

There was no objection.

DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION, AND RELATED
AGENCIES APPROPRIATIONS
ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 518 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4577.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, June 12, 2000, Amendment No. 24 by the gentleman from Wisconsin (Mr. OBEY) had been withdrawn and the bill was open for amendment from page 37, line 13, through page 38, line 5.

Pursuant to the order of the House of that day, no further amendments shall be in order except pro forma amendments offered by the chairman and ranking member or their designees; the amendment printed in part B of House Report 106-657; the remaining amendments listed in the order of the House of Thursday, June 8, 2000, as modified; and the following further amendments, which may be offered by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question;

an amendment by the gentleman from Florida (Mr. YOUNG) regarding an across-the-board reduction;

an amendment by the gentleman from Michigan (Mr. HOEKSTRA) regarding reductions in education for the disadvantaged, Impact Aid, school improvement programs, and bilingual and immigrant education and increase in special education;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in education research, statistics, and improvement and increase in special education;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in Even Start and increase in special education for grants to States;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in Job Corps training and increase in special education for grants to States;

an amendment by the gentleman from Colorado (Mr. SCHAFFER) regarding reduction in the United States Institute of Peace and increase in special education for grants to States;

an amendment by the gentleman from Oklahoma (Mr. COBURN) regarding fetal tissue research;

an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding a report on the impact of PNTR on United States jobs;

an amendment by the gentleman from Vermont (Mr. SANDERS) regarding NIH;

an amendment by the gentleman from Ohio (Mr. HALL) regarding additional funding for Meals on Wheels; and the amendments printed in the CONGRESSIONAL RECORD numbered 1, 2, 3, 4, 5, 7, 182, 183, 184, 185, 186, 189, 190, 191, 192, 196, 198 and 201.

The Clerk will read.

The Clerk read, as follows:

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2001 shall be \$1,700,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS
(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322 and section 126 and titles IV and V of Public Law 100-485, \$7,231,253,000, of which \$43,000,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679); of which \$595,376,000 shall be for making payments under the Community Services Block Grant Act; and of which \$5,667,000,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: *Provided*, That to the ex-

tent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carry-over into the next fiscal year for expenditure by such entity consistent with program purposes.

Funds appropriated for fiscal year 2001 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by \$6,000,000.

Funds appropriated for fiscal year 2001 under section 413(h)(1) of the Social Security Act shall be reduced by \$15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, \$305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$4,863,100,000;

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2002, \$1,735,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$925,805,000: *Provided*, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further*, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$206,780,000, together with \$5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$31,394,000: *Provided*, That, for the current fiscal year, not more than \$120,000,000 may be made available under section 1817(k)(3)(A) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)) from the Health Care Fraud and Abuse Control Account of the Federal Hospital Insurance Trust Fund for purposes of the activities of the Office of Inspector General with respect to the Medicare and Medicaid programs.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$18,774,000, together with not to

exceed \$3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, \$16,738,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, \$236,600,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, \$182,000,000, of which \$30,000,000 shall be for the Health Alert Network; and Office of Emergency Preparedness, \$54,600,000. In addition, \$114,040,000 shall be available to the Centers for Disease Control and Prevention for the following activities: \$61,000,000 for international HIV/AIDS programs; \$25,000,000 for global polio eradication activities; \$18,040,000 for continued study of the anthrax vaccine; and \$10,000,000 for activities related to the West Nile-like virus. In addition, \$100,000,000 shall be available to support the Ricky Ray Hemophilia Relief Fund Act of 1988: *Provided further*, That, notwithstanding any other provision of law, up to \$8,000,000 of the amount provided for the Ricky Ray Hemophilia Relief Fund Act may be available for administrative expenses of the Health Resources and Services Administration. In addition, \$50,000,000 shall be available to the Office of the Secretary for minority AIDS prevention and treatment activities: *Provided further*, That the entire amount under this heading is hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount under this heading shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no funds shall be obligated until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

POINT OF ORDER

Mr. COBURN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COBURN. Mr. Chairman, on page 44, beginning on line 4 with the word "provided" and continuing through the colon on line 14, constitutes legislating on an appropriation and is, therefore, a violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. PORTER. Mr. Chairman, this is the money for bioterrorism; and it has historically for the last 3 years been designated an emergency. We have designated it as an emergency in this bill. But the point of order of the gentleman is correct, and we would have to concede it.

Mr. OBEY. Mr. Chairman, I would also like to be heard on the point of order.

Mr. Chairman, if I understand it correctly, the point of order of the gentleman is being lodged to the proviso that begins on line 4, page 44; is that correct?

The CHAIRMAN. Two provisos.

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Mr. OBEY. All right, Mr. Chairman, both provisos down through line 14?

The CHAIRMAN. That is correct.

Mr. OBEY. Mr. Chairman, as I understand it, if that proviso is stricken, then the CBO is estimating that this bill will be \$479 billion above the budget cap in budget authority and \$1.7 billion in outlays.

I want to make sure I understand what these numbers are. I understand that the committee itself is estimating that if the supplemental passes that, then this bill would be in excess of the budget cap by \$500 million in budget authority and \$217 million in outlays.

Since the argument is being made that Democratic amendments are breaching the ceilings, I think it is interesting to note that if this point of order lies, that the committee bill itself will be in excess of the amount in the budget resolution.

I would ask either the gentleman from Illinois (Mr. PORTER) or the gentleman from Oklahoma (Mr. COBURN), do these numbers correspond with your understanding of the situation?

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Wisconsin may not yield. The Chair hears argument from each member in his own time.

Mr. OBEY. Mr. Chairman, I got my answer, so I appreciate it. And we concede the point of order.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Oklahoma (Mr. COBURN) makes a point of order that the provision beginning with "provided" on page 44, line 4, through "as amended" on line 14 changes existing law in violation of clause 2(b) of rule XXI.

The provision designates an amount as emergency spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985. As stated on page 796 of the House Rules and

Manual, such a designation is fundamentally legislative in character.

Accordingly, the point of order is sustained and the provision is stricken. The Clerk will read.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer: *Provided further*, That this section shall not apply to funds appropriated under the heading "Centers for Disease Control and Prevention—Disease Control, Research, and Training", funds made available to the Centers for Disease Control and Prevention under the heading "Public Health and Social Services Emergency Fund", or any other funds made available in this Act to the Centers for Disease Control and Prevention.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made

available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. SUBSTANCE ABUSE.—With respect to fiscal year 2001, the amount of an allotment of a State under section 1921 of the Public Health Services Act shall not be less than the amount the State received under such section for fiscal year 2000 increased by 33.33 percent of the percentage by which the amount allotted to the States for fiscal year 2001 exceeds the amount allotted to the States for fiscal year 2000.

SEC. 212. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title II of the bill through page 48, line 25, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 213. None of the funds in this Act or any other Act may be used to obligate funds for the National Institutes of Health in excess of the total amount identified for this purpose for fiscal year 2001 in the President's budget request (H. Doc 106-162): *Provided*, That none of the funds made available for each Institute, Center, Office, or Buildings and Facilities shall be reduced below the amounts shown in the budget request column of the table printed in the report accompanying the bill making appropriations for the Departments of Labor, Health and Human Services, Education, and Related Agencies for fiscal year 2001.

AMENDMENT NO. 13 OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer Amendment No. 13.

The CHAIRMAN. Is the gentlewoman from California a designee of the gentleman from Wisconsin (Mr. OBEY)?

Ms. PELOSI. Yes, I am, Mr. Chairman.

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. PELOSI:

Page 49, strike line 1 through 12 (section 213).

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 8, 2000, the gentlewoman from California (Ms. PELOSI) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am introducing this amendment to add \$1.7 billion to the NIH budget. That would bring us to an increase of \$2.7 billion in this bill, which will keep us on track for doubling NIH budget in 5 years.

The distinguished chairman of our committee, the gentleman from Illinois (Mr. PORTER), has long been a champion and advocate for the National Institutes of Health. It is a sad thing then to see in this bill that we cannot stay on track.

Why can we not? We cannot stay on track because of the bad budget numbers that have reduced a bad result in this bill, as I said, when we talked about this during general debate, when they asked the question why do so many excellent mathematicians come out of MIT, because so many good mathematicians go into MIT.

Why, conversely, do so many bad results come out of this appropriations process? Because a bad budget bill went into this appropriations process, because that budget agreement, that budget bill insists on a huge tax cut for the wealthiest Americans.

If the majority were willing to cut that tax break for the wealthiest 1 percent in our country by 20 percent, we would have more than enough money to cover all of the amendments that we are talking about in the course of this debate on this legislation; whether it deals with afternoon childcare or worker training or increasing the funding at the National Institutes of Health; whether we are talking about having more funds available to stop substance abuse in our country.

The list goes on and on, but who benefits instead? The wealthiest 1 percent in our country. Indeed, that same wealthiest 1 percent would benefit from increased investments at the National Institutes of Health. Members all know

that the National Institutes of Health almost has a biblical power to cure every person in America, rich or poor, who is one episode, one diagnosis, one accident away from needing access to excellent health care. The research at the National Institutes of Health can find cures.

We have far more scientific opportunity and applications for excellent grants than we are able to meet with appropriate funding. Mr. Chairman, again, the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) have both been long-time champions of increased funding at NIH, but that cannot happen in this bill, sad to say.

In fact, in the bill before us it says that we have a \$2.7 billion increase, recognizing the need that my amendment spells out; yet a provision in the back of the bill limits the amount appropriated each of the accounts to the level requested by the President.

I will have more to say on this, Mr. Chairman, after we hear from some of our other colleagues.

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

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SESSIONS) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. McDevett, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

The CHAIRMAN. Does the gentleman from Illinois (Mr. PORTER) rise in opposition?

Mr. PORTER. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes.

Mr. PORTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said to the gentlewoman from California (Ms. PELOSI) in full committee markup of this bill, this amendment, of course, tests my resolve more than any other of your theme amendments.

I consider the funding for NIH to be of the highest priority I would very much have liked to put into this bill the full 15 percent increase that I believe is necessary and proper. Such funding is among the best spent money in government to continue on our path of doubling NIH over a 5-year period.