy up'' provision that will allow servicemembers to elect to contribute up to an additional $600 (above the $1,200 that they contribute over their first year of service), in exchange for receiving four times their contribution. This additional contribution can be made at any time prior to the servicemember leaving service. Thus, it is targeted at those who definitely plan to pursue additional education when they leave service.

Although these increases fall short of the full tuition recommended last year by the Commission on Servicemembers and Veterans Transition Assistance, they will nevertheless provide a substantial improvement in assistance to veterans. The basic monthly benefit increase to $650, when combined with the maximum ''buy up'' contribution, would yield a monthly benefit of $800 per month, an increase of 49 percent over the current benefit.

I believe that education is the key to success in today's high tech, fast-paced economy. We must ensure that our nation's veterans do not wind up on the wrong side of the ''digital divide.'' It should be our policy to always encourage servicemembers and veterans to strive for greater achievement. Aside from the benefits that accrue to the individual veteran, we cannot overlook the benefits that accrue to our Nation when we provide a substantial educational benefit to veterans, including increased tax dollars from better salaries, greater stability through higher levels of home ownership rates, and a stronger recruiting tool for future servicemembers.

We also must remember our commitment to take care of the families of servicemembers killed on duty and families of veterans who are totally disabled due to their service. S. 1402 provides a corresponding increase in the monthly educational benefit, Dependents' Educational Assistance (DEA), provided to survivors and dependents of these veterans. Part of the reason that DEA is so low when compared to MGIB is that the MGIB rate has been indexed to the inflation rate, while the DEA has not. That is why it was so important to me that we index DEA, as section 111 of S. 1402 provides. This will ensure that the education benefit to eligible dependents and survivors will keep pace with the cost of education and MGIB benefits.

Last year, we expanded VA's authority to provide education benefits to veterans by including payment for preadmission exam preparatory courses (SATs, GREs, etc). This year, through section 114, we are extending this valuable benefit to the eligible survivors and dependents of veterans through

DEA. At some of the nation's top schools, scores on entrance exams can count for half of the total application, creating enormous pressure to score well. Studies by national consulting companies have shown improvement of over 100 points on the SAT exam scores for students who take exam preparatory courses. However, many of these exam preparatory course are quite costly. One national provider charges as much as $750 for a two-month, part-time, SAT preparatory course. Fairtest, an educational advocacy group, argues that ''[t]he SAT has always favored students who can afford coaching over those who cannot. . . .'' To be able to compete, it is critical that veterans' survivors and dependents have access to such courses.

Last year, along with Senator MURRAY and Senator DASCHLE, I introduced legislation that will provide much needed benefits to the children born with birth defects to female Vietnam veterans. I am enormously pleased that this legislation has been incorporated in S. 1402.

Section 401 will provide health care and compensation to children born with permanently disabling birth defects to women Vietnam veterans. The legislation had its inception in a comprehensive study the VA conducted of long-term reproductive health outcomes of women Vietnam-era veterans. After analyzing the records of over 4,000 women Vietnam veterans compared with 4,000 women Vietnam-era veterans, the study found a ''statistically significant increase in birth defects,'' particularly moderate to severe birth defects, in the children of the women Vietnam veterans. According to the study, the risk to a woman Vietnam veteran of having a child with birth defects was significantly elevated, even after adjusting for age, demographic variables, military characteristics, and smoking and alcohol consumption of the mothers.

As VA does not have the authority under current law to provide health care or their benefits to the children of women Vietnam veterans disabled from birth defects other than spinal bifida, I worked with VA to craft legislation modeled after that groundbreaking spina bifida legislation to address this issue.

It is only fitting that we assist these children. Their mothers served our Nation with honor and courage, volunteering to be placed in harm's way, without knowledge of what effects their service may bring later. They were the nurses, mapmakers, air traffic controllers, clerical staff, Red Cross and USO workers, and others who supported our troops in the field. Unfortunately, some of their children have suffered because of their mothers' service, and it is time for them to begin to be repaid for that suffering.

Under the provisions of S. 1402, VA would be authorized to provide reimbursement for health care of the disabled children for their birth defect and associated conditions, vocational rehabilitation services, and a monthly allowance that is not countable as income for the purpose of other federal programs.

Women Vietnam veterans have waited 25 years for this acknowledgment of the special risks they faced. Helping their children born with birth defects is the logical extension of our policy to provide benefits for disabilities that result from service. It's the compassionate and the right thing to do, and I am enormously gratified that we are finally doing it.

S. 1402 contains a number of benefits provisions that will aid veterans.

Section 301 extends compensation to be paid to reservists on inactive duty for training who were disabled or died from heart attack or stroke during training or travel to/from training. Currently, guards members and reservists who sustain an injury during inactive duty for training are eligible for veterans benefits. However, they are not eligible to receive compensation for diseases incurred or aggravated during such training, while active duty servicemembers would be eligible for the same condition. This provision recognizes the special nature of strokes and heart attacks and how they may be triggered by the additional physical stress during inactive duty for training, and ensures that these servicemembers and their families will be taken care of.

Section 302 will provide special monthly compensation to female veterans who have lost a breast due to service-connected conditions. Special monthly compensation is an additional monthly monetary benefit provided above regular compensation for loss, or loss of use of a part of a veterans' body, that yields an additional disability that another loss would not, such as loss of sight or hearing, loss of use of the veterans' legs, or loss of a creative organ. The loss of a breast to a woman veteran is consistent with the other disabilities where special monthly compensation is provided.

I am very pleased that S. 1402 closes the final chapter on a 55-year-old injustice—the cause of Filipino veterans who fought under U.S. Command during World War II. When the decision to extend benefits to this group was initially made, the law authorized payments to Filipino veterans at the rate of 50 cents on the dollar of the amounts that American veterans receive. It is my understanding that the VA–HUD Appropriations bill will contain a provision that will provide full compensation benefits and extend health care to these Filipino veterans. Section 332 of S. 1402 will extend full burial benefits to the dependents of Filipino veterans, while section 331 will provide that Filipino veterans who are American citizens and in the U.S. at the time of their death can be buried in National Cemeteries. This is a long overdue correction of an old injustice.

I am enormously proud of the fact that S. 1402 includes a small provision that I introduced which removes the limit on adaptive housing grants to disabled veterans who own their home with someone other than a spouse.

I became aware that there was a problem with the adaptive housing regulations when I was contacted by the family of Darren Frederick, a West Virginia Gulf War veteran who lost his ability to walk when he developed ALS, also known as Lou Gehrig's disease. Darren owned a house with his brother and applied for a grant from VA to adapt his home for his wheelchair. But because he owned the house with someone other than a spouse, VA regulations required that the grant be reduced by half. Still, this young, disabled veteran needed a whole ramp, not half a ramp, into his home.

The regulation VA was applying was written in 1947 to protect veterans from unscrupulous people who might take advantage of them. However, I am certain that this provision has hurt far more people than it has helped. That is why I pushed to eliminate it, and am pleased to say that it is no longer going to be the law. Unfortunately, I am sad to say that this change came too late to help young Darren Frederick. Darren passed away while he was still dealing with the red tape caused by this provision.

I am very disappointed that last year we were unable to move the Senate provision overturning the ''$1,500 rule.'' Since 1933, the law has required VA to suspend the compensation or pension benefits of incompetent veterans who have no dependents and are hospitalized at government expense. This suspension is triggered when the veteran's estate (basically, his bank account) exceeds $1,500, and continues until the estate is spent down to $500. At that time, VA reinstates the veteran's compensation until the veteran is hospitalized again and the estate exceeds $1,500, when the benefits are cut off again. No similar suspension is made for competent veterans or for incompetent veterans who are not hospitalized or who have dependents.

The rationale for cutting off benefits was that these veterans might have been institutionalized for years, and that it was not good policy to allow their estates to build up when they have no dependents to inherit them. There was also a fear of fraud on the part of the veteran's guardian or fiduciary.

Today, veterans are generally being hospitalized for shorter periods of time, but even so, the rule often applies quickly because of the outdated low dollar limit. It takes VA an average of 66 days to restore the benefits to incompetent veterans once their estates

have been spent down. The result is that a veteran may have been released from the hospital for quite some time before the benefit is restored, creating great hardships in paying for the expenses of daily living.

The dollar amounts of the limit have not changed since 1933, when $1,500 equaled almost three years' worth of VA benefits at a 100 percent rating level. In today's dollars, this is less than one month's benefit at a 100 percent rating level. Although I truly believe that this is an outdated and indefensible policy that discriminates against incompetent veterans—veterans who are least likely to be able to fight for themselves—we remain unable to fully eliminate the restriction, as I wish we could. However, we are doing the next best thing—raising the limits to a more realistic dollar amount and indexing it to account for future increases in compensation. Section 304 provides that the $1,500 will be replaced with the dollar value represented by five times the 100-percent service-connected compensation rate, and that amount will be indexed to include future cost-of-living adjustments. If we can't eliminate this type of discrimination, I am gratified that we could at least reduce its application and impact.

I am especially pleased that this legislation includes authorization for the construction of a $9.5 million nursing home in Beckley, West Virginia. With the World War II and Korean War veteran population aging, there is a increased demand for an alternative to private long-term care, which is often costly and beyond the reach of many veterans and their families. I fought so hard for this federally funded facility because it will be available to all veterans in need of care, regardless of income. It will also contain a 20-bed Alzheimer's unit, to meet the special needs of those suffering from this horrible disease. Long-term care for Alzheimer's patients is very limited in southern West Virginia, and the Beckley VA Medical Center must often send veterans outside the state for this specialized care. Quality long-term care for West Virginia veterans is long overdue.

Currently, the Senate is deliberating on a bill that would appropriate $1 million in design funds for this project. I am hopeful that we will get the full amount needed for completion of the facility in the near future.

I am very proud of the nurses' pay provision in section 201 of S. 1402, which finally gives a very valued segment of VA's health care staff their due. Since the inception of the locality pay system in 1990, which determined the rate of pay for nurses according to trends in local health care labor markets, only some nurses in the VA system nationwide have actually seen pay increases. This was an unjust consequence of implementing the locality pay system that I am very glad we can now rectify.

This bill prohibits directors from reducing nurses' pay, and guarantees VA nurses a national comparability increase equivalent to that provided to other federal employees. Additionally, it reforms the local labor market survey process currently used to determine wages. Finally, I am pleased that this provision also requires Veterans Health Administration network directors to consult directly with nurses on policy issues that involve the work of VA nurses, and allows registered nurses to participate on medical center committees considering clinical care, budget matters, or resource allocation involving the care and treatment of veteran patients.

Section 202, the dentists' pay provision of S. 1402, is one that I am very satisfied with as it seeks to improve the recruitment and retention of dentists within the VA, and, therefore, the level of dental care our veterans receive as well. The basic pay rates of dentists employed in the VHA are supplemented by special pay and incentive pay scales that were originally enacted with the intent of helping recruitment and retention rates. However, they were not sufficient enough to keep this vital sector of veterans' care secured. This bill will build on what was already started nearly 10 years ago by finally revising and increasing the rates of special pay for VA dentists.

Another important provision in this legislation that I am very proud of is the creation of a physician assistant advisory position within the Veterans Health Administration (VHA). This position will finally give voice to a very essential segment of the VA health care system.

Current law requires that the office of Under Secretary for Health in the VA include representatives of a variety of health care professions. However, despite the fact that the VA is the nation's largest single employer of physician assistants, physician assistants have not had any representation within this office.

That is why I am pleased to be able to provide these often underrated health care workers with their own representative advisor. The VA Under Secretary for Health will designate a VHA physician assistant to fill this position and charge that person with advising on all matters regarding the employment and use of physician assistants within the Veterans Health Administration. The advisor may be assigned out in the field with periodical visits as necessary to VHA headquarters for reports, so that they are able to keep in touch both with physician assistants working all over the country and the VA Under Secretary for Health in VA Headquarters. The language associated with this section specifically calls upon VA to provide this individual with the necessary support and resources to enable this consultant to fulfill the assigned responsibilities of this position.

Just over 15 years ago, the VA conducted a large-scale survey on the occurrence of PTSD and other psychological problems in Vietnam veterans. The study found that 15 percent of male veterans and 8.5 percent of female veterans suffered from PTSD. However, among those veterans exposed to higher levels of war zone stress, PTSD rates were significantly higher. In addition, the study found that nearly one-third of both male and female Vietnam veterans had suffered from PTSD at some point following military service.

Therefore, I am very gratified that this bill provides for a followup study to be conducted to monitor the effectivness of the PTSD programs and other psychiatric services the VA has provided over the years to help veterans cope with the symptoms of this debilitating disorder. The study is to be conducted by an independent contractor, but the VA is being encouraged to design the study protocol itself in order to secure high quality responses to the survey.

Mr. President, in closing, I want to acknowledge the work of our Committee's Chairman, Senator SPECTER, in developing this comprehensive legislation. Through his efforts, and that of his staff—Bill Turek, Staff Director; Chris Yoder, Assistant Staff Director; and Legislative Assistants Jon Tower and William Cahill, we are moving this significant piece of legislation today.

I appreciate the willingness of the House Committee on Veterans' Affairs, especially Chairman BOB STUMP and Ranking Member LANE EVANS, to work together to reach compromise on so many vital issues.

And I would be remiss if I did not acknowledge the efforts of my own staff: Jim Gottlieb, Minority Staff Director; Kim Lipsky, Professional Staff Member; and Mary Schoelen, Counsel. I am enormously grateful for their diligence, and for their commitment to the work we do in this Committee on behalf of our Nation's veterans.

The PRESIDING OFFICER. Without objection, the amendment (No. 4314) is agreed to.

The PRESIDING OFFICER. The Senate concurs in the amendment of the House to the title of the bill with an amendment.

The title of the bill was amended so as to read: ''An Act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.''.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2000

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4850 and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 4315 AND 4316, EN BLOC

Mr. MURKOWSKI. Senator SPECTER and Senator ROCKEFELLER have amendments at the desk, and I ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. SPECTER, proposes amendments numbered 4315 and 4316, en bloc.

The amendments are as follows:

AMENDMENT NO. 4315

(Purpose: To provide a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2000''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2001, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

AMENDMENT NO. 4316

(Purpose: To amend the the title)

Amend the title so as to read: ''An Act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.''.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the amendments be agreed to.

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

The amendments (Nos. 4315 and 4316) were agreed to.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4850), as amended, was considered read the third time and passed.

ORDERS FOR FRIDAY, OCTOBER 13, 2000

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Friday, October 13. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then proceed to the conference report to accompany H.R. 4461, the Agriculture appropriations bill, as under the previous order.

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

PROGRAM

Mr. MURKOWSKI. Mr. President, the leader has asked me to announce that, for the information of all Senators, the Senate will begin consideration of the conference report to accompany the Agriculture appropriations bill at 10 a.m. tomorrow. Debate on the conference report will take place all day tomorrow and all day on Tuesday, with a vote scheduled to occur on Wednesday at 11:30 a.m. Those Senators who intend to make statements on the conference report are encouraged to come to the floor as soon as possible due to the lack of time prior to the vote on Wednesday.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:31 p.m., recessed until Friday, October 13, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 12, 2000:

UNITED STATES INSTITUTE OF PEACE

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, VICE ALLEN WEINSTEIN, TERM EXPIRED.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KIRK M. KRIST, 0000
DENNIS J. SANTO TOMAS, 0000
KEVIN D. THOMAS, 0000
CHARLES F. WALSH, 0000
ROBERT H. WILLIAMS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES W. LENOIR, 0000
KENNETH D. MCRAE, 0000
STANLEY P. SHOPE, 0000
EARNEST C. SMITH, 0000
LARRY E. SMITH, 0000
JEFFRY K. WOLFE, 0000
CHARLES L. YRIARTE, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

TIMOTHY L. BARTHOLOMEW, 0000
GEORGE M. BESHENICH, 0000
FRANCIS T. DINUCCI, 0000
RICKIE C. GURR, 0000
NORMA J. KRUEGER, 0000
CORY L. LOFTUS, 0000
RONALD M. SCHROCK, 0000
SCOTT D. WAGNER, 0000
ROBERT E. WELCH JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531, AND 624:

To be major

ANGELO RIDDICK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

To be major

JAMES WHITE, 0000 CH

CONFIRMATIONS

Executive nominations confirmed by the Senate October 12, 2000:

DEPARTMENT OF DEFENSE

ROBERT N. SHAMANSKY, OF OHIO, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

ROBERT B. PIRIE, JR., OF MARYLAND, TO BE UNDER SECRETARY OF THE NAVY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO JOHN HICKS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to a good friend, John Hicks, of Leisuretowne, New Jersey. John is a community leader without equal.

Having risen through the ranks of firefighters in Philadelphia starting in 1947, he became Battalion Chief of Battalion 13 in 1978. A true professional, his career in public service as a firefighter is rarely equaled.

On relocating to Southampton Township, New Jersey in 1979, John became involved in the transportation program, driving Leisuretowne residents to shopping centers, doctor appointments, and more.

John was first elected to Southampton Council in 1981, and still serves today. He has been both dedicated and adamant with regard to the Big Hill Landfill project, and is active as liaison between the Leisuretowne military veterans and Southampton Township.

John is very active, in a subdued way, accomplishing a great deal quietly, with dignity.

He is truly deserving of this tribute, and I am certain he will remain committed to serving the community for many years to come.

75TH ANNIVERSARY OF THE ROTARY CLUB OF ARDMORE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to recognize the Rotary Club of Ardmore in Lower Merion Township, Montgomery County, Pennsylvania on their 75th Anniversary this year.

The Rotary Club of Ardmore was founded October 21, 1925 by J. Elmer Watts and Albert L. Reinhold and is currently the third largest Rotary Club in District 7450 of Southeastern Pennsylvania. The 111 members of the Ardmore Rotary contribute about $25,000 annually to community organizations and donate thousands of hours of time to public service initiatives.

Community service is an integral part of the Rotary's mission. The club was instrumental in the reopening of the Main Line YMCA in the 1930s. Club members travel weekly to the George Gordon Meade Elementary School to tutor students and help promote literacy. The Rotary conducts an annual Holiday Basketball Tournament fundraiser at Lower Merion High School and an annual pancake breakfast to benefit the Merion Fire Company. During the Holidays, the Ardmore Rotary raises thousands of dollars for local charities.

The Ardmore Rotary extends its charitable aims overseas as well. Frequently, Rotarians travel to countries like India and Mexico to care for sick children and provide crucial medicinal vaccines to those in need.

The residents of Montgomery County are fortunate to benefit from the services provided by the Rotary Club of Ardmore. It is an honor to recognize such an extraordinary group of individuals on their 75th Anniversary.

IN OBSERVANCE OF LOVELIFE WEEK, OCTOBER 16 TO 22, 2000, BY THE LOVELIFE FOUNDATION, OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. LEE. Mr. Speaker, I rise to observe the third anniversary of the death of teenager LoEshe' Lacy, and to recognize the great accomplishments of the LoveLife Foundation, founded by her father in her memory.

On October 27, 1997, LoEshe' Lacy was an innocent victim to a shooting across the street from her high school. The name LoEshe' is Ibo/Nigerian and means "Love Life." Donald Lacy founded the LoveLife Foundation in her honor to work with at-risk youth, and to help garner a greater appreciation for the value of human life.

In its brief three-year history, the projects and successes of the LoveLife Foundation have been both numerous and varied. One particularly successful program is the LoveLife Arts and Media Training Academy. This program trains youth to produce television, radio, and theatrical performances that specifically address violence and its devastating effects on the community. The public service announcement, "Precious Gift", produced through this program, has received several national television awards, including a National Public Television Award, a Bay Area Cable Ace Award, and a Black Filmmakers Hall of Fame Award. The student written and performed play, "Legacy for LoEshe'" has aired repeatedly on local television.

The Mayor of Oakland has credited the LoveLife Foundation's efforts with contributing significantly to a 32-year low in the city's murder rate in 1999.

The LoveLife Foundation will observe LoveLife Week October 16 through 22, 2000. The Foundation requests that people observe this week by performing random acts of kindness to family, friends, and even perfect strangers.

Mr. Speaker, I am inspired by the dedication and commitment Mr. Lacy and members of the LoveLife Foundation have shown to improving Oakland and preventing more senseless deaths like that of LoEshe' Lacy.

I want to thank the LoveLife Foundation for its efforts to increase appreciation for the value of human life, and I encourage people everywhere to honor this great organization by observing LoveLife Week.

TRIBUTE TO HELEN HOLLINGSHED TAYLOR, HEAD START BUREAU ASSOCIATE COMMISSIONER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. STARK. Mr. Speaker, in the closing days of the Clinton Administration, as we reflect on our accomplishments and unfinished work, we can only look with great pride and admiration to the Head Start program and all it has become for America's children. The President and Congressional leaders may try to take credit for the increase in the numbers of children enrolled, the new expansion to serving pregnant women and families with infants and toddlers, and the increase in program quality and accountability. But the real champion of Head Start was Helen Hollingshed Taylor.

Helen looked out for the nation's children, and their world is better for her efforts. Deborah and I feel fortunate to have known and worked with Helen during these past seven years and will miss her fun spirit, her gentle nudge, her wisdom, and her passion to do right by all children.

Born in Fort Valley, Georgia, and raised in Cincinnati, Helen came to Washington to attend Howard University in 1964. Two years later, she received a National Institute of Mental Health fellowship to the Institute for Youth and Community Studies at Harvard. In 1973, she received a Masters degree in early childhood education from Catholic University.

Helen most recently served as Associate Commissioner of the Head Start Bureau in HHS. In this position, she ran a vital program that provides educational services to needy children who otherwise start school a step behind many of their peers. Today, the Head Start program serves 865,000 pre-school children of low-income families with an annual budget exceeding $5 billion. Due almost entirely to Helen's tireless advocacy, Head Start enrollment expanded by more than 145,000 during her tenure, which began in 1994 and lasted until her death on October 3rd of this year.

Helen's personal courage and unflagging commitment to the cause of helping children was remarkable. During the last several years of her life, she waged a fierce battle with cancer, yet continued to work nearly every day. One of her most prized projects was the Early Head Start Program for infants, toddlers and pregnant women, which under her leadership

expanded from 68 programs in 1995 to 525 programs now serving 39,800 children. Without her energy and vitality, the Early Head Start program would be far less developed today.

Helen's commitment to quality in Head Start is as much a part of her legacy as expansion of the program. As Associate Commissioner, she spearheaded an initiative on performance measures; revitalized the program's research agenda; established a new monitoring system; and revised the training and technical assistance system to strengthen ongoing efforts to improve quality.

Helen also worked hard to create community partnerships by fostering linkages between Head Start programs, community colleges and other institutions of higher education. She established partnerships between Head Start and child care through expansions of full-day, full-year services for children of parents in school, training and employment.

Prior to her appointment as Associate Commissioner, Helen was Executive Director of the National Child Day Care Association in Washington, D.C., where she oversaw a network of more than 20 school centers providing services to more than 1,300 children each year.

Her career is studded with awards, among them the prestigious National Public Service Award, an honor bestowed only on those individuals who have made an important difference in public administration over a sustained period of time.

In a tribute last week to Helen's lifetime achievements, HHS Secretary Donna Shalala said:

> I shall miss Helen Taylor deeply. Helen believed in the potential of every child to learn. She devoted her life to Head Start and the education and healthy development of young children. Millions of children have benefited from her vision, compassion, and inspiration. She was a remarkable, vital, courageous woman who spent every day giving with all her heart to make the lives of children better. Her immeasurable contributions to early education will endure for years to come.

Secretary Shalala said it just right. I want to add my words to hers and say thank you, Helen. America's children will miss you, too.

IN HONOR OF HIS DIVINE HOLINESS PRAMUKH SWAMI MAHARAJ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of His Divine Holiness Pramukh Swami Maharaj, the spiritual leader of the worldwide BAPS (Bochasanwasi Shree Akshar Purushottam Swaminarayan Santhsa). He visits the Greater Cleveland area on Tuesday October 17.

HDH Pramukh Swami Maharaj is the fifth spiritual successor of Lord Swaminarayan, the spiritual figurehead of the BAPS. At the age of 79, he continues to demonstrate the highest order of caring for others. In his role as religious leader, he has visited over 15,000 villages, 250,000 homes and personally counseled over 610,000 people. He also had the distinguished honor of delivering an inaugural address at the recent Millennium World Peace Summit at the United Nations. His compassion for humanity and his altruistic tendencies have formed the basis for a wide range of noble projects. All his work is united by the common goal of improving the condition of humanity as a whole. As such he is an example to us all.

BAPS is a remarkable organisation which has reached out and touched over one million followers across the world. It has over 6,800 international centers for youth, women and children. Under the leadership of HDH Pramukh Swami Maharaj, BAPS has built the largest traditional Hindu Mandir outside India. In a nation of religious freedom and diversity, we should pay our respect to such outstanding work for the betterment of humanity.

I ask the House of Representatives to join me today to honor the arrival of HDH Pramukh Swami Maharaj to the Greater Cleveland area.

LUPUS RESEARCH AND CARE AMENDMENTS OF 2000

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in strong support of H.R. 762, the Lupus Research and Care Amendments of 2000, of which I am a proud co-sponsor. This important legislation will provide vital funding to strengthen research activities and extend medical care for poor or uninsured individuals suffering from this disease.

While lupus affects nearly 2 million Americans, this is a disease that disproportionately affects women, and especially African American, Hispanic American, Asian American, and Native American women. Women are nine times more likely to develop lupus than men. I have women friends who have been diagnosed with lupus, thus I know first hand how devastating this disease can be on individuals and families.

In Metropolitan Kansas City and the state of Missouri combined, there are approximately 29,565 persons diagnosed with lupus. Fortunately, the Kansas City and Missouri Chapters of the Lupus Foundation of America, Inc., among other groups, coordinate excellent support services for those affected by this disease.

Mr. Speaker, I urge my colleagues to join me in full support of H.R. 762, because there is not yet a cure for lupus, and there are still too many people diagnosed with this disease who do not receive the medical care and support they need. I applaud the commitment of this Congress to enact this important measure.

HONORING JOHNSON & JOHNSON ACTIVITIES CENTER INC.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BENTSEN. Mr. Speaker, I am pleased to recognize Andrew and his wife DeMonica Johnson as they celebrate the grand opening of their new non-profit elder care facility in the 25th District of Texas. The Johnsons have named their center Johnson & Johnson Activities Inc., with emphasis on the word ''activities.'' The Johnsons' vision is to offer a place where senior citizens obtain more than just adult day care; they are offered a chance to continue to enjoy life and grow through participation in volunteer activities, and they can receive access to services to help overcome some of the obstacles that older Americans face.

The Johnsons, who are members of the South Post Oak Baptist Church which also lies in my District, have designed Johnson & Johnson Activities Inc. to accommodate life in the new millennium. As people are living longer than ever, the Johnsons are offering an alternative for the thousands of seniors in our area who possess time, talent, and the inclination to share their gifts with the community. There are many opportunities for senior citizens to share their experience and expertise to help others, such as caring for latch-key children, aiding at-risk seniors and their caregivers, counseling small business owners and working in our national and local parks.

In addition to offering a day activity program that includes volunteer activities, Johnson & Johnson will also provide rides for seniors to health care services; run errands; visit homebound seniors; counsel seniors on health, nutrition, legal and financial concerns; and serve as an ombudsman to resolve resident facility disputes and ensure the safety and well-being of residents.

Just having a place for a caretaker to drop off a senior for a day can make all the difference. The Johnsons know first-hand what it is like to experience the exhaustion and helplessness that can accompany the noble duties of caring for an elderly friend or relative. Running errands, catching a child's ball game or recital, even paying bills can become impossible when a relative or loved one needs constant care. When Andrew Johnson's own mother needed him, he was there to help. But when he needed a day off to tend to his own life, there was nowhere for his mother to go. That is when the dream to open an adult day care and activities center began.

Johnson & Johnson Activities is designed to assist individuals in acquiring and/or improving self-help and socialization skills. Mr. Speaker, I couldn't agree more with the Johnsons' premise that senior citizens have much to share and bestow on a community willing to help and listen. I commend them on their new Activities Center, and thank them for their dedication.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 519, S. 2438, the Pipeline Safety Act. Had I been present I would have voted ''yea.'' Mr. Speaker, I was unavoidably detained for rollcall No. 520, H.R. 208, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, and to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan. Had I been present I would have voted ''yea.'' Mr. Speaker, I was unavoidably detained for rollcall No. 521, H.R. 762, Lupus Research and Care amendments. Had I been present I would have voted ''yea.''

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BALLENGER. Mr. Speaker, on Friday, October 6, I missed rollcall vote 516, final passage of the FY 2001 Transportation appropriations conference report (H.R. 4475). Had I been present, I would have voted ''yea''. I also missed rollcall vote 517, the rule for H.R. 3244, the Sexual Trafficking Victims Protection Act, and rollcall 518, final passage of H.R. 3244. Had I been present, I would have voted ''yea'' on both.

RECOGNITION OF JAMES G. MILLS, THE NEWLY ELECTED CHAIRMAN OF THE BOARD FOR THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SOUDER. Mr. Speaker, today I would like to recognize James. G. Mills of Fort Wayne, Indiana in my district for his recent election as chairman of the board for the National Association of Federal Credit Unions. Mr. Mills was elected on June 17, 2000 and officially took over in late July.

In 1985, Mr. Mills joined Three Rivers Federal Credit Union as president and chief executive officer. Three Rivers provides important options for my constituents and as such has been an asset to Northeast Indiana. Between 1985 and 1995, the number of branches increased from one to eight with the number of member companies increasing from 125 to more than 700. Individual membership soared from 15,000 to 65,000 plus.

Along the way, Mr. Mills worked to promote the growth of the community as well as the Credit Union. In 1995, Three Rivers FCU was able to secure Indiana's first Community Development Credit Union Expansion Charter to open the field of membership and provide financial services to less served parts of the community. This innovation was the result of his near two-years of work with local city officials, the economic development offices of Fort Wayne, and the National Credit Union Administration. Most recently, Mr. Mills facilitated an initiative in the area of inner city financial literacy training for an under-served group that also happens to be a new part of the FCU's field of membership. I strongly commend him for his efforts to empower those who are less economically advantaged through knowledge and the broadening of financial services.

In the role of Chairman of NAFCU, Mr. Mills will be leading the trade association that represents federal credit unions. I look forward to working with him and America's credit unions as we work to benefit families and communities, and congratulate him on this national recognition.

TRIBUTE TO RABBI RICHARD HAMMERMAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to Rabbi Richard Hammerman of Congregation B'Nai Israel, Toms River, New Jersey, who is celebrating his 25th year with the synagogue.

Much of B'Nai Israel's vibrancy and outreach comes from the influence of Rabbi Hammerman, who came to B'Nai Israel in 1975. He is credited by many as the driving force which helped make the synagogue as it is today.

Through the years, the congregation has enjoyed many additions and accomplishments, among them the memorial to the victims of the Holocaust, the stained glass windows depicting scenes from Israel, and the synagogue expansion in 1983. Despite difficulties during the early days, the congregation persevered, and today it is an active member of both the Jewish community and the community at large, including a thriving Talmud Torah which sends all Hebrew high school graduates to Israel, participates in community programs to provide moderate housing, and in an interfaith group to help house the homeless.

Rabbi Hammerman is described as a ''real mensch,'' a person who genuinely cares about each member of the congregation. He is considered a man of the highest ethics, one who is warm and welcoming.

Having grown from 225 members upon Rabbi Hammerman's arrival to its current membership of 500, his warmth and caring are cited as the strength behind the success of Congregation B'Nai Israel, and for the respect the congregation has earned from the community.

May Rabbi Richard Hammerman, Rabbi of Congregation B'Nai Israel, continue to serve the community for many years to come.

75TH ANNIVERSARY OF STEWART MIDDLE SCHOOL

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Stewart Middle School of Norristown, Pennsylvania on their 75th Anniversary. On September 8, 1925, Stewart Junior High opened its doors to 916 pupils and has been a model of academic excellence for the past 75 years.

The current Stewart Middle School was the first junior high school in the Norristown School District and currently enrolls more than 650 students from diverse backgrounds. In 1926, the first Student Council was established and continues to provide real leadership and community involvement for the students.

In 1981, Stewart was selected as one of only two schools statewide to participate in the Pennsylvania Department of Education's School Climate Improvement Project and has been recognized by the PDE and the Senate of Pennsylvania for its efforts to improve mathematics and reading scores. As an advocate of combining academic and special area instruction, Stewart Middle School applies a ''school within a school'' concept to learning. This allows students to learn in smaller classes with an emphasis on group learning. Stewart should serve as a model for schools throughout the country.

I am pleased to celebrate this momentous occasion with the Stewart Middle School community. They have much to be proud of during their first 75 years and I expect even more accomplishments to come.

IN CELEBRATION OF ITALIAN FESTA AND THE ITALIAN-AMERICAN FEDERATION OF THE EAST BAY, OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. LEE. Mr. Speaker, I rise to recognize the Italian-American Federation of the East Bay, for its presentation of the 9th Annual Italian Festa, which took place on September 16 and 17, 2000, at Jack London Square in Oakland, California.

Italian Festa is one of the largest celebrations of Italian heritage and culture on the West Coast. This year's visitors listened to accordion, opera and other traditional Italian music, while watching costumed dancers perform. Visitors were also treated to a demonstration by Tony Gemignani, the ''World Pizza Toss King'' and a food demonstration with Andy LoRusso, ''the Singing Chef.''

A photographic display detailing the Italian legacy in the California gold fields provided a fascinating local history lesson for visitors. ''Nostra Storia—The Italian Legacy in the Mother Lode'' tells the story of one of the earliest and most important, but often unrecognized, groups of people to settle in the California foothills of the Sierra Nevada.

In the tradition of Italian street festivals, Italian Festa provided a great selection of Italian specialties such as sausage and peppers, biscotti, polenta, Sicilian pastries, handmade ice cream, tortas and cannoli. The food was prepared in the kitchen of the East Bay's Social Clubs, which donate a portion of the profits from beverage sales to a scholarship foundation for Italian-American Students.

Mr. Speaker, I commend the Italian-American Federation of the East Bay for its efforts to celebrate Italian and Italian-American culture and history. On behalf of the residents of the 9th Congressional District, I congratulate the Foundation on the great success of the 9th Annual Italian Festa, and wish the organization luck in continuing to educate the community about Italian heritage and culture for years to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. KUCINICH. Madam Speaker, I rise today to honor my colleague, Congressman Bruce F. Vento, who passed away on Tuesday, October 10, 2000, at the age of 60, after 23 years of dedicated service as the Representative from Minnesota's Fourth Congressional District.

Congressman Vento was first elected to the House of Representatives in 1977. Over the course of his 12 remarkable terms in office, Congressman Vento has taken a leadership role on environmental, housing and banking reform issues. As chairman of the Natural Resources Subcommittee on National Parks, Forests and Public Lands for over 10 years the Congressman was enormously successful in protecting hundreds of thousands of acreage from Minnesota to Alaska and American Samoa. Through his role as ranking member on the Subcommittee on Financial Institutions and Consumer Credit, he has worked tirelessly to modernize our financial services industry while continuing to safeguard consumer privacy. Finally, as an active, vocal member of the Housing and Community Opportunity Subcommittee, Congressman Vento will always be remembered for his admirable fight to end homelessness in America. The most fitting tribute that we, his colleagues, can pay Congressman Vento is to follow in his footsteps and continue his commendable work on behalf of the environment, the homeless, and banking reform.

Madam Speaker, it is with a heavy heart that I ask my fellow colleagues to join me in remembering one of our own, the Honorable Bruce F. Vento. He will be sorely missed by myself and all members of this House. I also wish to take this opportunity to extend my deepest sympathy to his family and friends during this difficult time.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today in strong support and as a co-sponsor of the Ryan White CARE Act, which is a life-saving piece of legislation. Persons with HIV/AIDS deserve the medical support services provided through the grants and programs included in this measure. Although the rate of HIV infection per year is decreasing in America, there are still over 40,000 new infections per year. We must continue our national efforts to prevent future transmissions and improve the quality of life for those living with AIDS.

To date, the Ryan White Care Act has helped provide the latest drug therapy to more than 100,000 poor people, reduced AIDS mortality by seventy percent, and decreased mother-to-child transmission of HIV by seventy percent. It is clear that this legislation is successful, and I believe the measure before us strengthens our national assault on this disease.

My home state of Missouri received over $15 million dollars for FY 1998 under the Ryan White CARE Act. These funds have helped those living with HIV or AIDS, through investments in medication and vital support services. The legislation before us today contains a provision on partner notification, which I believe is essential to decreasing the spread of HIV and reducing the transmission of all sexually transmitted diseases. I am concerned with the racial disparities in the incidence of HIV infection in Missouri, and specifically in Kansas City. This measure will hopefully make strides in reducing the incidence of HIV in both minority communities as well as among women and youth, who are especially vulnerable.

Mr. Speaker, I urge my colleagues to join me in full support of passage of the Ryan White CARE Act. Our support sends a message that HIV/AIDS is a fully recognized public health problem, and has our commitment to protect all vulnerable persons from this devastating disease.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. BENTSEN. Mr. Speaker, I rise in support of S. 2438, the Pipeline Safety Improvement Act. Almost all Members agree that S. 2438 significantly increases government safety regulation in the safest sector of America's transportation industry. I commend the Senate for swiftly and overwhelmingly passing this legislation, making pipeline safety legislation up to the House.

I would like to begin with the safety record in the pipeline industry. According to Office of Pipeline Safety statistics, 76 unforgettable, tragic fatalities were reported for liquid and gas pipeline accidents from 1986 to 1999. According to the National Highway Traffic Safety Administration statistics, 10,772 equally tragic fatalities resulted from accidents involving large trucks in 1997 and 1998 alone. One could easily say that the current pipeline transportation system, which transports explosive, hazardous materials, is hundreds of times safer than the transportation system that carries the large majority of America's economic output. However, everyone knows a ''good'' safety record is not enough. We must always keep working to improve the status quo.

Some of my colleagues will argue that this is an ''industry bill'' and is actually a fake. I respect their desire to appear independent, but I strongly disagree. Clearly the U.S. Senate, including many particularly independent Senators, feels that this bill significantly increases public safety. The bill strengthens reporting by a factor of 420. Spills over 2,100 gallons are reported now, spills over 5 gallons would be reported under S. 2438. The bill increases daily fines by a factor of 20 ($25K to $500K). The pipeline industry is part of the fundamental energy base of our economy and has a strong safety record overall. It would be unwise and unjust to disproportionally attack an industry that is vital to the economy and significantly safer than the predominate mode of transportation.

Mr. Speaker, for those concerned with pipeline inspection, I would like to remind them that S. 2438 will provide much needed momentum for the issuance of DOT mandatory testing requirements, and sets a deadline of December 31, 2001. The bill authorizes funds to develop and implement these regulations. If S. 2438 is passed and signed, every interstate pipeline operator will be required to submit a detailed, integrated safety program to the DOT. The bill also provides for research and development into new inspection techniques.

In summary, this bill provides higher standards, stiffer enforcement, and authorizes over $170 million to make it possible. The bill is supported by the Secretary of Transportation, the U.S. Senate, and a large bipartisan group of my colleagues.

I sympathize with the opposition to this bill. However, in this diverse body, we must sometimes accept imperfect legislation without as much opportunity for input as we would like. I believe that this bill is a large step in the right direction on pipeline safety. I also believe that this bill does not place the blame for accidents on individual employees. Section 14, ''Operator Assistance in Investigations'', allows the DOT to direct the suspension of an employee that directly and substantially contributed to an accident. The employee may return to work if they are later cleared of blame or are retrained. The legislation does not state that an employee on the scene is culpable or an automatic suspect.

This is our last chance to improve public pipeline safety this year. Do not wait for further accidents to move on this issue. I urge all my colleagues to support the improvement of pipeline safety.

FAIR TAX TREATMENT FOR INSURANCE AGENTS' TERMINATION PAYMENTS ACT OF 2000

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am introducing a small business tax relief measure that will assist thousands of insurance agents throughout this country as they prepare for retirement.

Many exclusive insurance agents who leave or retire from their jobs receive what is known as a ''termination payment'' under a contractual agreement with their respective insurance companies. These payments are paid for intangible assets, including the agent's ''book of business'' and goodwill, and are usually spread out over a series of years.

Currently, there is confusion about the tax treatment of these termination payments, which has caused some IRS field agents to question the capital gains treatment of these payments. My bill, the ''Fair Tax Treatment for Insurance Agents' Termination Payments Act of 2000,'' will make it clear that these termination payments are for the sale or other disposition of intangible capital assets and therefore should be subject to capital gains treatment. A clarification of current law is needed to ensure the correct result and prevent unknowing IRS agents from subjecting innocent insurance agents around the country to attack and audit on an issue that has no basis for controversy.

I urge my colleagues to support my bill and work with me to clarify the law to ensure that insurance agent ''termination payments'' are subject to capital gains treatment for Federal income tax purposes.

TRIBUTE TO POLONIA SPORT CLUB, INC. ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. KLECZKA. Mr. Speaker, I rise today in tribute to the men and women of Polonia Sport Club, Inc., of Franklin, Wisconsin.

Polonia Sport Club was founded to provide an opportunity for recent Polish immigrants to the Milwaukee area to gather for social activities and sporting events—mainly soccer games—and keep alive and flourishing the traditions of their homeland. Today, Polonia Park, located on West Loomis Road just west of Highway 100 in the Milwaukee suburb of Franklin, boasts 23 beautiful acres of parkland and soccer fields, a shaded picnic area and a quaint traditional Polish chapel. The grounds are utilized by young and senior citizens alike, and range from ethnic Polish groups to youth and adult weekend soccer tournaments attracting players and their families from throughout the Midwest.

The members of Polonia Sport Club have truly witnessed a revival of it's original intentions of soccer being a unifying outlet for immigrants to the Milwaukee area to the game's present-day emergence as the fastest growing youth participatory athletic event in the US.

My family and I have had the privilege of attending and hosting more than a few events at Polonia Park over the years and have always been impressed with the old-world charm of the park's grounds and hospitality offered by the park's managers.

On November 4, the founders, active members and guests of Polonia will celebrate the club's 50th anniversary with a banquet at the new Polish Center of Wisconsin. It is my distinct pleasure to recognize this event by bringing Polonia Sport Club's many attributes to the attention of the United States Congress.

To the members of Polonia Sport Club, I offer my sincere congratulations on your first 50 years and best wishes for the future. Sto lat.

CONGRESSIONAL MEDAL OF HONOR FOR DORIS MILLER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to introduce legislation that would allow the awarding of a Congressional Medal of Honor to Doris Miller. This recognition is long overdue to a man who served his country with distinction and who performed valiantly during the Japanese attack on Pearl Harbor.

Doris Miller, born and raised in Waco, Texas, enlisted with the Navy as a Mess Attendant in 1939 at the age of 20. This was one of the few positions available at the time to black sailors in the country's segregated military. Within four months, he was assigned to the battleship U.S.S. West Virginia, stationed at Pearl Harbor.

On the fateful day of December 7, 1941, Doris Miller was collecting laundry when Japanese aircraft attacked. The ship's commanding officer, Captain Mervyn Bennion, had been hit in the stomach by shrapnel. Doris Miller dragged his captain to a place of greater safety. Then, without any prior training, Miller manned a machine gun on the ship's deck. He shot down at least two of the 29 Japanese planes that were lost by the attackers that day, and Miller may have hit up to four others.

Doris Miller continued to serve his country in the Navy during World War II. However, in 1943, he and 654 shipmates were killed in the line of duty when the Japanese sank the aircraft carrier U.S.S. *Liscome Bay* near the Gilbert Islands.

Unfortunately, like other African Americans who served in the military during World War II, Doris Miller's acts of valor have never been fully recognized, and some of the awards that were bestowed upon him were only given grudgingly. Initially, Doris Miller's actions were not publicized until three months after the Pearl Harbor attack. Then, he was only given a letter of citation by the Secretary of the Navy—the lowest of awards for duty. Doris Miller was finally awarded the Navy Cross, but only after a public campaign by civil rights organizations brought about critical attention in the press. However, Doris Miller was not decorated with the nation's highest honor—the Congressional Medal of Honor. In fact, no African American who served in World War II received the Congressional Medal of Honor until seven Army veterans were given the award in 1997.

The legislation that I introduce today would waive the time limitation specified in current law for the awarding of military decorations in order to allow the posthumous award of the Congressional Medal of Honor to Doris Miller for his heroic actions during World War II, so that a long-awaited honor may finally be bestowed upon this deserving individual.

RECOGNIZING THE UNIVERSITY OF MASSACHUSETTS' BASKETBALL PROGRAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. McGOVERN. Mr. Speaker, back in June, the University of Massachusetts at Dartmouth men's and women's basketball teams embarked on a twelve-day trip to Portugal in order to participate in the 10th Annual Amadora International Basketball Tournament 2000. Two years earlier, University of Massachusetts at Dartmouth had hosted the Portuguese National Junior Team, and as a result the Portuguese Basketball Federation invited both the University of Massachusetts at Dartmouth teams to compete in this year's tournament. Both teams competed well, with the men's basketball team finishing in second place. This type of athletic event further highlights the strong cultural ties between the Greater New Bedford/Dartmouth Area and Portugal. Men's basketball coach Brian Baptiste, Women's basketball coach, Lynn Sheedy and the Athletic Director Robert Mullen should be commended for their efforts in encouraging this type of exchange which brought pride to Southeastern Massachusetts and allowed young men and women to experience, first hand, a culture that is so prevalent in this area.

HONORING THE 100TH ANNIVERSARY OF THE EDDYSTONE FIRE COMPANY NO. 1

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, it is a great honor for me to rise today to congratulate the Eddystone Fire Company No. I for 100 years of dedicated service to the residents of Eddystone, Pennsylvania.

The Eddystone Fire Company, chartered on January 29, 1900, was actually organized in 1895. Some thirty-six men gathered one January evening in 1895, in the old lighthouse hall in Eddystone Village. By the time they went

home the volunteer fire company had been founded. The original by-laws were adopted February 14, 1895 and the first officers were elected.

The first piece of fire apparatus, which consisted mainly of fire hose on a hand-drawn reel, was purchased shortly after the group was organized. It was housed in the old Town Hall building, on the corner of Saville Avenue and 12th Street. As new pieces of equipment were purchased during the years they too were housed in this building.

Early in 1954, a new firehouse was built in the old Town Hall. When it was completed, the fire apparatus was moved to its new quarters, and the old Town Hall was torn. down to make way for the new borough hall.

The firefighters of Eddystone Fire Company No. I have an impressive record when it comes to fire fighting. The company has fought such spectacular blazes as the Boyer Lumber Yard fire, the Eddystone Ammunition Plant explosion, the Remington Hotel fire, Tollins Fumiture store blaze, the Baldwin Paint Shop fire, the Eddystone High School fire and more recently the Sun Oil truck explosion and fire.

The fire company is a volunteer organization and is on 24-hour call for fire, ambulance and water rescue search and recovery services. Aside from a modest appropriation from the borough, the fire company is supported through the efforts of its members and the Ladies Auxiliary. The ambulance service is made up of men and women who are thoroughly trained in first aid and now includes emergency medical technicians. These services are available to all residents of the borough.

Today the Eddystone Fire Company is a member of the Ridley Township Fire Board, a sophisticated network of telephone and radio equipment, which handles calls automatically and keeps a record of every alarm called into the company. Many in the Borough have a direct alarm hook-up to the firehouse which gives prompt notice of a potential industrial fire.

I would like to take this opportunity to thank all those who have dedicated not only their time, but also their lives, to the safety of all Eddystone residents as well as surrounding communities. As a former fire chief in Marcus Hook, I am aware of the risks firefighters face each day, under intense pressure, in life or death situations. Our thanks and appreciation can never repay those who put their lives on the line to ensure our safety. I am proud to recognize and commend the tremendous commitment, courage and dedication of Eddystone Fire Company members who continue to reflect the same true spirit in which the department was established more than 100 years ago. I am honored to rise today to extend my thanks for what the members of the Eddystone Fire Company do each day and congratulate them on this milestone anniversary.

UPON THE DEATH OF ROBERT K. PILLSBURY, DEDICATED MINNESOTA COMMUNITY LEADER AND VISIONARY ENVIRONMENTALIST

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. RAMSTAD. Mr. Speaker, I rise proudly to salute a remarkable and visionary public servant from the Lake Minnetonka community in Minnesota who passed away recently. Robert K. Pillsbury of Minnetonka, Minnesota, passed away October 5, 2000, after a long illness. Bob will be sorely missed by all of us who admired and respected his dedicated public stewardship and his love and devotion to his faith, family, friends, and country.

By any measure of merit, Bob was one of our nation's best and brightest—a gifted business leader, civic leader and loving husband, father, and grandfather.

Bob Pillsbury loved his country and was a true patriot, serving a grateful nation with honor and great courage during World War II as a first lieutenant in the U.S. Army.

Mr. Speaker, Minnesotans called him "Mr. Lake Minnetonka." Bob lived on the shores of Lake Minnetonka and there wasn't a more dedicated, vigilant defender of the lake than Bob Pillsbury. He was relentless in the amount of time, energy and talent he devoted to protecting Lake Minnetonka for both current users and future generations.

Bob started the Hennepin County Sheriff's Water Patrol on Lake Minnetonka. The Water Patrol has made a huge, life-saving difference in providing safety measures on the surface of this busy, metro-area lake, and it has served as a model for law enforcement agencies all around the nation with jurisdiction over navigable waters.

A warm and friendly man with a great wit, Bob Pillsbury represented his community on the Lake Minnetonka Conservation District for many years. His hard work on that citizens' panel led to many innovative practices to clean up and protect Lake Minnetonka, a highly used lake located in the midst of the Twin Cities metropolitan area. Bob's bold vision produced environmental policies that will be followed for years to come.

With Bob Pillsbury, no detail went overlooked. He was always looking for ways to keep Lake Minnetonka beautiful. One of Bob's favorite crusades was his plan to require dock owners to use green boat canopies rather than white, striped and multicolored ones, all the better to blend the intrusion of development into the natural environment. Mr. Speaker, the resolution never passed, but there are more green canopies on the lake than ever before, including mine.

Bob Pillsbury was a highly successful stockbroker because he believed in people and his clients believed in him. He was a man of great integrity and he was a stakeholder in his community in so many ways. He was an original member of the City of Minnetonka's Charter Commission and a long-time member of the Minnetonka Planning Commission.

Bob was an active member of the American Legion and the Zuhrah Shrine Temple, as well as the Fox and Hounds and Lafayette Clubs.

Bob was also a great fan of University of Minnesota Golden Gopher Football. For 25 years, he organized charter flights to out-of-town Golden Gopher football games and did not miss a Golden Gopher game—home or away—for 25 years. He was one of the biggest Gopher football fans ever. Despite failing health, Bob continued to watch every game in recent years at the Hillcrest Health Care Center, where he lived the past 5 years.

Our thoughts and prayers are with Bob's wonderful family: his lovely wife of 58 years, Elizabeth M. Pillsbury; his sons, Robert, Jr. (wife Tody), and Charles (wife Linda); and his daughter, Sandra (husband David), as well as his four grandchildren and their spouses, and his step-grandson and his spouse and family.

TRIBUTE TO A.L. "PETE" SINGLETON

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. ARCHER. Mr. Speaker, today I pay tribute to one of the most truly outstanding staff people with whom I have served here in the People's House. Pete Singleton is about to retire as Staff Director of the Ways and Means Committee for the second time, and I know that all the Members of the Committee will miss him dearly.

Pete first served his country as a Marine in World War II. Pete joined the staff of the Committee in 1970 as Deputy Minority Staff Director after having two previous, successful careers—one in journalism as a reporter and editor of several papers including the Washington, D.C., STAR, and one for the then U.S. Steel Company.

He quickly mastered two of the most difficult matters under the jurisdiction of the Ways and Means Committee, Social Security and International Trade. In 1981, he became Minority Staff Director and held that position until 1988 when he first retired. During that period he wrote several books and served on the Quadrennial Advisory Committee on Social Security and on the Social Security Advisory Board. Eight years later, I asked him to return to the staff and he became Majority Staff Director, the position he holds today.

Pete has made significant substantive contributions to the Committee and the country, especially in the area of Social Security. It was he, in 1977, who drafted the Minority Social Security proposals, most of which later became law. Most recently, he oversaw the Committee's intensive efforts during action on the historic 1997 Balanced Budget Act and Taxpayer Relief Act, as well as legislation to repeal the Social Security earnings limit.

This history of his dedication to the Members of the Committee and the House is, by itself, sufficient to warrant our thanks and best wishes for the future. But, frankly, that pales by comparison with the quality of his service. Pete Singleton is one of the most loyal people I have ever known. His first thought has always been "How does this impact the Committee?" He is one of the hardest working staff persons I have known, and has sacrificed

much of his personal life for the Committee. He possesses a sharp wit and a quick mind. He is a true gentleman in every sense, and a wonderful human being. Pete is a fine leader and helped me assemble an outstanding staff which has, for the most part, remained with the Committee during both his tenures.

As he leave's the Hill for the second time, he does so with the gratitude of his Chairman and all the members of the Ways and Means Committee with whom he has worked. He will be greatly missed, but he can derive great satisfaction in the knowledge of his contribution to the Committee, the House of Representatives, and his beloved country.

INTRODUCTION OF THE SOCIAL SECURITY ADMINISTRATION PREPAREDNESS ACT OF 2000

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SHAW. Mr. Speaker, today I am introducing legislation to modernize and strengthen the Social Security Administration in preparation for the oncoming baby boom retirement. This legislation completes the spirit of the laws Congress has enacted three times since 1983—taking the last of Social Security expenditures off-budget and removing SSA's administrative funds from budgetary restraints which have nothing to do with Social Security's needs.

In preparation for the upcoming retirement wave, Congress and the administration clearly want Social Security resources dedicated only to Social Security to ensure promised benefits are paid. Ensuring responsive public service delivery by the Social Security Administration is part of that promise because worker's hard-earned payroll taxes directly support the running of the agency.

A recent report by the bipartisan Social Security Advisory Board concluded

> There is a significant gap between the level of services that the public needs and that which the Agency is providing. Moreover, this gap could grow to far larger proportions in the long term if it is not adequately addressed.

This world-class delivery of services will become more difficult as the baby boom generation enters its peak disability years and then reaches retirement age starting in 2008. By 2010 Social Security retirement benefit claims are expected to rise by 16 percent and disability claims by 47 percent. For an agency facing a substantial number of retirements in its own workforce and high expectations from customers, that's a great challenge.

It may come as a surprise to both Congress and to Americans that part of Social Security is not wholly separated from the federal budget, but it is not. The administrative costs of running the agency and paying benefits are subject to discretionary spending caps—an on-budget restraint that could keep that agency from preparing for the challenge it will soon face as the baby boomers retire and disability cases soar.

Subjecting the agency's administrative funding to the caps really doesn't make sense. After all, these costs are paid for with workers' payroll taxes from the Social Security Trust Fund—they are not paid for with general revenues. When these payroll taxes are used to pay benefits, they are considered off budget and not subject to the caps. But when the exact same payroll taxes are used to pay the administrative costs that support benefit payments, they are treated differently.

Mr. Speaker, my bill creates a new cap for SSA's administrative appropriations for the two remaining years the caps exist. This is not unprecedented. Congress felt that Social Security's responsibility to do Continuing Disability Reviews was so important, that it exempted those management costs many years ago. Since no caps exist after fiscal year 2002, Social Security administrative expenses will then go off-budget like the rest of the program.

However, to insure the public gets the service they paid for, my legislation still requires the Social Security Administration to go through the appropriations process and to defend that request to both the appropriations and authorizing committees.

Each year, new funding requests will be reviewed based upon the Commissioner's documentation that current and future tax dollars are meeting the mission and performance levels contained in the Agency's Strategic Plan and Annual Performance Plan. Open ended funding without results is not an option. Continued delivery of world-class service, along with ongoing progress on eliminating waste, fraud, and abuse will be demanded first.

I also want the Social Security Administration to be a fully integrated member of the new information age, so my bill provides for technology investment. The agency must submit a comprehensive procurement plan detailing the benefits, risks and returns from the investment. This plan will be updated biannually and GAO will provide the Congress with their assessment and recommendation on SSA's performance to guide our funding decisions.

The way to prepare Social Security for the future is to start now. We have committed ourselves to saving Social Security. Just as important must be our commitment to save the underlying program operation so critical in delivering the service needed by retirees, individuals with disabilities, and their families.

Mr. Speaker, I want to thank my Ways and Means colleague, Mr. CARDIN, for joining me as an original sponsor of this bill and note that this represents another bipartisan effort to strengthen the Social Security program for current and future retirees. I urge all my colleagues to cosponsor this important, bipartisan legislation.

THE GREATEST GENERATION

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, most of America's soldiers are just ordinary people. They are people from all walks of life who are sometimes asked to do extraordinary things. Those of us who haven't served in the armed forces will never know the pain they suffer or the hardships they can be asked to endure.

However, I do want them to know the depth of our gratitude.

For this reason, I'm happy to share with my colleagues a speech by Kootenai County Commissioner Ron Rankin entitled ''The Greatest Generation,'' which emphasizes the sacrifices made by the World War II generation. He calls them this because they lived up to the challenges forced upon them by both our country's worst depression and our greatest war.

Commissioner Rankin knows the sacrifices made by this generation. He learned this as a Marine fighting the Communists and the violent seas at Incheon, Korea. We can never thank this generation enough, but I would like to express my heartfelt gratitude to both Commissioner Rankin and the American servicemen who so bravely served our country. They met the challenges forced upon them in our country's hour of need.

Mr. Speaker, in closing I commend the example of Ron Rankin to my colleagues, and hereby submit to the RECORD for their consideration ''The Greatest Generation'' speech.

GREATEST GENERATION

(By Ron Rankin)

Fellow Veterans—Families and Friends of the Greatest Generation: In December of 1776, just five months after the Declaration of Independence had been signed and the thirteen colonies were swept up in the American Revolution, Thomas Paine wrote, ''These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands now deserves the love and thanks of all men and women.''

We . . . American's greatest generation . . . are gathered here today to remember all of those great patriots who stood fast and held the line against tyranny, from the bridge at Concord to the sands of the Persian Gulf, and to say thank you . . . for without their courage, their dedication and their willingness to die for what was right, we would not be here today.

I didn't serve in the Navy but many of my Marine Corps brothers would not be here today were it not for Navy ships bombarding the beaches before the troops landed . . . and for the ships that shelled the enemy lines . . . directed by forward observers on the ground—miles from the ships that targeted the enemy with surgical precision.

Fifty years ago this very week, I climbed down the nets at the Incheon Landing executed by the Navy, fighting 30-foot tides, a landing which became an epic in Navy and Marine Corps history.

Until Korea, my first-hand knowledge of the Navy was troop ships, LST's and LCT's. Later in Korea, two regiments of the First Marine Division were completely surrounded by over 100 thousand Chinese troops on the top of icy mountains at the Chosin reservoir, 78 miles from the sea. . . Ten divisions of Chinese troops had determined to annihilate our Division. We survived,, thanks in part to the constant, dawn to dark napalming of our perimeters by fighters many from carriers off the coast . . . keeping the Communist troops at bay while we regrouped for—our bloody fight to the sea.

My fellow Marines and I—members of the ''Chosin Few''—owe an everlasting debt of gratitude to the heroes of the United States Navy for our survival. . . Our bond with the

Navy was sealed on October 14, 1989 when the guided missile cruiser USS Chosin was christened.

Others we remember today died so that we might enjoy life, liberty and the pursuit of happiness. Their legacy carries with it a tremendous burden—the responsibility to so live our lives that we may hold inviolate that for which we bravely fought and for which so many gave their lives . . . our freedom.

Freedoms won on distant battlefields and on distant seas can be lost in an instant here at home if we fail to carry on the fight against tyranny.

No one knows better than a Veteran that service to America does not end when you come home from war. We fought for freedom and we've seen our friends die for freedom, but in spite of the great sacrifices of our fallen patriots of the past, we have become a nation morally adrift—without compass or rudder, sacrificing the generations we fought and died for to an enemy we cannot see.

In our wars, fought on the seas and on the fields of battle, the enemy sailed great warships, he wore uniforms and carried weapons—rifles, bayonets, grenades—he was identifiable and we were armed and trained to recognize and defeat him and defeat him we did!

Today, another insidious enemy is already on our shores striking at the very soul of America. This enemy does not wear a uniform or fight with great ships at sea or with bayonets or grenades . . . or sneak attack our fleets at anchor. He is among us. He uses our media to desensitize us against threats from abroad . . . to lull us to sleep to facilitate future Pearl Harbors. He prays on the carnal desires of our communities. He pollutes our children's minds with filth and their bodies with drugs. He has taken God out of our institutions and desecrates our flag with the approval of our government. There are no distant drums of war signaling this peril—no Pearl Harbors, no foxholes, trenches, bayonets or grenades in this war. The ammunition is knowledge, which we must all continue to seek . . . and the battle is being fought in the city halls, the courthouses, the legislatures, and in the Congress, to rebuild our decaying military, to return dignity and respect to our men and women in uniform living on food stamps.

I say to you here today, you patriots and protectors of our progeny and their heritage, as Patrick Henry stated, ''the enemy is in the field . . . why stand we here idle?''

Thank God we survived the wars. Thank God that our fallen buddies . . . patriots all . . . cared enough about our country and its future that they laid down their lives to preserve it, and thank God that with His help, we may have the strength and determination to carry on and make this again the ''One Nation Under God'' for which we served and our buddies died. It is a tremendous responsibility, but we owe it to them and to future generations.

The future begins today, the future begins with us. May God continue to bless America and may He bless us all in our righteous endeavors.

For this I ask humbly, in the name of Jesus Christ. Amen!

TRIBUTE TO DR. GEROLD L. SCHIEBLER

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to Dr. Gerold L. Schiebler, the Associate Vice President for Health Affairs for External Relations at the University of Florida Health Science Center and a Distinguished Service Professor with the Department of Pediatrics (Cardiology). Dr. Schiebler is a very special doctor and advocate for health-care issues who I am sorry to say is retiring by the end of the year after 40 years of unselfish service to children, to medicine, to the University of Florida Health Science Center and to Shands Hospital in Gainesville, Florida.

Let me start off by telling you a little bit about this man's remarkable background.

Growing up, Dr. Schiebler probably never realized that he was destined to be a great physician. He started off—like so many great Americans—quite modestly. In fact, as recounted by his longtime friend Clarence Burkey, at the completion of the meal at a recent awards dinner, the person seated next to Dr. Schiebler said, I can tell that you are a child of the depression era because you 'cleaned up' your plate.'' That begins to describe the early years of a first generation child of German immigrants. They lived in and were a part of the Borough of Hamburg, a small middle class Pennsylvania-German community, where frugality, pride, and self-sufficiency were the rules.

In high school he was an excellent student, class president and class valedictorian. Years later and as part of her life recollections, former grade school principal, Ella Scholl, remarked that he was ''the smartest person that had ever graduated from Hamburg High.'' Mrs. Scholl's late husband had also been the high school principal for many years. Dr. Schiebler attended Franklin and Marshall College where he graduated magna cum laude and then graduated from Harvard Medical School. His medical internship and residency were at the Massachusetts General Hospital and the Mayo Clinic. While in residency at the Mayo Clinic, Clarence Burkey recalls, ''During a visit to Hamburg, Gerold called at the home of my mother to inquire of my whereabouts. He noticed that there was something medically wrong with her. He looked at her medication and then told her that she was taking the wrong thyroid medicine. That visit added more than a decade to her life.''

This was clearly only the beginning of what would be a very long and distinguished career for the 72-year-old physician.

Throughout his medical career, Dr. Schiebler was an influential member of numerous professional societies, including the Society for Pediatric Research and the American Pediatric Society. He also wrote or co-wrote 86 peer-reviewed articles published in medical journals, authored four books and wrote 10 chapters for inclusion in other medical texts—predominantly on the subject of cardiac disease in children. As his published writings make clear, over time, he truly became an expert in his field.

But he also became much more than that. As he grew into the role of teacher and mentor, he became an expert at creating experts. Many of his former faculty members are proof of his ability and commitment to helping younger colleagues grow and succeed. Today, many are chairmen or deans at institutions throughout the country.

In fact, you can even say that his 17-year tenure as the Chairman of Pediatrics at the University of Florida was legendary. Residents joked that he could read an EKG and then be able to tell the patient's age, hometown and referring physician!

Dr. Milton Morris, Director of Governmental Relations at the University of Florida, said he has learned a great deal from Dr. Schiebler over the years. ''He was a mentor to me and he taught me how to be a mentor. He taught me the advantage of investing in the future,'' Dr. Morris said. ''He has a love of, and faith in, medical students. He provided students with experience in politics, in the medical profession and encouraged them to become contributing members of society.''

I had the pleasure of getting to know a 21-year-old University of Florida medical student this summer who considers herself one of Dr. Schiebler's biggest fans. Joy Kunishige interned in my Washington office this summer after coming to me highly recommended by Dr. Schiebler—a man she says will always have a very special place in her heart.

Despite his many accomplishments, Joy says, Dr. Schiebler makes time to help and support aspiring students.

''I have no idea how to thank Dr. Schiebler for all he has done for me,'' Joy said. ''I always tell him, 'please let me know how I can help you.' The last time I said this he said, 'When you're in a position to do so, someone else will come and ask you for the same thing. You can return the favor then'.''

Former student turned Senior Associate Dean for Educational Affairs Dr. Robert T. Watson says, ''Dr. Schiebler. is easily one of the most amazing people I have ever known. He possesses the ability to keep track of an infinite number of things and has a deep and sincere commitment to medical education. I don't know anyone else like that. I don't think a team could replace him.''

Ann Groves, Administrative Assistant to Dr. Schiebler for 25 years, agrees. She said, ''He can generate more work in five minutes than a team can in five months and while Dr. Schiebler is telling us what to do, he is also writing it down and doing it!''

He is also well known for his uncanny ability to remember details about people. He knows your middle name. He knows where your parents grew up. He just knows. He has an ability to make everyone feel special and important. These are qualities that have enabled him to succeed and develop great personal and professional relationships wherever he goes.

Part of the reason for this success is his ability to be quick on his feet—literally. Rarely one to take an elevator, he walked the halls of the Florida State Capitol so much—up and down flights of stairs—that his wife, Audrey, once bought him a pedometer. When asked where the pedometer went, Dr. Schiebler replied, ''When I looked how far I had walked, I threw it away!'' Each legislative session, Ann

Groves said, he walks so much he wears out a couple pairs of shoes.

With this energy and spirit, he has lobbied for Shands Hospital, the University of Florida Health Science Center, and, most fervently and constantly, for children. Both Dr. Schiebler and his wife, Audrey, have fostered a lifelong interest in children's health issues. Dr. Schiebler was an early advocate for providing health insurance for children from birth. Before this landmark legislation, insurance companies did not offer coverage to children until they were 60 to 90 days old. Since his pioneering advocacy, all other states have similarly expanded insurance coverage. ''As Director of Children's Medical Services (CMS), he introduced the concept of CMS covering the full spectrum of chronic health diseases in children. He established the modern CMS program as the most powerful program for children with special health care needs in the country,'' comments Dr. Arlan Rosenbloom, Assistant Medical Director of CMS and University of Florida Distinguished Service Professor Emeritus of Pediatrics.

As a trained and skilled medical doctor with political intellect and wherewithal, Dr. Schiebler's deep concern and knowledge of the issues have enabled him over the years to become an effective champion for children and the University of Florida.

In the words of the man chosen to succeed Dr. Schiebler following his retirement, Dr. Richard Bucciarelli said, ''In addition to the advocacy and vision Dr. Schiebler has for kids, he was—and still is—an outstanding and caring physician. He brings a unique combination of a practicing physician who has a knowledge of the legislative process. Both of these skills make him very credible in both arenas,'' said Dr. Bucciarelli, who is the Assistant Vice-President for Health Affairs for External Relations and a professor of Pediatrics at the UF College of Medicine.

Dr. Schiebler's hard work and many accomplishments have not gone unnoticed.

In 1991, Dr. Schiebler became the only person from the University of Florida to be accepted into the National Academy of Sciences Institute of Medicine while being on the faculty of the University of Florida College of Medicine. In the academic world, this is a very high honor.

He has also been recognized in many other distinguished ways.

The District III Children's Medical Services Center bears his name, an honor bestowed upon him by the late Gov. Lawton Chiles. This was a rare happening as buildings are not typically named for the living. The exception was made possible by an unusual vote of the Florida State Legislature in 1990.

Last year, he received yet another honor when Florida Governor Jeb Bush proclaimed him the Children's Medical Services, Pediatrician of the Decade, The proclamation reads, ''Whereas it is crucial that health care programs are developed to meet the needs of children, including children with special health care needs; and Whereas, the development of these programs requires leadership, direction and advocacy; and . . . Gerold L. Schiebler, M.D. has dedicated his professional career to such leadership, direction and advocacy for Children's Medical Services programs . . .''

The Florida State Legislature also gave Dr. Schiebler a grand send off to his retirement before concluding the session.

In a House Resolution passed by the 118 Members present, H.R. 9135 outlined his many accomplishments. In one section, the resolution reads, ''Whereas, the recipient of awards too numerous to set forth in their entirety, Dr. Schiebler has the distinction of being the only individual to receive both the Abraham Jacobi Award and the Doctor Benjamin Rush Award during any one year, has had an Eminent Scholar's Chair in Pediatric Cardiology named for him at the University of Florida, and has had the Gerold L. Schiebler Lectureship established in his honor. . . . That the Florida House of Representatives pauses in its deliberations to honor the distinguished Gerold L. Schiebler, M.D. . . .''

The Florida Senate Resolution ''commending Gerold L. Schiebler, M.D., for his contributions to the health and welfare of children in this state'' was equally complimentary.

A portion of the Senate Resolution reads, ". . . Gerold L. Schiebler's efforts have resulted in the creation of Children's Medical Services, infant metabolic screening, infant hearing screening, regional neonatal and perinatal intensive care centers, poison control centers, insurance coverage for babies at birth, and numerous other programs. . . . That the Florida Senate commends Gerold L. Schiebler for his dedication and accomplishments in providing better health care for the children of this state.''

And, just last month, out of respect and appreciation to Dr. Schiebler, his peers honored him at the Annual Alumni meeting by choosing him to become one of the first three individuals designated as an Honorary Alumnus of the University of Florida College of Medicine.

In the Florida Senate, I had the pleasure of working with Dr. Schiebler on dental school appropriations, tort reform and children's issues. In that time, I learned that his relationships with legislators was as much about his commitment to helping people as it was about his commitment to his legislative goals. If you needed advice or help about a medical problem for yourself or your family or if you had a constituent who could not get care, you would call Dr. Schiebler. You could send a child without health insurance up to Gainesville and leave a message on his answering machine on Sunday night. You knew he would open the health center's doors on Monday morning. In many cases, he saved people's lives.

Since entering Congress, we have continued to work together on the Patients Bill of Rights, healthcare reform and the Graduate Medical Education Program. We most recently secured federal funding for the creation of the Brain Institute at the University of Florida. The multi-million dollar building now houses magnet systems and the largest breadth of multidisciplinary talent focused on the nervous system.

On a more personal note, he has been very supportive of me and my family. Dr. Schiebler was a great help when my husband John was diagnosed with polycystic kidney disease. We took John up to Shands when John started to go through the dialysis procedures. He was there when John had a transplant. I remember sleeping in my car one night while John was in the ER and the next day Dr. Schiebler asked, ''Why didn't you call me?'' He was helpful to me and continues to be.

It's very hard to completely sum up all of Dr. Schiebler's accomplishments and contributions because he's done so much for so many people, but I will make an attempt. Dr. Schiebler is an advocate for children. He is an advocate for Shands Hospital and the University of Florida Health Science Center. He is an advocate for the American Medical Association. He is an advocate for me. He is an advocate for his family. He credits his wife, Audrey, for shaping and inspiring his every accomplishment, including the couple's six children—Mark, Marcella, Kristen, Wanda, Bettina and Michele—and their 17 grandchildren.

Perhaps his character is best described by his colleague, Dr. Rosenbloom: ''He never, never did anything for Gerry Schiebler. He always acted for the kids for whom he felt responsible, for his family or for his academic family. Never self-serving, he is the most unselfish, caring person of power you will ever meet.''

I couldn't agree more.

Thank you Dr. Schiebler for your many years of service to me, to the University of Florida Health Science Center, to Shands Hospital and to the people of Florida. You will be missed!

MEDICARE PARTIAL HOSPITALIZATION SERVICES RESTORATION AND INTEGRITY ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. STARK. Mr. Speaker, today, I am introducing legislation to restore a benefit in Medicare that has been destroyed. A benefit that is needed by about 100,000 Medicare beneficiaries who need outpatient mental health services to maintain their functional capacity and live lives that are as normal as possible. It is a benefit that was put into Medicare in 1990, but has now been almost completely eliminated by administrative actions of the Health Care Financing Administration (HCFA) that I believe have been and continue to be illegal. I have conveyed my concerns to HCFA several times, but without effect.

The history of this benefit is truly sad. In a report issued in January 2000, the GAO concluded that ''HCFA's implementation of the partial hospitalization benefit was not adequate.'' The GAO report details the mismanagement of this benefit by HCFA from the beginning, and I believe that the mismanagement continues to this day. That is why I am introducing legislation today to stop the mismanagement and restore this benefit as the Congress intended it to be.

Before 1990, Medicare covered partial hospitalization services provided by hospitals. Recognizing a broader need for outpatient mental health services, the Congress expanded the benefit in OBRA 1990 to include services provided by Community Mental Health Centers (CMHCs) as defined in Section 1913 of the Public Health Service Act.

The Congress was quite clear in its intent for this benefit, and the precise language of the statute reflects that intent. Section 1861(ff)(2)(I), as amended by Section 4162 of OBRA 1990, specifies the partial hospitalization benefit as services that are:

''Reasonable and necessary for the diagnosis or active treatment of the individual's condition reasonably expected to improve or maintain the individual's condition and functional level and to prevent relapse or hospitalization, and furnished pursuant to such guidelines relating to frequency and duration of services as the Secretary shall by regulation establish (taking into account accepted norms of medical practice and the reasonable expectation of patient improvement).''

The Congress did not know the specific eligibility requirements needed for this benefit, nor did it know the specific services that should be provided for each patient, depending on the functional status of the individual. Therefore, the Congress mandated that the Secretary promulgate regulations establishing eligibility guidelines and covered services—taking into account accepted norms of medical practice. The Congress expected—and required—the Secretary to promulgate regulations so that the public would have an opportunity to comment and participate in defining and establishing the standards for this benefit.

In March 1992, HCFA issued a manual instruction (IM 205.8)—not a regulation—that included the following language:

''In general, to be covered, the services must be reasonable and necessary for the diagnosis or active treatment of a patient's condition. The services must not be for the purpose of diagnostic study or they must be reasonably expected to improve or maintain the patient's condition and to prevent relapse or hospitalization.

It is not necessary that a course of therapy have, as its goal, restoration of the patient to the level of functioning exhibited prior to the onset of the illness, although this may be appropriate for some patients. For many other psychiatric patients, particularly those with long term, chronic conditions, control of systems and maintenance of a functional level to avoid further deterioration or hospitalization is an acceptable expectation of improvement. ''Improvement'' in this context is measured by comparing the effect of continuing treatment versus discontinuing it. Where there is a reasonable expectation that if treatment services were withdrawn the patient's condition would deteriorate, relapse further, or require hospitalization, this criterion is met.

Some patients may undergo a course of treatment which increases their level of functioning but then reach a point where further significant increase is not expected. Continued coverage may be possible even though the condition has stabilized or treatment is primarily for the purpose of maintaining the present level of functioning. Coverage is denied only where evidence shows that the criteria discussed above are not met, e.g., that stability can be maintained without further treatment or with less intensive treatment.''

Although this definition of the partial hospitalization benefit was not issued through regulations as required by the law, at least it was consistent with the intent of the law in substance, and the mental health community did not complain.

On February 11, 1994, the Secretary published an Interim Final Rule implementing the partial hospitalization benefit. The language of the Interim Final Rule mirrored the language of the statute:

''(a) Partial hospitalization services are services that—

(1) Are reasonable and necessary for the diagnosis or active treatment of the individual's condition;

(2) Are reasonably expected to improve or maintain the individual's condition and functional level and to prevent relapse or hospitalization; and

(3) Include the following:'' (list of services).

This Interim Final Rule did not do what the Congress expected—it did not provide clear eligibility and coverage guidelines, taking into account accepted norms of medical practice. However, it did at least implement the partial hospitalization benefit through regulations, as required by the statute. Following publication of this Interim Final Rule, the 1992 manual issuance continued in force providing more specific instructions and guidelines.

Because HCFA did not involve the mental health community in establishing eligibility and coverage guidelines, HCFA's rules were inadequately defined and unclear. The GAO reported that:

''HCFA initially gave its contractors little guidance on, or explanation of, the program beyond the implementing language of OBRA '90. As a result, contractors struggled to understand the parameters of the partial hospitalization benefit in the first years it was in effect. Our discussions with contractors and HCFA regional offices show that contractors raised concerns over such issues as:

- whether partial hospitalization could cover organic conditions such as Alzheimer's, which are unlikely to improve;
- whether the benefit was available to only those patients with previous psychiatric treatment, or even further limited to only those who had previously been psychiatric inpatients;
- which specific services could be billed to Medicare as partial hospitalization services;
- how frequently services had to be delivered for Medicare to consider a beneficiary's treatment program as partial hospitalization; and
- the level of physician involvement required for services provided to the patient.''

Without clear eligibility and coverage guidelines, HCFA invited fraud and abuse into the program. Expenditures for the benefit mushroomed, and HCFA's contractors began to notice claims for large amounts. For example, GAO reported that a CMHC in Washington came to the attention of its fiscal intermediary because of claims in excess of $10,000 per beneficiary per month. That CMHC operated residential board and care facilities with live-in aides who assisted residents with everyday needs, such as cooking, cleaning, and transportation. The CMHC was billing Medicare up to $100 per hour, per patient, for these services. Another example GAO reported was in Montana, where CMHCs interpreted the partial hospitalization benefit to mean that all CMHC services were covered, and were submitting claims for day care services provided by the CMHC. Other examples reported by GAO include:

- Day care and geriatric care programs were being billed to Medicare as partial hospitalization.
- Arts and craft activities were being billed as occupational therapy or patient education.
- Family counseling services were being billed when there was not evidence of family member participation.
- Long-term psychiatric patients with controlled symptoms were being monitored in partial hospitalization programs for years.

GAO reported that in 1994, one HCFA regional office expressed its concerns about lack of understanding of the partial hospitalization benefit and perhaps misrepresentation of the benefit, but HCFA did not follow up on the concern. By 1995, another HCFA regional office became alarmed about the rapid increase in applications received from new CMHCs, particularly when telephone calls and site visits to CMHCs already participating in the program reached disconnected telephone numbers, private residences, and nonmedical businesses. Still, HCFA did not issue regulations defining the requirements for the facilities and has not issued such regulations to this day. In a statement at a Congressional Town Hall meeting on CMHCs in Houston in March 1999, a representative of the CMHCs stated: ''I am not aware of any other Medicare provider that is certified and regulated in the absence of regulations, based upon shifting standards set out in internal transmittals. The provider community for some time has advocated for formal rulemaking to develop clear and measurable certification standards with industry, clinician and patient input.''

Costs of the partial hospitalizaion benefit mushroomed. In 1993, costs of the benefit were about $60 million; in 1994, about $105 million; and in 1995, $145 million.

Finally, HCFA acted. In July 1996, HCFA issued another manual instruction (Transmittal A–96–2) that severely narrowed the coverage criteria for the partial hospitalization benefit as follows:

''Partial hospitalization may occur in lieu of either:

- Admission to an inpatient hospital; or
- A continued inpatient hospitalization.

Treatment may continue until the patient has improved sufficiently to be maintained in the outpatient or office setting on a less intense and less frequent basis. This is an individual determination.''

In my view, neither the process nor the substance of this new mandate is consistent with the law. HCFA issued this new limitation on the benefit through a manual instruction, not a regulation, in clear violation of the law. Medicare law requires in not one, but two places that the Secretary publish regulations defining this benefit. First, as I mentioned previously, section 1861(ff) requires that the Secretary publish regulations defining the partial hospitalization benefit, and section 1871 requires the Secretary to publish regulations for all Medicare policy. Indeed, section 1871(a)(2), which was enacted in 1965 in the original Medicare statute, provides:

''(2) No rule, requirement, or other statement of policy (other than a national coverage determination) that establishes or changes a

substantive legal standard governing the scope of benefits, the payment for services, or the eligibility of individuals, entities, or organizations to furnish or receive services or benefits under this title shall take effect unless it is promulgated by the Secretary by regulation under paragraph (1).''

I find it troubling that those charged with enforcing the law ignore the law and proceed as though the law does not apply to their actions, but only to the actions of others. We must change the culture in HCFA and in HHS that repeatedly issues manual instructions in violation of the law.

The substance of the 1996 HCFA ruling was also inconsistent with the law. Nothing in section 1861(ff) limits the partial hospitalization benefit to services ''in lieu of either:

- Admission to an inpatient hospital; or
- A continued inpatient hospitalization.''

However, in issuing this new ruling, HCFA relied on a technical inconsistency in the statute. Although the partial hospitalization benefit is defined in section 1861(ff), section 1835(a)(2)(F) provides that a physician must certify that the individual would require inpatient psychiatric care in the absence of such services. Despite HCFA's February 11, 1994 regulation to the contrary, HCFA issued a manual instruction limiting the benefit to the level of the physician certification requirement provided in section 1835.

Based on the new HCFA instruction that severely limited the benefit, HCFA and the Inspector General began intensive investigations of partial hospitalization claims, and not surprisingly, they found that high percentages of the claims did not meet the new standards. When HCFA severely restricted the benefit, programs suddenly found themselves out of compliance. HCFA and the Inspector General then proclaimed that there was widespread ''fraud and abuse'' in the partial hospitalization benefit. HCFA has been seeking repayments of substantial amounts paid to mental health programs that had been operating on the basis of the earlier published regulation and the manual instructions that were consistent with the regulation and the law.

We need to refocus our attention on the beneficiaries who use the partial hospitalization benefit. In 1997, about 88,000 Medicare beneficiaries were using this benefit. About 60 percent of them were disabled beneficiaries, under the age of 65, and about 60 percent of them were dually eligible for both Medicare and Medicaid. The beneficiaries who need and use this benefit are among the poorest and most disabled beneficiaries in the entire Medicare program. They need our help and our protection, and they need these services.

My record of fighting fraud and abuse in Medicare is long. I hate fraud. We must do everything we can to eliminate fraud in Medicare, including any fraud in the partial hospitalization benefit. But the way to eliminate fraud is not to eliminate the benefit itself. By that standard, it would be easy to eliminate all fraud in Medicare. We would simply eliminate the program! No, instead, we must take steps to address those areas of the benefit where fraud has been found, but we must also restore this benefit for those Medicare beneficiaries who need it.

Today, I am introducing legislation, ''The Medicare Partial Hospitalization Services Restoration and Integrity Act of 2000,'' that would restore the partial hospitalization benefit as the Congress intended, while also taking steps to limit fraud in the benefit.

First, the bill would require a face-to-face visit with a physician to certify the need for the services.

Second, the bill would tighten the language regarding ''individual activity therapies'' ((ff)(2)(E)), using limits already in the statute for other approved services (requiring the services to be directly related to the therapy program).

Third, the bill would tighten the survey and certification requirements in (ff)(3) for community mental health centers.

And fourth, the bill would correct the technical flaw in the statute, which HCFA has used to limit the benefit, making the physician certification language under section 1835 the same as that defining the benefit in section 1861(ff).

To address HCFA's lack of publishing regulations, the bill would require a negotiated rule making process to define the benefit, establish quality of care standards, and establish survey and certification standards for CMHCs.

I am introducing this bill now so that interested parties can study it over the adjournment period and suggest improvements. I will reintroduce the bill early in the new Congress, with appropriate refinements. For the sake of some of the most vulnerable in our society, I hope we can enact this kind of legislation early in 2001.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. BLUMENAUER. Mr. Speaker, pipeline safety is literally a matter of life and death. Legislation this important must be crafted carefully, allowing for the input of every member of Congress, since pipeline safety impacts every American community. Legislation this important must be brought through committee and to the Floor of the House of Representatives in an inclusive, nonpartisan manner. Sadly, this was not the case for yesterday's consideration of the Pipeline Safety Improvement Act.

S. 2438 faced significant opposition from consumer, environmental and labor groups, and was opposed by my own committee leadership. The bill did not ensure that pipelines would be inspected and did not do enough to help local emergency management agencies react to pipeline emergencies. Given these, and other concerns, and given the considerable opposition the bill faced, S. 2438 should not have been brought to the floor as a suspension calendar item. Mr. Speaker, we all know that the suspension calendar is meant to move noncontroversial, routine items. As such, these items are given little time for debate and no opportunity for amendment.

Had S. 2438 been brought for a vote in a more open manner, it could have won my support. It is my sincerest hope that the Republican leadership will take pipeline safety seriously and bring S. 2438 back to the House of Representatives in a manner that permits its further debate and possible improvement.

STATEMENT ON THE IMPORTANCE OF DATABASE PROTECTION

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BERMAN. Mr. Speaker, I want to take a moment to discuss the importance of legal protection for databases. Databases are extremely important to the continued growth of our hightech based economy. Within databases—organized collections of information—lie the basic tools of the Information Age. The continued development of new and exciting database products depends on adequate legal protection from piracy. Over the past two Congress' we have grappled with the scope of protection that should be afforded database producers. We have worked hard to produce a well balanced approach. Unfortunately, we were unable to bring the development of this legislation to a close in time for consideration before this body. I believe that addressing this issue must be a priority for the 107th Congress and will do all that I can to facilitate passage of database protection legislation in the next Congress.

PERSONAL EXPLANATION

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. WU. Mr. Speaker, yesterday, October 10, 2000, I was unavoidably detained due to airline mechanical problems. Had I been present, I would have voted the following ways:

No on rollcall No. 519, S. 2438, the Pipeline Safety Act.

Yes on rollcall No. 520, H.R. 208, a bill to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

Yes on rollcall No. 521, H.R. 762, Lupus Research and Care Amendments.

A TRIBUTE TO JAMES HILL FOR 25 YEARS OF GOVERNMENT SERVICE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. KLECZKA. Mr. Speaker, I rise today to honor my good friend, Jim Hill, who is celebrating 25 dedicated years of government service.

I've known Jim since he worked as my chief of staff when I served in the Wisconsin State Senate in the 1970s. He came to the job an intelligent, energetic, enthusiastic and strongly principled young man, and quickly became a highly respected name in public service in the Wisconsin legislature. Jim's impressive understanding of issues made him a trusted and valued advisor during my years on the Senate's Joint Finance Committee, and his continued support was critical to my decision to run for Congress in 1984.

Jim remained in Wisconsin, and joined the staff of Wisconsin's Dane County Executive Jonathan Barry, where he gained experience in the challenges of county government. But soon he and I had the opportunity to work together again, this time in Washington, DC, where he became my administrative assistant (AA). Jim was a fast learner and an outstanding AA, quickly developing expertise on a myriad of issues while providing strong leadership to a young and inexperienced DC staff.

And although I know that Jim enjoyed the challenges of working on Capitol Hill, his first priority was and is his family. Knowing that the job of AA was incredibly demanding and meant frequent long hours, Jim decided to go back to Wisconsin, where he joined the staff of the City of Milwaukee's Department of City Development and later worked for the Milwaukee Metropolitan Sewerage District.

Jim's strong sense of social justice and his outstanding management skills then led him to his current employment with Milwaukee County's Department of Human Services, where he serves as administrator of the Division of Management Services. And, after 25 years of public service, he remains a well-respected and active member of our community, a man of unquestioned integrity and dedication.

And despite holding positions of enormous responsibility, Jim has always maintained a healthy balance between his job and his family life. He is a dedicated father of two wonderful and talented sons, Patrick (who I am proud to say is my godson) and Daniel. He's also a devoted and loving husband to his wife, Christine.

Throughout the past 25 years, Jim has remained one of my closest and most valued friends. He's always been there for me, in good times and in bad, and has been a trusted advisor and an ardent, vocal and hard-working supporter. I thank him for his friendship, and commend him for 25 years of outstanding service to our community, our state, and our nation. Congratulations, Jim!

CONGRATULATING THE AFRICA BUREAU OF THE DEPARTMENT OF STATE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. PAYNE. Mr. Speaker, I rise today to commend and congratulate the Africa Bureau of the Department of State for leading a successful campaign against the candidacy of the government of Sudan to the rotating seat of the United Nations Security Council.

On October 10th the United Nations voted 113–55 in favor of Mauritius over Sudan to take a seat on the Security Council. I would like to single out Assistant Secretary of State for Africa, Dr. Susan E. Rice, for her courage, determination, and hard work in this campaign. Dr. Susan Rice has stood firm against the brutal dictatorship of the National Islamic Front government in Sudan. In that light, she has exemplified the leadership ability that is required and needed to move those countries on the African continent toward good governance and democratic reform.

For the last five years, both at the National Security Council and the Africa Bureau of the Department of State, she consistently and tirelessly fought for the helpless and the innocent victims of the NIF regime.

TRIBUTE TO JOHN MOULTRIE ''MOOT'' TRULUCK, III

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mr. John Moultrie "Moot" Truluck, an outstanding public servant and friend. In celebration of his dedication and hard work. Earlier today, he was honored with the John M. "Moot" Truluck Highway in Lake City, South Carolina in the Sixth Congressional District, which I am proud to represent.

Moot was born in Lake City, South Carolina. He was educated in the public schools and graduated from Lake City High School in 1963. He continued his academic career at the University of South Carolina, where he received a Bachelor of Science in Marketing in 1968.

From 1968 to 1975, Moot served as an educator, administrator, and coach in Florence County, District 3. For twenty-three years, he labored and toiled in the fields, growing tobacco, corn, soybeans and wheat, significantly contributing to South Carolina's agricultural economy. Moot has served in several capacities in the agricultural industry; both as President and Secretary of the South Carolina Tobacco Warehouse Association, Incorporated; President and Chairman of the Bright Belt Warehouse Association, and owner/operator of Partner, Planters, Growers, and Golden Leaf Warehouse.

Moot has served tirelessly and exhibited strong leadership skills as he ably represented the interests of fellow colleagues and local residents as Mayor Pro Tempore of the Lake City County Council. He represented the Twelfth Judicial District as a member of the Department of Transportation Commission, served as Chairman of the Florence County Transportation Committee. Currently, he serves as a member of the Department of Transportation Commission, representing the Sixth Congressional District that comprises seventeen counties.

Moot's community service reaches from his church, area schools, to local businesses. He has served on the advisory boards of First National Bank, South Carolina National Bank, and Bank of America-Florence. He held previous board positions including Carolina Academy, Florence County Board of Health, and Lake City Development Cooperation.

Moot is married to the former Carol Ann Matthews and they are the proud parents of two children. Mr. Speaker, please join me and my fellow South Carolinians in honoring John Moultrie "Moot" Truluck, III to his outstanding leadership and devoted public service.

PRESERVING ESSENTIAL ANTIBIOTICS FOR HUMAN USE

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BROWN of Ohio. Mr. Speaker, I rise to commend my colleagues for their recognition of an emerging threat to public health: antibiotic resistance.

All over the world, a silent war is underway between people and infectious diseases. This is not a new struggle. Throughout human history, microbes have preyed on us, and we have fought back. As recently as the 19th century, the average lifespan in Europe and North America was 50 years, and the likelihood of dying prematurely from infectious diseases was as high as 40 percent. With the widespread introduction of penicillin and other antibiotics in the 1940s, we thought we had finally gained the upper hand. Finally, we could cure a whole raft of infectious diseases that routinely took human lives across the whole span of a human lifetime, from infancy, through the prime of life, to old age.

But the struggle is not over. Earlier this year, the World Health Organization issued a warning against antibiotic resistance. Microbes are mutating at an alarming rate into new strains that fail to respond to drugs. We need to develop new antibiotics, but it is too soon to give up the ones we have. By using these precious medications more wisely and more sparingly, we can slow down antibiotic resistance.

We need to change the way drugs are given to people, but we also need to look at the way drugs are given to animals. According to the World Heath Organization, about 50% of all antibiotics are used in agriculture, both for animals and plants. In the U.S., livestock producers use drugs to treat sick herds and flocks. They also feed a steady diet of antibiotics to healthy livestock so they will gain weight more quickly and be ready for market sooner.

Many of these drugs are the same ones used to treat infections in people, including erythromycin and tetracycline. Prolonged exposure to antibiotics in farm animals provides a breeding ground for resistant strains of Salmonella, E. coli, Campylobacter, and other bacteria harmful to humans. When transferred to people through food, they can cause dangerous infections.

The Food and Drug Administration's Center for Veterinary Medicine is to be commended for taking steps to address the contribution of animal drugs to the antibiotic resistance problem. In view of the importance of these activities to human health, I offered an amendment

to the agriculture appropriations bill with the goal of increasing CVM's budget for antibiotic resistance by $3 million. In accepting the amendment, the House for the first time tackled the public health threat from antibiotic resistant bacteria in our food supply.

Today, the House voted to approve the conference report for the Fiscal Year 2001 Agriculture Appropriations bill. I am pleased to note that the report includes an additional $3 million for work done within the Center for Veterinary Medicine on antimicrobial resistance. I wish to commend my colleagues on the agriculture appropriations committees for recognizing the importance of these activities to public health, with special thanks to the ranking member in the House, my colleague from Ohio.

If we continue to work together, we can come up with solutions to prolong the efficacy of antibiotics used to treat human illnesses, while at the same time ensuring that Americans will continue to enjoy a safe, affordable, plentiful food supply.

TRIBUTE TO JAY R. STROH, DIRECTOR OF CALIFORNIA DEPARTMENT OF ALCOHOL BEVERAGE CONTROL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. LEWIS of California. Mr. Speaker, I would like to call your attention today to one of California's most unsung dedicated public servants: Mr. Jay R. Stroh, who has been director of California's Department of Alcoholic Beverage Control for 17 years, during which time he has professionalized and modernized an extremely important and complex agency.

Jay R. Stroh began his public career as a deputy with the Los Angeles Sheriff's Department, rising through the ranks to become captain. He was Chief of Police for the City of Inglewood for 10 years, and Chief of Police of El Segundo for four and a half years. He was appointed by Governor Ronald Reagan to the Commission on Peace Officers Standards and Training, served at the California State University Los Angeles as a member of the Institute Planning Committee on Police Science and Administration, School of Applied Arts and Sciences, and at El Camino College.

Mr. Stroh was first appointed Director of the Department of Alcoholic Beverage Control (ABC) by Governor George Deukmejian on February 3, 1983, reappointed by Governor Pete Wilson and again by Governor Gray Davis upon his election in 1999. Respected by the alcoholic beverage industry, law enforcement and community coalitions, Mr. Stroh has received recognition by State legislators, both Democrats and Republicans, as an effective leader.

While he has been Director, Mr. Stroh has turned the ABC into a proactive agency with several innovative programs that brought merchants, law enforcement, youth, community leaders and alcoholic beverage industry members together. Mr. Stroh helped pass legislation elevating the Department's peace officer status to a classification equivalent to the California Highway Patrol. He increased by one-third the field enforcement activities of Department investigators and streamlined and modernized the Department's licensing and investigative procedures.

Mr. Stroh's tenure is believed to be the longest continuous directorship in California state government. His retirement brings to a close 49 years as a public servant to the people of California. Mr. Speaker, please join me in thanking Jay R. Stroh for his dedicated service and numerous accomplishments, and in wishing he and his wife, Jackie, good luck in their future endeavors.

LOST OPPORTUNITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. SCHAKOWSKY. Mr. Speaker, it is shameful to me that we could adjourn the 106th Congress without having strengthened our federal hate crimes law to protect victims who are chosen because of their gender, sexual orientation or disability and to allow federal prosecutors to pursue hate-crime cases if local authorities refuse to press charges.

Unfortunately, hate violence is becoming an all too common occurrence in our communities. That an individual could be so filled with rage for his or her fellow human being is unthinkable—but it has happened in small towns and big cities across this nation and it will continue to happen, until and unless we stand up to bigotry and hate by ensuring that the civil rights of all people are protected. The expanded Hate Crimes legislation that was included in the Senate Defense Authorization bill was just that kind of tool.

The defeat of expanded hate crimes legislation ignores overwhelming public support for this critical civil rights legislation. Since 1998 when an African American man was tied to the back of a truck and dragged to death by white supremacists in Jasper, Texas, several high profile hate crimes have continued to shock our country, including a hate based killing spree that profoundly touched my community during July 4th celebrations in 1999.

I am proud to represent one of the most diverse districts in America and I will continue to stand with my constituents against bigotry and hate and actively work to expand and improve the federal Hate Crimes law. We cannot and we should not leave Washington without ensuring that the civil rights of all Americans are honored and protected.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

SPEECH OF

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. VELÁZQUEZ. Mr. Speaker, yesterday the House of Representatives lost one of our most respected members and the nation lost a lifelong advocate for the homeless and the environment. A true public servant, BRUCE VENTO used his seat in Congress for 24 years to champion programs to eliminate homelessness, increase funding for community investment and economic development, and, of course, to protect our environment.

I had the privilege of serving with BRUCE VENTO on the Banking Committee, where he worked tirelessly to establish the emergency shelters grant program, preserve the Federal Housing Authority, provide increased funding for community development programs, and ensure adequate consumer protection. Those who live in low-income communities, the poor, and the homeless, may not have high-priced lobbyists advocating for them, but they did have BRUCE VENTO. Through his work, he gave a voice to Americans who too often go unheard.

Yesterday, we lost a friend and a colleague. But those Americans whose lives BRUCE VENTO worked so hard to improve lost an advocate and a voice.

My thoughts are with the Vento family, and his constituents in Minnesota. I and the other Members of this body who were fortunate to work with him over the years will miss him greatly.

TRIBUTE TO LINDA CHAVEZ-RODRIGUEZ

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BACA. Mr. Speaker, this past Monday morning this country lost a great individual, a true pioneer in the Hispanic movement as well as in the movement of women in organized labor.

I speak of Linda Chavez-Rodriguez. Daughter of the great Cesar Chavez, founder of the United Farm Workers Union (UFW), and wife of current UFW president, Arturo Rodriguez.

She began her career at age 11, when she worked in the fields and vineyards to help support her family. She continued her efforts by joining walkouts in 1973 when the California grape workers went on strike. Earning as little as $3 a week as a farm worker, she often wondered how her family would survive.

As her father's popularity grew, and growers became more aware of his efforts, strong repercussions were felt by the family members. During high school her education was threatened and other students taunted her sisters

and her for defending what was moral and just. They were misunderstood and misrepresented. Fellow students believed them to be well off and have many luxuries. Growing up in an extremely worn two bedroom, one bath wood-frame house with 10 family members is not what I call living in luxury.

After high school, Linda's dedication to labor continued through her volunteer work for the UFW, by helping farm workers obtain their union cards and keep their files in order. Soon after that, she followed in her father's footsteps by joining thousands of grape workers in California when they shut down the fields in a bloody strike against the growers. In Detroit she picketed in freezing snow with fire hoses being turned on them, and yet they still fought for what was right. She also made another change in Detroit she met her husband, Arturo Rodriguez.

For the next 14 years, Linda worked along side her husband throughout California. The family fought hard to continue her father's legacy and dedication. Avoiding any type of limelight, she stayed close to her family and continued her work.

In 1990 her family moved back to La Paz where she continued to raise her son and two daughters. After many years of putting her own pain aside, the Lord felt that it was Linda's time to rest.

She leaves a proud legacy and a wonderful family behind. She will never be forgotten.

EIGHTIETH BIRTHDAY OF MARY LOUISE QUIGG CALDWELL PLUMER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I want to recognize one of my constituents and very dear friends, Mary Louise Quigg Caldwell Plumer, of Miami, Florida, who will be celebrating her 80th birthday on October 21st, 2000.

Mary was born October 21, 1920 in Live Oak, Florida. Her parents moved to Miami when she was 6 years of age, where she was educated and graduated from Ponce de Leon High School in 1938. She served as editor of the school newspaper and was awarded the Woman's Club Cup as the ''Most Outstanding Girl.'' Mary continued her education at the Florida State College for Woman (FSCW), becoming a member of the Sophomore Council, the Cotillion Club and the Pi Beta Phi Sorority. She graduated from FSCW in 1940 and transferred to the University of North Carolina in Chapel Hill, where she was awarded the Valkyrie Cup as the most outstanding Coed of the University, graduating in 1942.

Moving to Atlanta, Georgia in 1942, she worked as the publicity director for radio station WSB. She returned to Miami and contributed to the War effort by working for the Red Cross as staff assistant to the Army Air Corps Redistribution Unit in Miami Beach were she met her husband to be, Naval Lt. Commander Richard B. Plumer. He was graduated from Miami High School, Philips Exeter Academy and Princeton University summa cum laude.

Mary raised 4 children and became actively involved in many worth-while community projects. Among her accomplishments, she brilliantly led a committee to build the All Faith Chapel at Jackson Memorial Hospital in 1973, 5 years after her daughter died there. She has had articles published in The Miami Herald and Reader's Digest. She was awarded the M.O.M. Cup in 2000 as the Most Outstanding Mother. She also earned a prestigious reference in Who's Who of American Women.

I want to join Mary's family and friends in wishing her a wonderful celebration and many more happy and healthy birthdays.

THE DETROIT RED WINGS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. CONYERS. Mr. Speaker, tonight is a night that many people in Detroit look forward to all year long. Tonight is the Season ''Home Opener'' in Hockeytown. The Detroit Red Wings open their 75th season, tonight at Joe Louis Arena. The Red Wings, in their 75 years in Detroit, have become more than just a sports team in our hometown, they are a part of the community. There is a reason that Detroit is known as Hockeytown, and it isn't simply our love for the team. Hockey is a part of our lives in Detroit. Many Detroiters remember their first pickup games played on a neighborhood pond with their childhood friends. Our children, with the invention of rollerblades, now play street hockey year round in our neighborhood streets and driveways, or anywhere else they can find a smooth surface. It's not simply our climate, which is conducive to hockey, nor is it our proximity to Canada, the origin of the game, it's partly our attitude, and part our love for the game. But a large part of the reason we are known as Hockeytown is the fact that the Red Wings have helped shape Detroit for the past 75 years.

The Red Wings began in the early 1920's with a group of investors led by Detroiter Charles Hughes. He convinced the Detroit Athletic Club to create a new team for the National Hockey League. They began playing in Olympia Stadium in 1927, and played there until 1979, when they moved to Joe Louis Arena on Detroit's waterfront. The Detroit Red Wings are known in the NHL, as part of an elite group, ''The Original 6''. The ''Original 6'' were the 6 teams in the NHL that played during World War II, when men and finances were devoted to the War effort. Being a part of the ''Original 6'' has brought much pride and prestige to the Red Wings.

Through their 75 years in Detroit they have earned 9 Stanley Cups, and numerous League Championships. We were most fortunate this last decade to have had a dynasty in Detroit, winning two Stanley Cups and capturing the President's Trophy for winning most games in a season twice, setting a new NHL record, in 1995.

We have had winning seasons and losing seasons, but through it all we have been fortunate to have the Red Wings as a part of our community and I want to thank the Red Wings, and their owner, Mr. Mike Illitch, for their commitment to Detroit. I want to congratulate them for 75 years in our great city, and I want to wish them luck this year in their quest for the cup. Go Wings!

HONORING ACCESS COMMUNITY HEALTH AND FAMILY COUNSELING AND THE COALITION ON DOMESTIC VIOLENCE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. STABENOW. Mr. Speaker, I rise today to recognize the mission and accomplishments of the coalition on Domestic Violence on the occasion of their benefit banquet which is being held today at the Bint Jebail Cultural Center in Dearborn, Michigan.

The Coalition on Domestic Violence was formed in 1997 to provide cultural-sensitive services to the community served by the Arab Community Center for Economic and Social Services (ACCESS). Recognizing that domestic violence impacts the very fabric of daily life by impairing the education of children, reducing productivity in the workplace, and denying freedom and security to victims and non-victims alike, ACCESS feels strongly that there needs to be a coordinated community approach to stop the violence. Many organizations including law enforcement, healthcare and educational institutions have pulled together to raise awareness about the problem and develop culturally relevant education programs.

It is certainly appropriate that the Coalition on Domestic Violence chose October, which is Domestic Violence Awareness Month, to host their banquet which is entitled ''Facing Domestic Violence: A Community Stands Together.'' They are featuring presentations by two very well-known women with important and unique perspectives on this issue. Camelia Anwar Sadat, the daughter of the late Egyptian President and Nobel Peace Prize Recipient Anwar Sadat and his first wife, Ekbal, will share her valuable insights as a survivor of domestic violence. Denise Brown, sister of Nicole Brown Simpson, has committed herself to improving the lives of women and children by speaking out on the issue of domestic violence. It is exciting that they will be in Michigan to share their stories.

Domestic violence cuts across ethnic lines, socioeconomic classes and religious backgrounds which makes it essential that we all work together to prevent it from causing more suffering. The Coalition on Domestic Violence is a wonderful example of what can be accomplished through a coordinated effort. I commend them for their excellent work and hope that they have a successful and educational banquet.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent Friday, October 6, 2000, and Tuesday, October 10, 2000, and as a result, missed rollcall votes 514 through 521. Had I been present, I would have voted ''yes'' on rollcall vote 514, ''no'' on rollcall vote 515, ''yes'' on rollcall vote 516, ''no'' on rollcall vote 517, ''yes'' on rollcall vote 518, ''no'' on rollcall vote 519, ''yes'' on rollcall vote 520, and ''yes'' on rollcall vote 521.

TRIBUTE TO HANNA RUBBER COMPANY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise to pay tribute to one of Kansas City, Missouri's most successful companies. This year the Hanna Rubber Company will celebrate 75 years as one of the nation's leading distributors of quality industrial rubber products and as a corporate leader in our community.

In 1925, after their service in World War I, brothers J.C. and R.J. Hanna returned home to Kansas City, Missouri. Together the two brothers pooled their savings to form a partnership and a business they named Hanna Rubber Company. The Hanna brothers began their new business to fulfill the demand for fast service on select industrial rubber products. J.C. Hanna, now deceased, once reflected on those days when ''we only had one desk, answered the phone ourselves, and R.J. would make up the orders, and I would hop the street cars to make the deliveries.''

Today James B. Vandergrift, President of Hanna Rubber Company, is in charge of the operations and success of the Hanna Rubber Company. Under James Vandergrift's tenure with Hanna, he has been responsible for raising the company from the ashes of almost a decade ago when the company's headquarters suffered a three-alarm blaze that left little but a few company records kept in a fireproof safe. On the very same day of this devastating event, Mr. Vandergrift installed phone lines in the basement of his home and with the help of his staff he was able to keep the company's operations going throughout this ordeal. Due to the extreme damage the facilities suffered, one week later the company would say goodbye to its historic headquarters on Main Street and move into its current offices a few blocks away. The new location would prove to be a blessing in disguise for the company as it provided more space, enabling Hanna Rubber to add new product lines to in turn increase its customer base.

Hanna Rubber has experienced tremendous success since the devastating fire in 1991. In 1999 the company had $8 million dollars in sales, with this year's sales projected to reach $10 million. The company now encompasses a large regional, national, and international customer base which includes clients such as: Hallmark Cards, General Motors, Ford Motor Company, and Trans World Airlines. During recent debates in Congress on trade policy, I was proud to use Hanna Rubber Company as an example of a Midwestern company that has benefited from progressive trade policy initiatives. Hanna Rubber Company's prosperity can be attributed to their standard of excellence in the service they provide their customers, employees, and suppliers. James Vandergrift truly believes that the cultivation of positive people relationships at Hanna Rubber Company has been a key to their past accomplishments and future ambitions.

The founding spirit of the Hanna Brothers continues on today in the hearts and minds of Hanna Rubber Company employees who are dedicated to quality, service, long hours, hard work, and commitment to excellence. Mr. Speaker, please join me in saluting the Hanna Rubber Company for 75 years of service to our community and the world market.

A TRIBUTE TO MR. LONNIE THOMPSON

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SPRATT. Mr. Speaker, my colleague, Mr. CLYBURN and I rise today to take a moment and recognize Mr. Lonnie Thompson, President of SOPAKCO of Mullins, SC, which has facilities in each of our congressional districts.

Mr. Thompson was recently presented the Colonel Merton Singer Award for outstanding contributions to the Department of Defense. The Colonel Singer Award is the Research & Development Associates for Military Food & Packaging Systems, Inc. (R&DA) most prestigious award for industry. He was selected for this award based on his significant accomplishments in the area of supporting U.S. forces in all locations throughout the world. He has led his company to improve the quality and contents of Meals Ready to Eat (MRE), Unitized Group Rations, and other specialized rations. His leadership has placed SOPAKCO into the forefront of supporting military forces.

SOPAKCO was founded in 1943 to package military rations for Allied troops during World War II. Today, SOPAKCO's Packaging division serves military, humanitarian and nonmilitary organizations around the world. SOPAKCO Packaging maintains and operates a packaging plant in Mullins, South Carolina, and a food processing facility in Bennettsville, South Carolina.

Mr. Speaker, Lonnie Thompson's accomplishments are of the highest order and support the needs of the Department of Defense for today and tomorrow. Mr. Thompson's leadership and commitment is what we recognize and honor today.

RECOGNITION OF BILL CHENEY, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BONILLA. Mr. Speaker, today I recognize Bill Cheney, the President and CEO of Xerox Federal Credit Union, headquartered in El Segundo, California, for his recent election to the board of the National Association of Federal Credit Unions (NAFCU). I have had the pleasure of knowing Bill for over 16 years, many of which he spent in my congressional district at Security Service Federal Credit Union in San Antonio, Texas. During that time, we spent many years working together on issues that affect the citizens of the 23rd Congressional District of Texas. Bill also shares my life-long commitment to supporting all athletes at the University of Texas at Austin.

Even though Bill left San Antonio to become President and CEO at Xerox Federal Credit Union, he continues to keep me updated on credit union views. He even makes it back to Texas from time to time to visit Xerox Federal Credit Union offices. Xerox Federal Credit Union, which has over 73,000 members, serves employees of Xerox Corporation and related companies nationwide through 16 credit union offices in 9 states including California, New York, Illinois, and Texas.

His election to the NAFCU board culminates 15 years of dedicated work in the credit union industry. I congratulate my friend Bill Cheney on his recent election to the NAFCU Board and look forward to continuing to work with him and America's credit unions. I know Bill will be an outstanding voice for credit unions everywhere.

SUPREME COURT SECURITY ACT OF 2000

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, as indicated by my colleague, H.R. 5136 would make permanent the authority of the U.S. Supreme Court Police to provide security for its Justices, Court employees, and official visitors on and off the Supreme Court grounds. The U.S. Supreme Court Police were first authorized by Congress to carry firearms and protect court personnel and visitors outside Supreme Court grounds in 1982. The statutory authorization was scheduled to terminate on December 29, 1985. In December 1985, the Congress extended such authorization and has done so five additional times in the subsequent years. The last extension occurred in October 1996, and is set to expire December 29, 2000.

It is clear that the security concerns which gave rise to the original authorization, including threats of violence against the Justices

and the Court, will continue for the foreseeable future. In addition, I am not aware of any suggestion or concern that the U.S. Supreme Court Police has misused its authority, or should not be entitled to such authority on a permanent basis.

In fact the evidence suggests that the U.S. Supreme Court Police has discharged its responsibilities in an efficient and cost effective manner. For example, the cost of the program has been minimal. The Supreme Court Police work closely with the U.S. Marshal's office to provide security for Supreme Court Justices when they travel outside the Washington, DC, metropolitan area. Over the past 4 years, there were 74 requests for Supreme Court Police protection beyond the D.C. metropolitan area at a total cost of $16,855, or $4,214 per year.

In light of continuing security concerns, and the Supreme Court Police's record of providing appropriate protection over the past 18 years for the Justices, Court employees, and official visitors, I support making the Supreme Court Polices authorization to provide security on and off Supreme court grounds permanent. As a result, I urge my colleagues to support the bill.

A TRIBUTE TO GAIL WEISS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. GILMAN. Mr. Speaker, I am pleased to join with my colleagues this evening to recognize the long, distinguished career of Gail Weiss. Gail, who serves so ably now as the Minority Staff Director on the Committee on Education and the Workforce, and before that as Staff Director of that Committee, had earlier served as Staff Director of our Committee on Post Office and Civil Service, chaired by my good colleague, the gentleman from Missouri, Mr. CLAY. Serving as the Ranking Minority Member of the Post Office Committee at that time, I had the opportunity to work closely with Gail. I found her to be a true professional and I appreciated the time she took to listen to our positions on various issues before our Committee.

We will surely miss having Gail's experience and institutional memory upon which to rely. Gail is one of a dwindling corps of staff who have the ability to put the measures before us into the perspective of earlier legislation enacted to address important issues. Her expertise on postal and civil service issues and those before the Committee on Education and the Workforce have helped us to develop legislative initiatives that address these issues in an effective manner.

I am certain that Gail will continue to be active in a number of areas that are of keen interest to her. I know that our colleagues will also continue to reach out to her for her thoughts on key matters that we deal with in the Congress. I've certainly become fond of both Gail and her husband Jack and wish them great success, happiness, and good health as they enter this new and rewarding time in their lives.

TRIBUTE TO ITALIAN GARDENS RESTAURANT

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to a Kansas City, Missouri family tradition. Seventy-five years ago a small, family owned business established its roots in the heart of Kansas City. Today, the Italian Gardens Restaurant is a well established and celebrated Kansas City landmark and popular eatery.

The late John Bondon, Sr., first opened the Italian Gardens Restaurant in 1925 with his nephew Frank Lipari. It was a difficult time for the partners and most of the country as the economy collapsed and a world war became a reality. Despite these challenges Italian Gardens persevered and in 1933 the restaurant was able to move to its current location at 1110 Baltimore with the help of a $1,500 loan from a waitress. John Bondon and Frank Lipari owned only one new pair of shoes worn by whomever was working with the public in the front of the restaurant. When America entered World War II, the Italian Gardens recognized the anti-Italian sentiments present at this time and was forced to temporarily change the name of the restaurant to "The Gardens." The restaurant was available for dinner only since many of the staff was working in the defense industry.

Over the past 75 years, the Italian Gardens has spanned five generations of family proprietorship and attracted a large and loyal following of patrons. The restaurant has attracted a diverse crowd of customers such as Joe Di Maggio, Katherine Hepburn, Frank Sinatra, Liberace, and the famed outlays Bonnie Parker and Clyde Barrow. For seventy-five years the Italian Gardens has been known by businessmen, artists, athletes, and neighbors to be a large community table and gathering place where everyone is made to feel welcome and part of the family.

Throughout their rich heritage the Italian Gardens Restaurant has been a significant charitable and civic contributor to our community, including lending the talents and expertise of its executives to critical boards and commissions benefitting the Greater Kansas City Area. The Italian Gardens family includes the now retired Carl DiCapo, John Bondon, president of the restaurant company, and great-nephew of the original co-founder, Bondon's mother, Carolyn Berbiglia, Bondon's wife, Vicki, and his daughter Bianca. The Italian Gardens is a Kansas City landmark that has served as a model of success in our community. It is one of the few longtime family owned operations still present in our region. This cherished local eatery has established a standard of excellence that will continue to be celebrated for years to come.

Mr. Speaker, please join me in congratulating the Italian Gardens Restaurant family as it celebrates seventy-five years of service to the Kansas City community.

STARK CALLS FOR FURTHER FDA INVESTIGATION INTO ABUSE OF AVERAGE WHOLESALE PRICE SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. STARK. Mr. Speaker, I today sent the following letter to the FDA, in support of an investigation of how some of the nation's leading drug manufacturers are using false pricing data to distort the practice of medicine in America. The data in the letter is an indictment of the companies' abuse of the taxpayer and of the patient.

I submit the following letter into the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 2000.

Dr. JANE E. HENNEY,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. HENNEY: I am writing you to supplement my recent letter of October 3, 2000. I would request that any FDA investigation into whether certain drug companies have engaged in conduct that violates FDA rules or regulations take into account the following:

1. *The findings contained in the HHS–OIG report entitled Infusion Therapy Services Provided in Skilled Nursing Facilities (December 1999 A–06–99–00058) Exhibit #1.* The OIG's independent findings provide compelling evidence of the magnitude, cost and public health issues resulting from drug price manipulation of the Medicare program.

The following excerpts from the above referenced OIG report are particularly noteworthy:

"Our review of three infusion suppliers, for the period 1995 through 1998, showed they provided infusion therapy services to Medicare-reimbursed SNFs that were excessively priced and unnecessary." (Page #1)

"At the 22 SNFs, $4.8 million out of $9 million in claims reviewed (53 percent) were not medically necessary." (Page #1)

"In addition to the financial effects we noted above, overutilization and overpricing were potentially harmful to the patients. Medical reviewers who were part of our audit concluded that patients receiving unnecessary infusion therapy services were placed at undue risk for complications, including increased risk of infection, fluid and electrolyte imbalance, and medical reactions. Furthermore, in addition, infusion services are invasive procedures that are painful and, when unnecessary, reduce the quality of life."

"Based on a survey of infusion suppliers in Texas, we found that charges for infusion drugs varied widely, from as little as Average Wholesale Price (AWP), which is generally considered a reference price for drugs by the pharmaceutical industry, to more than 20 times AWP." (Page #6)

2. *The public health consequences of the drug pricing manipulation by certain companies for the IV antibiotic Vancomycin, the drug of last resort for many life theratening infections.* Exhibit #2 features an article from Hospital Pharmacist Report entitled Under Attack Vancomycin-resistant S. Aureus Hits U.S. Shores. "The widespread, and often unwarranted, use of antimicrobial agents, particularly vancomycin is a major contributing factor in the emergence of S. aureau with diminished susceptibility to vancomycin." Indeed, as stated in the article, the problem

has reached the level where the CDC has called for strict limits on the use of this vital drug. ''Published in the MMWR, detailed recommendations for preventing and controlling S. aureus with diminished susceptibility to vancomycin emphasize strict adherence to contact isolation precautions and their recommended infection control practices, *judicious use of vancomycin* . . .'' (emphasis added).

Enclosed as composite Exhibit #3 (provided by the industry insider pursuant to a congressional subpoena) is:

1. Listings from the 1995, 1996 & 1999 Red Book for Abbott's generic Vancomycin.

2. Copies of advertisements from Florida Infusion for the years '95, '96 and '99 for Abbott's genreic Vancomycin.

The following chart summarizes Exhibit 3:

ABBOTT'S VANCOMYCIN

[1 gm. 10s NDC#00074–6533–01]

Year	Red Book AWP	Red Book DP	Florida infusion true wholesale price	Difference between AWP & true price ''The Spread''
1995	604.44 (60.44/1 gm.)		$8.40/1 gm	$52.04
1996	628.66 (62.86/1 gm.)		$7.95/1 gm	$54.91
1999	727.82 (72.78/1 gm.)	612.90	74.00 ($7.40/1 gm.)	$65.38

As the above chart also demonstrates, Abbott actually raised its representations of AWP from 1996 to 1999 while the true wholesale price to providers fell from $7.95 to $7.40. Abbott's price manipulation, creating a financial incentive for doctors to increase their usage of Vancomycin at a time when America is experiencing a health crisis, is reprehensible conduct and clearly warrants an FDA investigation.

You may question why a major drug company would engage in this deplorable conduct? Abbott's direct benefit from its false price manipulation is demonstrated by data (enclosed as Exhibit #4 provided by the industry insider pursuant to a congressional subpoena) for calendar year 1996 from the State of Florida's Medicaid Pharmacy Program. The data outline Florida Medicaid's reimbursements paid to the customers of Abbott and utilization of Abbott's generic Vancomycin. Abbott maximized sales volume and captured the Florida medicaid pharmacy market for Vancomycin by causing the Florida Medicaid program to substantially inflate reimbursement to the detriment of Florida's Medicaid Program. As you know, drug companies capture market share and maximize sales volume by concealing true drug prices while falsely representing grossly inflated prices which in turn creates a spread between the providers' costs and the amount of reimbursement paid by Medicaid or Medicare. As a result, Abbott has captured the majority of the market (at least for Medicaid) by creating a financial incentive for doctors to increase their usage of the overprescribed drug (Exhibit #5—prepared by the National Association of Medicaid Fraud Control Units in conjunction with their ongoing investigation).

The insider's evidence demonstrates that providers will purchase and utilize the pharmaceutical manufacturer's product that has the widest spread between the provider's true cost and the reimbursement paid by third parties (including the States' Medicaid Programs and Medicare). For example, 1996 reimbursement demonstrates that the manufacturer which causes the widest spread, benefits from the highest utilization. The pharmaceutical manufacturers Abbott, Fujisawa, Lederle Lilly and Schein all made representations of Wholesaler Acquisiton Cost (''WAC'') to the State of Florida as illustrated in the chart below. The chart further sets out the number of reimbursed claims, the insider's cost and ''the spread'' between Medicaid reimbursement and true cost. A review of the chart clearly demonstrates that the vast majority of providers utilize the manufacturer's pharmaceutical with the greatest spread between the true Wholesale Acquisition Cost and the inflated false WAC reported by Abbott.

1996 FLORIDA MEDICAID UTILIZATION FOR VANCOMYCIN HCL 1 GRAM

Company/NDC	True cost $	Florida Medicaid Reimbursement	The spread	Reimbursement paid by Florida Medicaid	% of market share
Abbott/00074–6533–01	$7.95	$58.75	$50.80	$381,480.78	83.37
Fujisawa/00469–2840–40	6.42	13.91	7.49	19,023.54	4.16
Lederle/00205–3154–15	3.98	9.36	5.38	21,297.64	4.65
Lilly/00002–7321–10	14.30	13.35	(0.95)	19,096.96	4.17
Schein/00364–2473–91	6.05	12.52	6.47	16,672.18	3.64

It is important to note that Abbott publishes and reports truthful prices for many of its drugs when it does not seek to create a financial incentive to the provider. The following attached as composite Exhibit #6 is a chart specifying numerous drugs for which Abbott reports truthful prices:

ABBOTT LABS 1999 REPRESENTATIONS OF PRICES AND COST AND STATES' MEDICAID REIMBURSEMENT

Drug Strength & Size, NDC# 00074–	Red Book AWP	Bergen Brunswig cost (WAC*)	Provider cost with 7% upcharge	Florida Medicaid WAC + 7%	New York Medicaid AWP–10%
Biaxin 500 MG, 60S NDC#2586–60	$195.59	$164.13	$175.62	175.62 Spread $0.00	$176.04 Spread $0.42 (0.2%).
Cartol 5mg, 100s NDC#166–13	106.18	88.76	94.97	94.97 Spread $0.00	$95.57 Spread $0.60 (0.6%).
Cylert Tablets 37.5mg, 100s NDC# 6057–13	144.84	121.67	130.18	130.18 Spread $0.00	$130.36 Spread $0.18 (0.1%).
Depakote 250mg, 100s NDC# 6214–11	82.66	69.30	74.15	$74.15 Spread $0.00	$74.40 Spread $0.25 (0.3%).

* WAC—Wholesaler Acquisition Cost (7 states use WAC for reimbursement).

3. *Examination of another Medicare reimbursed drug further confirms that the drug manufacturers engaging in the price manipulation are correct when they assume that the financial incentives they arrange will increase the usage of their drugs.* Atrovent (Ipratropium Bromide) is an inhalant medication that had almost no Medicare utilization while it was under patent and not subject to any generic competition. Sometime in 1997, Atrovent came off patent and became subject to generic competition. Certain manufacturers of the generic form of the drug began to make false price representations to create a financial inducement. As the chart below indicates, Medicare utilization has gone from $14,426,108.00 in 1995 to $253,400,414.00 in 1998. The spread has gone from virtually zero to over 100%!

Year	Medicare Reimbursement amount per unit*	True cost per Medicare unit**	Spread $	Spread %	Medicare expenditures
1995	$3.11 ($0.62/ml)	$3.11	0.00	0	$14,416,108
1996	3.75 (0.75/ml)	3.26	0.49	15	47,388,622
1997	3.50 ($0.70/ml)	2.15	1.35	63	96,204,639
1998	3.34	1.70	1.64	96	176,887,868
1999	3.34	1.60	1.74	108	253,400,424

* Medicare Units were converted from ml's to mg's for the years 1995, 1996 & 1997 (5 ml=1 milligram).

Would you please advise me if the FDA since 1995 has approved any other additional indications that might explain the dramatic increase in the utilization of Ipratropium Bromide. Is there any medical reason for these noted utilization increases?

It is essential that the Health Care Financing Administration and other government reimbursement authorities receive truthful

and accurate information from drug manufacturers regarding drugs for which the government reimburses. The evidence uncovered by the Congressional investigation to date reveals a conscious, concerted and successful effort by some drug makers to actively mislead the Health Care Financing Administration and others about the price of their drugs. As the federal agency possessing primary regulatory responsibility with respect to drug makers' representations about their products, I urge the Food and Drug Administration to take immediate action before the present fiscal and public health consequences reach a catastrophic level.

Sincerely,

PETE STARK,
Member of Congress.

WRONG ON KAZAKHSTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. BURTON of Indiana. Mr. Speaker, I would like to draw the attention of my colleagues to a very disturbing Op Ed article by Professor Amos Perlmutter ("More words than deeds on Kazakhstan?" in the Washington Times of October 4, 2000), detailing how the Clinton-Gore Administration has dropped the ball in promoting democracy and respect for human rights in Kazakhstan.

Time after time, Kazakhstan's ruthless and corrupt President, Nursultan Nazarbayev, has made promises to Vice President Gore and others in the Administration and has then failed to deliver on those promises. And so as Professor Perlmutter puts it, the Nazarbayev regime continues its campaign of "relentlessly destroying the opposition, closing the free press and involving itself in corrupt schemes."

It should have been possible for the United States, which has had the support of the Organization for Security and Cooperation in Europe as well as numerous non-governmental human rights organizations, to insist that Nazarbayev fulfill the promises he made on human rights and free elections as a price for legitimacy in American eyes. Sadly, however, it seems clear that Clinton-Gore Administration has pulled its punches, because it wants oil rich Kazakhstan's support for an oil pipeline that does not go through Russia. What is particularly troublesome in this regard is that the United States should not be turning a blind eye to repression and corruption in order to persuade Kazakhstan to do something that is in its interest in any event.

Mr. Speaker, I would like to submit Professor Perlmutter's article for the RECORD.

MORE WORDS THAN DEEDS ON KAZAKHSTAN?

(By Amos Perlmutter)

The Clinton-Gore administration relationship with Nursultan Nazarbayev's corrupt dictatorship in Kazakhstan is, once again, making news. Not without reason.

The case is that the administration failed to defend political freedom and free enterprise in Kazakhstan. They talked the talk without walking the walk when it come to challenging the Nazarbayev dictatorship.

Promises from Mr. Nazarbayev went unfulfilled. The administration failed to support the claims of human rights organizations, non-government organizations (NGOs), and the OSCE that the Nazarbayev government is not only failing to undergo democratic changes as a price for support from the United States, but also is relentlessly destroying the opposition, closing the free press and involving itself in corrupt schemes.

The effort to support this regime was conceived in conformity with the American national interest. After all, there are three reasons for U.S. strategic interest in Kazakhstan: oil, nukes and independence. Kazakhstan has been one of the Soviet Union's major oil reserves, and continues to be a most significant oil reserve and also a Caspian littoral state. Josef Stalin made Kazakhstan a Soviet nuclear arsenal.

Independence was the goal of both the Bush and Clinton administrations, to strengthen Central Asia non-Russian Muslim states, and to move them in the direction of democracy and free enterprise. There was a tacit strategic purpose in separating Kazakhstan from Russia's historical imperial linkages (an exercise in futility). Kazakhstan is the most Russified Central Asian state, with close to 30 percent of its population Russians who serve as the main scientific industrial and business elite.

However, the Clinton administration sank into the pool of oil that inadvertently led to the most serious corruption of the Nazarbayev dictatorship by failing to resist the dictatorship. One of the administration's major foreign policy goals was humanitarian intervention to help bring an end to former communist dictatorships in the former Soviet Union and the Balkans.

In fact, the administration conducted a "humanitarian war" in Kosovo. The idea of a humanitarian and exemplary intervention, i.e. support of opposition groups in Kazakhstan, free press, and democracy was sacrificed, unfortunately, to the pool of oil.

The administration was not directly involved in support of the dictatorship. But it failed to vigorously resist the Nazarbayev violation of human rights, dissolution of the Kazakh parliament on two occasions, and above all the closing the only two opposition papers and the rigging of the 1999 elections.

In defense of the administration you could say diplomatic gobbledygook and securing unfulfilled promises form Mr. Nazarbayev was unfortunately subordinated to oil and nuclear strategic policies. The embassy in Kazakhstan continuously reported to the U.S. State Department on Mr. Nazarbayev's violations of human rights.

In fact, the OSCE, human rights groups, non-government organizations (NGOs), and other groups have warned the administration and continuously protested Mr. Nazarbayev's dictatorship and suppression of freedom in Kazakhstan. Leon Fuerth, Vice President Al Gore's national security adviser, and his assistant, Richard Brody, met on Sept. 15, 1999, at the Old Executive Office Building to discuss Nazarbayev to the United States. Attending were several people from the State Department, regional and human rights bureaus, as well as the Human Rights Foundation, and the Kazakhstan 21st Century Foundation.

Mr. Fuerth was on the defensive throughout the meeting, as the various representatives pressed hard the argument that the meeting was a mistake at that time, since Mr. Nazarbayev would interpret it as an endorsement of his behavior. According to one of the participants, Mr. Fuerth was unpersuasive and ineffective in defending the purpose for the visit of Mr. Nazarbayev to United States.

The issue at stake was Kazakhstan's MiG sales to North Korea and the failure of democracy. When Mr. Nazarbayev promised Mr. Gore the next election "would be better," the OSCE report on the 1999 elections in Kazakhstan were still pending. Mr. Fuerth said at the meeting, "We will adopt its [OSCE's] finding as leverage on Nazarbayev." Mr. Fuerth continued, "Our government has been saying repeatedly, and the vice president personally, pay attention to what the monitors are saying about your, i.e., Nazarbayev's, elections." Mr. Fuerth said Mr. Nazarbayev is "not your poster boy" for democracy and freedom. Mr. Fuerth said, "Gore sees his personal relationship as essential to prodding Nazarbayev toward democracy."

America's goals include, says Mr. Fuerth, "carrying Kazakhstan to a modern self-sustaining state at every level of societal concern. . . . We are into their affairs at an fantastic level of detail, and that is only possible with the political support of Nazarbayev and this [Gore-Nazarbayev] commission and the commitment of the United States to a face-to-face meeting with the vice president."

Mr. Fuerth continued to say the United States must persuade them to "more and more perfect democracy," and he is "perfectly aware of the imperfections." According to Mr. Fuerth, Mr. Gore's message is "Democracy is on the agenda. Democracy is not our idiosyncrasy." He describes Mr. Gore's agenda as follows: "Democracy and elections are essential parts of the relationship Nazarbayev wants with the U.S. Gore will explain why a valid election is indispensable if he [Mr. Nazarbayev] wants the relationship he seeks."

After meeting with the president, Mr. Nazarbayev went back home and continued in his oil-mired practices, human-rights violations and the creation of his position as president for life.

Since Mr. Gore was given the portfolio on Russia and the independent states of the former Soviet Union, the essential difference between what the Cox Report finds in the case of Russia and the administration policy toward Kazakhstan is that in the case of Russia it was mired with good intentions for reform that turned sour because of support for Boris Yeltsin's corrupt, undemocratic government. You cannot tell Russia, a major power, what to do, while the situation in Kazakhstan was totally different.

Not only was the United States in the position to help implement the recommendations for democracy and freedom in Kazakhstan, it coddled the dictator and made no impact whatsoever or follow up on the promises made my Mr. Nazarbayev to Mr. Gore to advance the democracy in Kazakhstan.

In the case of Kazakhstan, the United States was in a stronger position than in Russia, with the support of OSCE, multiple human rights organizations and NGOs, to impose upon the dictatorship to implement their promises made on human rights and free elections as a price for legitimacy in American eyes.

They did not do it. The administration tacitly accepted Mr. Nazarbayev's defense that there is an emergent democracy in Kazakhstan and it is a question of "time."

It seems the Clinton-Gore administration did not try very hard to institutionalize and implement their commitments to democracy, free elections, and an open press in the case of Kazakhstan.

INTRODUCTION OF THE EMPLOYEE HEALTH BENEFITS DISCLOSURE ACT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. ARMEY. Mr. Speaker, I am proud to introduce the Employee Health Benefits Disclosure Act of 2000, a small but important stepping-stone to the consumer-driven health-care marketplace of tomorrow.

This bill addresses an important problem. Today, most workers don't know how much money their workplace health coverage costs. They have no idea. Their employers usually only inform them about the ''employee share'' of the cost. The employer's share is left invisible.

Also left invisible is the generous taxpayer subsidy given to workplace health benefits under section 106 of the tax code.

Under that section, workers pay no income, payroll, or unemployment taxes on those benefits. Yet employees are almost always unaware of the fact. This is wrong. People have a right to know about the tax benefits they're receiving. They have a right to know how much their labor is really worth.

This bill gives workers that important information. It helps them become more informed employees and better health-care consumers.

How does it do this? It requires employers, who have more than 100 employees, and who provide health benefits, to communicate to their employees at least once a year the amount of the employer's share of the contribution.

This notice must be accompanied with the following sentence: ''This contribution is part of your total compensation and reduces your cash wages and other compensation by a like amount.'' The requirement takes effect January 1, 2005.

I've tried to make the requirement as convenient as possible for employers. They may compute an average, rather than a specific amount per employee. And they may use the most convenient method of communication. They may use a letter, the weekly pay stub, the summary plan description, a slip inserted with the W–2 tax form, or any other reasonable means.

The important thing is not how the information is provided—but that it be provided, and in a clear and understandable form. I confess I'm not happy about imposing a new government mandate on employers. That goes against my grain. It rubs me the wrong way. But in this limited and unique case, I think the benefits far outweigh the costs.

It is good public policy for workers to know how much their labor is worth, and how their compensation is structured. Workers have a right to know this currently invisible information which bears so directly on their well-being and happiness. Employers have a duty to provide it.

Legislation is needed to make sure employers provide it in a clear, consistent, and understandable manner. Hence this bill.

I look forward to a day when health care in America is a true marketplace in which consumers are king, where prices are constantly going down and quality is constantly going up, and where everyone gets the health care he needs when he needs it.

Only consumers can bring such a market into being—only consumers armed with full information.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

SPEECH OF

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, having experienced, first hand, a needless pipeline tragedy in Edison, NJ, pipeline safety is of particular concern to me and the other members of our delegation. While I applaud the Senate's efforts to pass comprehensive pipeline safety legislation this year, I remain concerned that their final product would have limited local participation in critical pipeline safety decisions. I have also been contacted by many local officials, representatives from citizens safety groups and environmental advocates who feel that S. 2438 does not adequately address their concerns. Although the legislative process rarely allows for a ''perfect'' piece of legislation which addresses every concern, the process by which this bill was brought to the House Floor did not allow for any improvement upon the base text. Therefore, I would have voted against this bill and remain hopeful that we will be able to reach some bi-partisan compromise before Congress adjourns.

TRIBUTE TO EUGENE STANDIFER, JR.

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to an outstanding individual from the State of Missouri. This year Eugene Standifer, Jr. will be joined by his friends and family to celebrate his 75th birthday.

In 1944, Gene Standifer began his career in public service as a member of the United States Army during World War II. He was honorably discharged in 1951. After returning home, he took a job with the U.S. Postal Service as a railway mail clerk sorting mail on a railway mail car traveling between Kansas City, Missouri and Denver, Colorado. While employed as a postal worker, Gene Standifer attended Rockhurst College where he graduated with a Bachelor of Science in Business Administration in Accounting and Economics in 1957. Gene Standifer advanced his career in 1965 with the General Services Administration as a Supervisory Accountant. In 1970 he joined the Department of Housing and Urban Development as an Equal Employment Opportunity Compliance Specialist who investigated and enforced fair housing laws and regulations. From 1972 until 1978, Gene Standifer worked for the Environmental Protection Agency as a Regional Equal Opportunity Officer that supervised the Kansas City regional offices. And until his retirement in 1986, Gene Standifer worked for the U.S. Department of Labor as the Area Director of the Office of Federal Contract Compliance Programs.

Throughout his career Gene Standifer has been a great friend to his neighbors in the Kansas City community. He has served as Chairman of the Board for the East Area Community Coalition, President of the Central Citizens Crusade Against Crime, Board Member for the Ad Hoc Group Against Crime and the Urban League of Kansas City, and he is a lifetime member of the NAACP.

Gene Standifer was appointed to Commissioner of the Kansas City, Missouri Election Board by Governor Mel Carnahan in 1993. The Kansas City Election Board governance is an essential component to every election that takes place in our city. The Election Board ensures that the election process is fair and accessible to all citizens by providing the opportunity to register to vote, receive absentee ballots, have access to polling stations, and be informed of accurate election results. As Commissioner of the Kansas City Election Board, Gene Standifer has served in a dedicated, professional capacity that has earned him the respect and friendship of his peers and the members of the Kansas City Area political community. He has demonstrated outstanding results through his commitment to promote the democratic process. Gene Standifer's service has been an asset for our community.

As a champion of fairness and equity throughout his professional career, Gene embodies the essence of inclusiveness. He has met the challenges of his life with fortitude and commitment to doing the right thing. His engulfing smile always permeates an occasion.

Mr. Speaker, please join me and the Standifer family in wishing Eugene Standifer a very Happy 75th Birthday.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE BRUCE VENTO, MEMBER OF CONGRESS FROM THE STATE OF MINNESOTA

SPEECH OF

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 10, 2000

Mr. TRAFICANT. Madam Speaker, it is with great sadness that I rise to pay tribute to our colleague, Bruce Vento, who passed away this week. Bruce Vento was a hard working and extremely effective Member of this body. During his long tenure in Congress, Bruce Vento emerged as a true leader on environmental issues. One of the many legacies he left America was the protection and expansion of the national park system and urban parks.

Bruce Vento represented the very best Congress had to offer. Not only was he an effective advocate on issues vitally important to our nation, he was a vigorous advocate for his district and his native state of Minnesota.

He will be missed.

My thoughts and prayers go out to his family. God bless Bruce Vento.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. SHOWS. Mr. Speaker, I was away from the House on official business on Friday, October 6, 2000, and was unable to cast a recorded vote on rollcall 515.

On rollcall 515 I would have voted ''yes'' on H. Res. 612, Waiving Points of Order Against the Conference Report on H.R. 4475, Transportation and Related Agencies Appropriations for FY 2001.

ISRAELI-PALESTINIAN CONFIRMATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 2000

Mr. LEWIS of Georgia. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the attached statement by the American Jewish Committee, which appeared in The New York Times on October 10, 2000.

ASSUMING RESPONSIBILITY FOR PEACE

After the dead have been buried, the sirens silenced, and the rubble swept from streets where rioters rampaged, what lessons will have been learned from these recent days of bloody confrontation between Palestinians and Israelis?

Two are essential: When mobs are incited to violence by Palestinian media and political and religious leaders, chaos ensues. And when Israeli-Palestinian security cooperation breaks down because Palestinian police and militiamen join in the mayhem and turn their guns on Israelis, the level of conflict crosses a terrible threshold, and the toll of suffering soars.

We grieve for the victims of the senseless violence that has erupted in Israel, the West Bank and Gaza. We pray for the safe return of the Israeli soldiers kidnapped by Hezbollah marauders who stole across the international border from Lebanon.

We reel from the desecration and of destruction of Joseph's Tomb, a holy place, on the Sabbath, by a Palestinian mob and the murder of a pious Jew trying to save sacred Torah scrolls.

We yearn for the peace that will end for both peoples this cycle of needless pain.

With Israel and the Palestinian tantalizingly close to agreement in talks aimed at resolving their bitter conflict, these days of violence fomented by the Palestinians needn't have happened.

Innocent blood needn't have been spilled.

It wouldn't have—if Palestinian political and religious leaders had not deliberately overblown a visit by an Israel politician to Jersusalem's Temple Mount, Judaism's holiest site, and launched a furious campaign of attacks on Israeli civilians and soldiers.

It wouldn't have—if a sermon during Friday prayers at Al-Aqsa mosque hadn't called on the Muslim faithful to ''eradicate the Jews from Palestine'' provoking assaults on Jewish worshippers at the Western Wall and eliciting a defensive response by Israel.

It wouldn't have—if the Palestinian Authority hadn't emptied its schools, where Israelis' status as the enemy is continually taught, so that children could be bused directly to confrontations with Israeli forces and into harm's way.

It wouldn't have—if Palestinian leader Yasir Arafat's Fatah lieutenants in Gaza and the West Bank hadn't ordered waves of armed strikes by paramilitary forces against Israeli targets.

It wouldn't have—if Palestinian Authority radio and television hadn't bombarded the airwaves day after day with calls to rise up against Israel.

Finally, the conflict that engulfed Israelis and Palestinians wouldn't have happened if Chairman Arafat had assumed that responsibility of leadership and acted to calm rather than inflame his people.

In the end, there can be no other path for Israel and Palestinians than the path of negotiated peace, based on compromise and the need to bring their conflict to an end.

Acceptable alternatives simply do not exist. For the Palestinians and for Arab leadership across the Middle East, there is no choice but to grasp the long-outstretched hand of Israel, and assuming responsibility for peace.