trade determination that is adverse to their interests. Already, WTO decisions are gutting American producers and workers are placed at risk from unfair trading practices.

The United States must be vigilant to seek openness, access, and transparency in international trade. We must also be able to prove our ability to ensure fairness when American producers and workers are placed at risk from unfair trading practices.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time for debate has expired. Pursuant to House Resolution 525, 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 had it.

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

The yeas and nays were ordered. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

DEPARTMENT OF VETERANS AFFAIRS, HOUSING, AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 525 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. 4635.

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. 4635) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, and offices for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The question was taken; and the yeas and nays were ordered.

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 noes had it.

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

The yeas and nays were ordered. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

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 nays had it.

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

The yeas and nays were ordered. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.
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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; subscriptions to periodicals; memberships in societies and 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, $1,900,000,000, 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 II, section 2, clause 2, of the United Nations Framework Convention on Climate Change; Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on June 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 none of the funds made available in this Act may be used to implement or administer the interim guidance issued on June 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 none of the funds made available in this Act may be used to implement or administer the interim guidance issued on June 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.

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

Mr. Chairman, I rise today to offer an amendment to increase the funding by $33.9 million under the Environmental Protection Agency's Environmental Programs and Management Account to fund the National Estuary Program.

Mr. Chairman, the National Estuary Program has been a tremendous success, but is drastically underfunded. This year's appropriation provides approximately $15 million for this purpose, and it is inadequate to fund the National Estuary Program for the 28 estuaries that are included in the program.

If anyone is from almost any coastal State where there is a high density population in a coastal area you will find that your estuaries are under stress. And the National Estuary Program, which came into being a number of years ago, was set up to provide for a partnership arrangement between the Federal Government and Federal dollars and State and local people who know well the problems involving their estuaries and who know well how to study and fashion solutions for various types of estuarine problems.

I first became aware of this program with the trip to Narragansett Bay, which was part of the National Estuary Program, a number of years ago. Then Representative Claudine Schneider introduced me to the problems of Narragansett Bay; and now, 10 years later, because of the National Estuary Program, Narragansett Bay is well on its way to recovery. I wish I could say the same was true for all of the estuaries that are included in the National Estuary Program, but such is simply not the case.

We need to move forward with this program, and we need to fashion a financial program that will adequately take care of these needs. Congress recognized the importance of preserving and enhancing coastal environments. With the establishment of this program as section 320 of the Clean Water Act, and the Clean Water Act amendments of 1987, this program was passed by the House on May 8, 2000, to reauthorize it. We also authorized an appropriation of $50 million for fiscal year 2001 for the purpose of facilitating the State and local governments preparation of the Comprehensive Conservation Management Plan, CCMPs, for threatened and impaired estuaries.

This is a simple, straightforward program that addresses a variety of unique needs of these stressed bodies of water. I rise to urge an aye vote on this amendment, as I think it is extremely important to coastal areas, coastal States, and the inhabitants thereof.

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

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

Mr. Chairman, I am reluctantly opposed to the Saxton amendment. The gentleman has shown through proven leadership throughout his years in the Congress a dedication to, certainly the New Jersey shoreline and the estuaries all over the country, which as we know are the most productive areas of our waters in terms of wildlife and fish life.

While I am sympathetic to the amendment of the gentleman from New Jersey (Mr. SAXTON), I would have to say that the estuary program is fully funded at the President's request level. In fact, we have taken great pains to fully fund this program every year. For fiscal year 2001, the program would receive almost $17 million, a slight decrease from last year's level of $18 million, an increase over the 1999 level of $16.5 million.

In addition to this general estuary program, we also fund through EPA's specific estuary-related programs for wetlands, including South Florida Everglades, Chesapeake Bay, Great Lakes, Long Island Sound, Pacific Northwest, and Lake Champlain. Together these programs total over $63 million for each of year 2000 and 2001.

The Saxton amendment would nearly triple what we now have provided for this program. In addition, the Saxton amendment would take funds, important funds from NASA and we have already taken $55 million out of NASA in the production of this bill through the amendments.

This cut would further reduce their ability to adequately operate programs, so I would urge a no vote on the Saxton amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SAXTON).

The amendment was rejected.

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:

On page 59, line 19, after the word “Protocol”, insert: Provided further, That any limitation imposed under this Act on funds made available by this Act for the Environmental Protection Agency shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House, of Tuesday, June 20, 2000, the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, will the amendment be read?

The CHAIRMAN. The amendment is considered as read. Without objection, the Clerk can read the amendment.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, my amendment is short and clear. It simply affirms the agreement which has been in effect the last 2 fiscal years. Congressionally directed actions by the House, the Senate, and the executive branch in passing the fiscal 1999 VA-HUD bill.

Mr. Chairman, the final fiscal VA-HUD conference committee bill contained a limitation language which is used again in this year’s bill. The accompanying conference report language was only approved after extensive negotiation.

But the conference specifically agreed, and I quote in part: “The conference recognizes that there are longstanding energy research programs which could have positive effects on energy use and the environment. The conference does not intend to preclude these programs from proceeding, provided that they have been funded and approved by Congress.”

For fiscal 2001 again we have the same bill language as fiscal 1999 and fiscal 2000, but the report language this year has been greatly changed and goes far beyond the carefully negotiated fiscal 1999 conference agreement.

Without my amendment, this report language can be construed to limit even longstanding authorized and funded programs, our renewable energy research and development programs to promote clean power, our program to develop new homes that are 50 percent more energy efficient and save families dollars, our program to reduce methane emissions because methane is one of the most powerful greenhouse gases, and even the Clean Air Act which became law with the initiative and strong support of President Nixon a generation ago.

All are geared towards reducing greenhouse gases and have been approved and funded by this Congress, but could be jeopardized.

Mr. Chairman, the language of my amendment allows the EPA to operate as it has over the last 2 years under the fiscal 1999 VA-HUD conference agreement and the accompanying negotiated report language. Mr. Chairman, I urge adoption of the amendment.

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

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

Mr. Chairman, I think that this amendment is different than the amendment that we had previously. Now, the amendment that was given to me previously provided a little bit different picture than what I think this amendment does. We like the idea that we are now dealing with activities which have been the thing that we have talked about for a long time.

If I am not mistaken, and I would like some clarification from the gentleman from Massachusetts (Mr. OLVER), the language that we were prepared to accept was a slightly different variation from what the gentleman has included here.

I will read the language, not that the gentleman needs to know; but this body needs to know exactly what was inserted in your previous language, and it said “provided further that any limitation imposed under this act on funds made available by this act for the Environmental Protection Agency shall not apply to activities related to the Kyoto Protocol which are otherwise authorized by law.”

I ask the gentleman to help me, if he will, but my understanding is that now the gentleman has changed this to saying in the third line “shall not apply to activities specified in the previous proviso related to the Kyoto Protocol.”

I ask the gentleman what exactly has the gentleman changed here from the previous wording?

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

Mr. KNOLLENBERG. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we were apprised last night that the gentleman has read it, in fact, left a question of interpretation as to what the words “activities related to the Kyoto Protocol” would mean. And the Clerks advised me and others who were interested in this that there would be no ambiguity if the word related was tied to the very provisions that are in the previous proviso, which is, of course, the provided further proviso which gives the bill language as it has stood, and that, therefore, it would be limited very carefully to those items.

Mr. KNOLLENBERG. Mr. Chairman, the gentleman suggested that we were concerned about the wording in the previous amendment? Who was concerned? Because we showed no such concern.

Mr. OLVER. Mr. Chairman, if the gentleman will yield, further the clerks were concerned it was ambiguous, the language with the word “related,” and there would be some question to determine what was related to the proviso. In this instance, it is clearly tied to those items which are listed in the previous proviso, but are also authorized and funded by previous law.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, let me proceed with my comments, because I do want to resolve this in a fashion that is acceptable. My immediate view was, why was the language changed? No one presented that change to me. So let me proceed with my comments. I appreciate the gentleman’s explanation of why the change certainly was not one that came from our side.

Mr. Chairman, I do want to congratulate the gentleman from Massachusetts (Mr. OLVER), the gentleman from West Virginia (Mr. MOLLOHAN), and the other expressions of the original and enduring meaning of this amendment that has existed for years now, specifically that no funds be spent on unauthorized activities for the fatally flawed, in my judgment, unratified, Kyoto Protocol.

I am grateful for the acknowledgment of the administration’s plan for clarification. The whole Nation I think needs to hear the plea of this administration in the words of the coordinator of all environmental policy for this administration, George Frampton. In his position as acting chairman of the Council on Environmental Quality, on March 1 of this year and on behalf of the administration, he stated this before the Committee on Appropriations subcommittee: “Just to finish our dialogue here, my point was this: Is it the very uncertainty about the scope of the language which gives rise to our wanting not to have the continuation of this uncertainty next year.”

Mr. Chairman, I also agree with the gentleman from WY (Mr. OLVER) when he stated to the administration, “You’re nuts,” upon learning of the fatally flawed Kyoto Protocol that Vice President GOÈHR negotiated.

Mr. Chairman, I thank the gentleman for his focus on the activities. I think that is important, of this administration, both authorized and unauthorized.

As I read this amendment, it appears to be now fully consistent with the provision that has been signed by President Clinton in current appropriations laws. First, no agency, including EPA, can proceed with activities that are not authorized or not funded; second, no new authority is granted to EPA; third, since neither the United Nations Framework Convention on Change nor the Kyoto Protocol are self-executing, and I repeat that, they are not self-executing, specific implementing legislation is required for any regulation, program or initiative; fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, I have had numerous communications with key agencies about the propriety of their activities. In most cases there has been a reasoned response that indicates there is recognition that some activities can cross the line and be implementation of the Kyoto Protocol.

Apparently, President Clinton agrees with us, since he has been clear in his statements that he has no intention of implementing the Kyoto Protocol before it is ratified by the U.S. Senate. I think we have to convince the taxpayers that they will not pay the bill for activities that are not legal.

In my view, this amendment, after looking at it a second time, the second
amendment prepared by the presenter, is consistent with the position that we have been taking since 1998; since we know the EPA has been challenged by the courts on their abuse of the Clean Air Act, Safe Drinking Water Act, and an effort to use internal guidance in contravention of legal requirements. Because of the recent activities of the EPA, I think it is important that we have the opportunity to thoroughly and carefully review this bill language and consider the content of report language that will be necessary to explain it.

Mr. Chairman, I want to again say to the gentleman from West Virginia (Mr. Mollohan) and the gentleman from Massachusetts (Mr. Olver), I do think you are focusing on the kernel here that we have to focus on; and in that regard, I do want to offer some time to my colleagues to comment as well, and I am confident it does as well.

CONGRESS OF THE UNITED STATES,

Hon. C.W. Bill Young,
Chairman, Subcommittee on Appropriations.

DEAR MR. CHAIRMAN: We write to express our strong support for the inclusion of the Knollenberg provision in the Foreign Operations and Commerce, State and Justice Appropriations bills for Fiscal Year 2001. This same provision has also been adopted in report language contained in the Subcommittees of the Commerce, Justice, and State Subcommittee of the House Appropriations Committee. As you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but decided not to submit this treaty to the United States Senate for ratification. The Protocol places severe restrictions on the United States while exempting most countries, including China, India, and Brazil, from taking any measures to reduce carbon emissions. The Administration under took this step despite the fact that we offered the United States Senate for ratification of the Kyoto Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101-952, Oct. 26, 1990).

However, I should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes the provisions discussed above/referenced section 821, that were enacted as free standing provisions separate from the CAA. Although the Public Law often refers to the Clean Air Act Amendments of 1990, the Public Law does not specify that reference as the “short title” of all of the provisions included in the Public Law.

One of the significant provisions, section 821, entitled “Information Gathering on Greenhouse Gases Contributing to Global Climate Change” appears in the United States Code as a “note” (42 U.S.C. 7651k). It requires regulations by the EPA to “monitor carbon dioxide emissions” from “all aff ected sources subject to title V” of the CAA and states that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a “pollutant” for any purpose.

Finally, Title IX of the Conference Report entitled “Clean Air Research,” was pri marily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled “Clean Air and Control,” called for “non-regulatory strategies and technologies for air pollution prevention.” While it refers, as noted in the EPA memorandum, to the Senate and House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purpose.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Short thereof, the October 101-549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Federal Treaty on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, non-binding, and has not yet enjoined implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL.

CONGRESS OF THE UNITED STATES,

Hon. Gary S. Guzy,
General Counsel, Environmental Protection Agency.

DEAR Mr. Guzy: Thank you for your February 16, 2000 letter responding to our December 1999 letter to the Environmental Protection Agency’s (EPA’s) legal authority with respect to carbon dioxide (CO2). After studying your answers to our questions, we are more than ever convinced that the Clean Air Act (CAA) does not authorize EPA to regulate CO2. Indeed, we find it amazing that EPA claims authority to regulate CO2 when the legislative history of the CAA—particularly in 1990—does not support such a claim and when Congress, since 1970, has consistently enacted only non-regulatory laws on climate change and greenhouse gases. Furthermore, some of your answers asserting that EPA has not yet considered certain basic legal issues are not credible.

To make clear why your February 16th letter has only reinforced our conviction that EPA may not lawfully regulate CO2, we review below each of your answers in the order of the questions posed.

Your first Q1 of our December 10th letter addresses an argument we pointedly and explicitly did not make and sidesteps the argument we did make. You write: “As we stated, based on our specific answers asserting that EPA has not yet considered certain basic legal issues are not credible.

To make clear why your February 16th letter has only reinforced our conviction that EPA may not lawfully regulate CO2, we review below each of your answers in the order of the questions posed.

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In addition, we are troubled by the apparent
majority's unsubstantiated assertions in its
statement that the Agency had not in 1990 limited the ap-
plicability of any of the CAA regulatory pro-
visions to CO₂. You seem to suggest that, if Congress did not explicitly forbid EPA from
regulating CO₂, EPA must be presumed to
have such power. That implication, we
think, contradicts the core premise of ad-
ministrative law, namely, that agencies have
no inherent regulatory power, only that
which Congress intentionally and specifi-
cally delegates.

We do not agree persuasive your response to Q2 of our December 10th letter. We asked, “If
Congress intended to delegate to EPA the
authority to regulate greenhouse gases, why
did it admonish EPA not to assume such au-
thority in the only CAA provisions (sections
103(g) and 602(e)) dealing with CO₂ and
global warming?” You answer that those sections
are nonregulatory, and that Congress “would
not intend the Agency to regulate sub-
stances under authorities provided for non-
regulatory activities.” You then conclude
that the qualification that the headings of those
sections “does not directly or indirectly limit
the regulatory authorities provided to the
Agency elsewhere in the Act.” We agree that
the administrative law, namely, that agencies have
no inherent regulatory power, only that
which Congress intentionally and specifi-
cally delegates.

While that statement is welcome assurance
against assuming an authority that does not
already exist, we are troubled by the appar-
tial admission that the HAPs framework
is unsuited to control substances that
deplete the ozone layer. You comment that
“Congress included on the section 112(b)(2)
list of HAPs several substances that deplete
the ozone layer (e.g., methyl bromide, car-
bon-tetrachloride [CCL₄], and hydrochloro-
trinchorofluorocarbons), this merely shows that some ozone-depleting
substances (i.e., those that are carcinogenic,
mutagenic, neurotoxic, etc.) independently
meet the criteria for listing under section
112.” This suggests that EPA’s authority with respect to depleting substances is derived from a
specific grant by Congress, not from a gener-
alized authority to regulate substances emi-
ting substances to be an “air pollutant.” This
interpretation at best, you reply that “EPA has
even stronger than that for ozone-
depleting substances, inasmuch as the CAA
section 112 even stronger than that for ozone-
depleting substances? You replied: “Since
section 112 says nothing precluding the list-
ing of greenhouse gases (or, for that matter,
any other pollutants not regulated under
Title VI) on environmental grounds alone,
EPA does not agree with the conclusion in
the last sentence of your question.” Here
again, you say, EPA’s affirmative authority to
do anything Congress has not expressly
forbidden it to do. We would sug-
that Congress did not need to exempt greenhouse gases from section 112 au-
thority, because Congress never gave EPA
authority to regulate greenhouse gases in the
first place.

We regard your brief response to Q5 to be a
tact admission that the HAPs framework
is unsuited to control substances that
deplete the ozone layer. You comment that
“Congress included on the section 112(b)(2)
list of HAPs several substances that deplete
the ozone layer (e.g., methyl bromide, car-
bon-tetrachloride [CCL₄], and hydrochloro-
trinchorofluorocarbons), this merely shows that some ozone-depleting
substances (i.e., those that are carcinogenic,
mutagenic, neurotoxic, etc.) independently
meet the criteria for listing under section
112.” This suggests that EPA’s authority with respect to depleting substances is derived from a
specific grant by Congress, not from a gener-
alized authority to regulate substances emi-

We regard your answer to Q6 as nonrespon-
sive. We pointed out that stratospheric ozone
depletion is, by definition, a phenomenon of
the stratosphere, not of the ambient air, and
that it differs fundamentally from ambient
air pollution in both its causes and remedies.
We therefore asked: “In light of the fore-
going considerations, do you believe the
NAAQS [National Ambient Air Quality
Standards] program has any rational appli-
cation to the issue of stratospheric ozone de-
pletion?” You responded: “Since Title VI
adequately addresses stratospheric ozone
depletion, EPA has not had any occasion or
need to undertake an evaluation of the use of
the NAAQS program to address this prob-
lem.” We believe that Congress’ enactment
of Title VI is further evidence that the CAA
is a carefully structured statute with spe-
cific (hence limited) objectives, not an unfid-
ferented, unlimited authority to regulate
any source of any substance that happens to
be harmful.

In Q7, we asked whether the NAAQS pro-
gram, because it targets local conditions of
the ambient air, is unsuited to address a
problem that affects the global atmosphere
such as the supposed enhancement of the
greenhouse effect by industrial emissions of CO₂.”
You replied: "EPA has not reached any conclusion in this regard because it has not yet determined whether the Administration has any national or international obligations. The point has no bearing on the scope of existing CAA authority to address pollution problems that may affect international relations. It is our understanding that several hundred thousand small and medium-sized businesses and farms individually emit airborne lead emissions because there are other sources of lead contamination, some of which are beyond EPA's jurisdiction. See Lead Industries Ass'n v. EPA, 647 F.2d 1130, 1136 (D.C. Cir. 1980)."

In Q11, noting that unilateral CO2 emissions reductions by the United States would have no measurable effect on global climate change, we asked whether the NAAQS program could be found to be "potentially applicable" to CO2. The most EPA can honestly say at this point is that it does not know whether section 108 could be found to be applicable to CO2. You replied: "EPA has not reached any conclusion in this regard because it has not yet determined whether the Administration has any national or international obligations. The point has no bearing on the scope of existing CAA authority to address pollution problems that may affect international relations. It is our understanding that several hundred thousand small and medium-sized businesses and farms individually emit airborne lead emissions because there are other sources of lead contamination, some of which are beyond EPA's jurisdiction. See Lead Industries Ass'n v. EPA, 647 F.2d 1130, 1136 (D.C. Cir. 1980)."

We agree in part, and disagree in part. Your answer to Q8 states: "There is nothing in the text of section 302(h) and we have found nothing in the legislative history of section 302(h) to suggest that Congress intended that provision to address CO2 in the context of the issue of global warming." In Q8, you stated: "Section 302(h) of the CAA authorizes EPA to designate non-attainment areas where attainment cannot be achieved without international action. Also, as noted above, before examining the criteria for particulate matter, you referred to "particulate matter" as any stationary source or facility that emits, or has the potential to emit, an air pollutant that EPA regulates "pursuant to other provisions of the CAA (e.g., if it were a criteria pollutant under section 108)."

As you noted, section 302(h) defines "major emitting facility" as any "one hundred tons per year. Regulating
Of course, the economic consequences are not the only policy considerations EPA must evaluate. Since EPA has not yet fulfilled Congress' mandate to begin meeting Kyoto targets, EPA must also consider the development of a domestic CO2 emissions reduction regime. The Kyoto Protocol requires participating countries to reduce their CO2 emissions to 1990 levels by the year 2008. The Protocol also allows countries to trade CO2 emissions reductions, so that countries with stringent emissions targets can purchase CO2 reduction credits from those countries that exceed their targets. Moreover, the Protocol allows countries to purchase CO2 reduction credits from the Clean Development Mechanism (CDM), which permits developed countries to claim credit for CO2 emissions reductions in developing countries. The CDM is intended to help developing countries reduce their CO2 emissions, while reducing the costs of achieving these reductions. However, the CDM is not an option for the United States, as it is only available to developing countries.

The Justification

The CDM is intended to help developing countries reduce their CO2 emissions, while reducing the costs of achieving these reductions. However, the CDM is not an option for the United States, as it is only available to developing countries. The United States is a developed country, and therefore it is not eligible to participate in the CDM. This means that the United States must find alternative ways to reduce its CO2 emissions. The United States has several options, including: (1) decreasing CO2 emissions directly, (2) purchasing CO2 reduction credits from other countries, and (3) investing in technologies that can reduce CO2 emissions. These options are all viable, but they require significant investment and effort. The United States must find a way to reduce its CO2 emissions, while also ensuring a sustainable economy.
regulate CO₂, the agency hangs its tenuous claim to general regulatory authority in the CAA. Such a language, of course, cannot defeat the specific intent of Congress on the question of whether Congress intended for EPA to regulate CO₂. Thus, the statute was clear: EPA cannot regulate CO₂; the regulatory structure of the sections cited by EPA are completely inconsistent with the regulation of a substance like CO₂ and therefore also compel a conclusion that EPA may not regulate CO₂.

One example of the general language in the CAA cited by EPA is the sections on criteria pollutants (§§108–109). Under these sections, EPA is authorized to establish National Ambient Air Quality Standards (“NAAQS”) to control national, statewide, and local pollution. However, these provisions, which are aimed at pollution that affects air quality locally or regionally, cannot even theoretically address the CO₂ concentrations that purportedly implicate an atmospheric phenomena of climate change on a global scale. Since Congress does not delegate regulatory authority to an agency to impose restrictions that are somehow calculated to serve an unattainable goal, Congress did not intend for EPA to regulate CO₂ using the tools of the law. Other examples abound, and the analysis discusses why the regulation of CO₂ does not fit within the regulatory scheme established by Congress. The extreme difficulty that EPA has in trying to force CO₂ into a regulatory scheme that does not fit provides further evidence that Congress never intended CO₂ to be regulated unless EPA presents its findings. The EPA's 2003 report, for example, appears to be "potentially applicable" sections of the CAA.

The legislative history of the CAA confirms NMA's conclusions. The CAA did not refer to the 1990 amendments when it was passed. In those amendments, Congress specifically debated and ultimately rejected proposals to allow EPA to regulate CO₂ emissions. Instead, Congress authorized EPA only to study certain greenhouse gases, not regulate them. By specifically considering this issue and resolving it against regulation, Congress constricted what EPA says are "potentially applicable" sections of the CAA.

In determining the meaning of a statute, one may also consider related statutes on the same general subject matter. For example, the Clean Air Act (CAA) extends to any substance that is an "air pollutant." A substance that is an "air pollutant" which the Administrator determines is a "greenhouse gas." The earth has a natural "greenhouse effect" in which heat from the sun is trapped below the earth's atmosphere. The greenhouse gases that cause this effect appear in trace amounts in the atmosphere and include water vapor (for its significant greenhouse gas), carbon dioxide, methane, nitrous oxides and stratospheric ozone. With the naturally occurring greenhouse effect, the earth's average temperature is far too cold to sustain life as we know it.

It is known that since the industrial revolution, carbon dioxide levels in the atmosphere have increased as a result of human activities (principally the combustion of fossil fuels for transportation, electric generation, residential and commercial heating and a variety of other processes, as well as deforestation). Presently, atmospheric levels of carbon dioxide are estimated to be approximately 25% higher than in pre-industrial times.

Some scientists believe that the increased levels of carbon dioxide in the atmosphere will cause a climatic effect that will extend to the extent that the world is a climaticogical Armageddon. These scientists believe that increasing atmospheric carbon dioxide will allow the Earth to warm so that the Earth resulting in a variety of climaticogical disasters running the gamut from more storms and flooding to more drought and desertification.

The alarm set off by the predictions of these scientists resulted in the United States entering into the 1992 Framework Convention on Climate Change, the so-called Rio Treaty. The United States and other developed nations agreed in the Rio Treaty to take voluntary action in an attempt to reduce emissions of carbon dioxide to 1990 levels by the year 2000.

Despite a variety of efforts by government and industry, the Clinton Administration's effort in reducing United States carbon dioxide emissions has been significantly substan-

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II. THE REGULATION OF CARBON DIOXIDE AS A POLLUTANT DOES NOT FIT WITHIN THE REGULATORY SCHEME CREATED BY CONGRESS.

A. Introduction

The EPA general counsel identifies several CAA regulatory provisions that are, in his words, "potentially applicable" to carbon dioxide emissions. Without any meaningful analysis, the opinion concludes that the specific criteria for regulation under these provisions could be met if the Administrator determines that carbon dioxide emissions could be reasonably anticipated to cause or contribute to adverse effects on public health, welfare or the environment.

For the moment, we leave aside the question of whether the Administrator would be able to make the health, welfare or environmental effects determination the general counsel poses as singularly important, because his analysis is incomplete. For the purposes of this step of our analysis, our examination of those provisions applies as follows:

1. EPA’s Authority to Designate Substances as Criteria Pollutants.—The EPA general counsel states that one potential source of EPA authority to regulate carbon
dioxide emissions is CAA Sections 108, 109 and 110. These sections provide authority to require modifications in SIPs to prevent or limit local air pollution problems that have resulted in discrete portions of the country being designated as nonattainment for each. Some of the pollutants (principally ozone) are blown from locality to locality, causing some localities to be designated as attainment areas and some as nonattainment. All of the substances which EPA has designated as criteria pollutants meet this framework.

2. Congress Could Not Have Intended to Regulate Carbon Dioxide as a Criteria Gaseous Pollutant

Because the Statutory Regime for Regulating Criteria Pollutants is Wholly Unsuited to Mitigating Potential Endangerments from Carbon Dioxide Emissions Under CAA Sections 108, 109(a)(1), and 110. These sections provide authority to require modifications in SIPs to prevent or limit local air pollution problems that have resulted in discrete portions of the country being designated as nonattainment for each. Some of the pollutants (principally ozone) are blown from locality to locality, causing some localities to be designated as attainment areas and some as nonattainment. All of the substances which EPA has designated as criteria pollutants meet this framework.

Lead, sulfur oxides, nitrogen dioxide, carbon monoxide, particulate matter and ozone concentrations in the air all present local air pollution problems that have resulted in discrete portions of the country being designated as nonattainment for each. Some of the pollutants (principally ozone) are blown from locality to locality, causing some localities to be designated as attainment areas and some as nonattainment. All of the substances which EPA has designated as criteria pollutants meet this framework.

Emission controls implemented under the CAA criteria pollutant regulatory structure described above are designed to cure the specific criteria nonattainment problem. States in their SIPs select those types of controls "as may be necessary" to achieve attainment in designated nonattainment areas. The EPA may provide to affected states, on a case-by-case basis, priority status for compliance assistance from state to state and from nonattainment area to nonattainment area depending on the particular problem being addressed.

As a result of the criteria pollutant regulatory structure, ambient concentrations of criteria pollutants and nonattainment. More importantly, while industry and environmental groups frequently have their disputes as to the exact requirements of the criteria pollutant regulatory structure, and the speed with which nonattainment can be cured, the fact remains that such regulatory structure is plainly designed to require local nonattainment areas to achieve attainment.

This regulatory structure has no rational application whatsoever to a substance such as carbon dioxide, which is fundamentally different than any of the substances that EPA has regulated under CAA Sections 108, 109(a)(1), and 110. CAA Section 110(a)(1), within three years after promulgation of a NAAQS, every state must "adopt and submit to the Administrator" a state implementation plan, or "SIP," which provides for implementation, maintenance, and enforcement of the primary and secondary NAAQS. CAA Section 110(a)(2) provides a similar list of required elements for state implementation plans.

In sum, it is obvious that the statutory scheme established by Congress for the regulation of criteria pollutants was never intended, and cannot be interpreted, to regulate carbon dioxide emissions. Under the principles of statutory construction, therefore, that statutory scheme cannot be presumed to provide regulatory authority to an agency "to impose restrictions that are" should one make a "fortress of the dictionary" by accepting the literal meaning of statutory language where such meaning is contradicted by a statute's purposes and structure. Statutory construction is a "holistic endeavor" that "must include, at a minimum, an examination of the statute's full text, its structure, and the subject matter."

Based on these principles, it has been held that Congress cannot have intended to create regulatory jurisdiction where "the operational purposes of the Act are to accommodate" the object of the asserted regulatory authority. And this principle applies even where an agency is given a broad mandate to protect the public welfare. As stated by the Supreme Court, "[i]n our anxiety to effectuate the congressional purpose of protecting the public, we must take care not to extend the statutory authority beyond the point where Congress indicated it would stop."

In the present case, the phrase "endanger the public health or welfare" in CAA Section 108 must be read in context of a criteria pollutant regulatory structure which, as described, is intended to eliminate such endangerment through a system of guidelines, principles, and individual state implementation plans aimed at eliminating local pockets of pollution. That structure is wholly unsuited to the global warming issue and cannot possibly eliminate the asserted danger of carbon dioxide emissions. No conclusion is possible other than that Congress does not intend to regulate carbon dioxide as a criteria pollutant.

C. EPA Does Not Have Authority to Regulate Emissions of Carbon, Dioxide through the Improvement of Technology-Based Controls Under CAA Section 111

1. EPA authority under Section 111.—The EPA General Counsel opines that another potential source of authority to regulate carbon dioxide emissions would be CAA Section 111. EPA General Counsel observes that if the Administrator finds that "new source performance standards" or "NSPS," for categories

For these reasons, it is not even theoretically possible to attract attention to the problem of regulating emissions of carbon dioxide in the troposphere through a program of designating nonattainment areas and requiring the submission of state implementation plans. It is not until the level of ambient concentration of carbon dioxide that EPA might deem necessary to protect the public health and welfare. If EPA were to set such unattainable concentrations (for instance, at preindustrial levels), every square inch of the United States would immediately become a non-attainment area, a result that is unprecedented in nearly three decades of CAA administration. Every state would become responsible to submit SIPs within three years containing emissions restrictions "as necessary to assure that" the NAAQS for carbon dioxide is met. Yet there would be nothing a state could do, individually or in concert with every other state, that would be effective in reducing tropospheric carbon dioxide concentrations.

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of sources which emit air pollutants. Unlike the NAAQS, NSPS requirements also dictate the emissions limits of a plant to which such controls apply must meet as a condition of operation. NSPS are sometimes referred to as technology-based standards because they require application of the most advanced control technology that limits emissions from emitting sources and are not directly tied to the level of pollutants in the ambient air.

Under CAA Section 111(b)(1)(A), the Administrator shall designate a category of sources as subject to NSPS requirements if the Administrator determines that "there is some assurance of the degree of emission limitation achievable through the application of the best system of emissions reduction which (taking into account the cost of achieving such reduction and any non-air quality health and environmental effects) corresponds to the degree of emission limitation achievable through the application of the best system of emissions reduction which . . . has been adequately demonstrated." 2. EPA Is Without Authority to Regulate Carbon Dioxide Emissions under CAA Section 112.

Because There Are No Adequately Demonstrated Systems of Emissions Reduction that Would Limit Such Emissions from Stationary Sources—Under the NAAQS, NSPS standards cannot be set at whatever level the Administrator determines is reasonably necessary to protect human health and welfare. The NSPS limitation must be set at a level that is "achievable" through "the best system of emission reduction which . . . has been adequately demonstrated." The Administrator's determinations under CAA Section 111 has "established a rigorous standard of review." While an achievable standard need not be one already routinely achieved in the industry, any such standard "must be capable of being met under most adverse conditions which can reasonably be expected to recur . . . ." There must be some assurance of the achievement of the standard for the industry as a whole. "An adequately demonstrated system is one which has been shown to be both feasible and efficient, and which can reasonably be expected to serve the interests of pollution control without being exorbitantly costly in an economic or environmental way." As explained by the courts, the degree to which an adequately demonstrated system must be based on commercially available technology depends on how soon the standards will become effective. Because NSPS standards are generally applied to new, as yet unconstructed sources, the NSPS provision "looks towards what may fairly be projected for the regulated future, rather than the state of the art at present, since it is addressed to standards for new plants—old stationary source pollution being controlled through other regulatory authority" (i.e., CAA Sections 108 and 109). Where standards are put into effect to "control new plants immediately... but not to one or more plants which will begin to operate in the future, the latitude of projection is correspondingly narrowed." Under this rationale, "the latitude of projection" would be narrower, and the Administrator would be expected to apply standards of performance to carbon dioxide emissions from existing stationary sources under CAA Section 111(d).

There are no cost-effective systems of emissions control, either commercially available at the present time or even projected to be commercially available in the foreseeable future, for controlling carbon dioxide emissions. Carbon dioxide is a non-pollutant, not a poison. Moreover, if Congress had really intended that carbon dioxide be regulated as a HAP, it would be narrowed even more were EPA to attempt to regulate it as a HAP. In distinguishing between the types of substances that are HAPs and the types that are criteria pollutants, the legislative history states that criteria pollutants are "more pervasive, but less potent, than hazardous air pollutants." Hazardous air pollutants are pollutants that pose serious health risks. . . . They may reasonably be anticipated to cause cancer, neurological disorders, reproductive dysfunctions, other chronic health effects, or adverse acute human health effects. Similarly, "adverse environmental effects" is defined in the legislative history as follows: Adverse environmental effects—The chemical is known to cause or can reasonably be anticipated to cause, because of: (i) its toxicity, (ii) its toxicity and persistence in the environment, or (iii) its toxicity and tendency to bioaccumulate in the environment," a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

As seen, carbon dioxide does not fit any of these standards. It is not a HAP that can be regulated under CAA Section 112. It may not reasonably be anticipated to cause cancer, neurological disorders, reproductive dysfunctions, other chronic health effects, or adverse acute human health effects. Similarly, "adverse environmental effects" is defined in the legislative history as follows: Adverse environmental effects—The chemical is known to cause or can reasonably be anticipated to cause, because of: (i) its toxicity, (ii) its toxicity and persistence in the environment, or (iii) its toxicity and tendency to bioaccumulate in the environment," a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

E. EPA Does Not Have Authority to Regulate Carbon Dioxide Emissions under CAA Section 112.

The EPA general counsel also suggests that EPA may regulate carbon dioxide under CAA Section 115 regarding control of international air pollution. CAA Section 115(a) provides: Whenever the Administrator, upon receipt of reports, surveys, or studies from any duly constituted international agency has reason to believe that any air pollutant or group of pollutants emitted by any country will cause or contribute to air pollution which may reasonably be anticipated to endanger
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public health or welfare in a foreign country or where the Secretary of State requests him to do so with respect to such pollution which the Secretary of State alleges is of such a nature, the Administrator shall give formal notification thereof to the Governor of the State in which such emissions originate.”

Under CAA Section 115(b), the giving of notice to a governor under CAA Section 115(a) constitutes a “SIP call.” The applicable state is thereupon required to amend the portion of its SIP “as is inadequate to prevent or eliminate the endangerment referred to in subsection (a) of this section.”

CAA Section 115 does not apply to carbon dioxide emissions because the provision is self-evidently designed to apply only to situations where wind-borne pollution from the United States is being deposited in a near-by country. It stretches the provision beyond its intended scope to say that it applies to a phenomenon such as the greenhouse effect, where emissions anywhere on the globe contribute equally to tropspheric levels of carbon dioxide and is arguably the same anywhere else on the globe.

The limited intent of CAA Section 115 is demonstrated by the “SIP call” mechanism as the means of enforcing emissions reductions. As discussed above, it would be entirely unprecedented to use the SIP process to mandate emissions reductions from the entire country, particularly where reductions even from the U.S. as a whole cannot solve presumed global warming.

The limited intent of CAA Section 115 is also demonstrated in subsection (c), entitled “reciprocity,” which states that “[t]his section shall apply only to a foreign country which the Administrator determines has enacted or otherwise adopted proposals to authorize EPA to regulate emissions of carbon dioxide and those that did not. The latter group prevailed. Congress specifically rejected proposals to authorize EPA to regulate emissions of carbon dioxide. The only carbon dioxide/global warming provisions adopted were dealing with stratospheric ozone depletion or global warming.

On the floor of the House, a comprehensive stratospheric ozone title was adopted as an amendment introduced by Rep. Dingell. The House amendment was closer to the final legislation regarding stratospheric ozone than the Senate bill. As in the final legislation, there were no findings or purposes stated in the House bill regarding the need to regulate carbon dioxide, carbon monoxide, or other greenhouse gases. And, significantly, the definition of the substances that could be regulated, set forth in Section 151(a) of Rep. Dingell’s bill, did not even arguably include greenhouse gases that were not ozone depleting substances.

D. The Final Legislation.

The final legislation that emerged from the conference committee and became law contains a stratospheric ozone title that was a compromise between the House and Senate versions. However, the House version prevailed completely in eliminating the language in the Senate bill that would have authorized regulation of non-ozone depleting greenhouse gases such as carbon dioxide. Title VI as enacted did not include the Senate’s language authorizing EPA to regulate “manufactured substances” in terms broad enough to cover both substances that deplete the ozone layer and substances that do not deplete the ozone layer but can affect global climate. Instead, CAA Section 602(a) as enacted required the Administrator to list “Class I” and “Class II” substances that could be phased-out pursuant to CAA Section 609. These substances are defined as those which could affect the stratospheric ozone layer; nothing in the definition of such substances refers to global climate change. And there are no findings or purposes included anywhere in the CAA specifically regarding global warming or the need to regulate greenhouse gases, as there had been in the Senate bill.

In sum, the Senate in 1990 plainly saw the need to adopt amendments to the CAA to regulate greenhouse gas emissions. Yet all of the provisions proposed in the Senate dealing with global warming—the findings and purposes language and the “manufactured substances” language which was not included in the final Senate bill, as well as the authority to impose NSPS requirements for carbon dioxide on mobile, stationary and residential sources and the authority to impose carbon dioxide tailpipe standards which had been considered in the Senate Committee—were not enacted. Instead, only the non-regulatory provisions on global warming discussed above were enacted. No conclusion is possible other than that Congress determined that it did not intend to authorize regulation of greenhouse gases.
IV. OTHER CONGRESSIONAL ENACTMENTS REGARDING POTENTIAL GLOBAL CLIMATE CHANGE DEMONSTRATE CONGRESS' INTENT NOT TO REGULATE CARBON DIOXIDE EMISSIONS.

A. Introduction.

Courts have consistently ruled that "[i]n determining the meaning of a statute, the courts look not only at the specific statute at issue, but at its context of related statutes. Similarly, ... in a situation in which prior law may be unclear it is appropriate to examine a later germane statute for aid in construing the earlier law."

Congress' rejection of greenhouse gas regulation during the 1990s Amendments was explicit. Congress has adopted dozens of provisions in the omnibus national energy legislation containing detailed context stretching back to the late 1970s when the issue first arose. Over the two decades since that time, Congressional committees have held dozens of hearings on the subject, and Congress has enacted a number of major items of legislation dealing with potential global climate change both before and after the 1990 Amendments. In all of this time, and with all of this intensive consideration, Congress has consistently rejected measures to restrict greenhouse gas emissions. As seen, Congress has rejected efforts to amend the CAA to adopt such measures. It also rejected efforts to adopt such measures in the omnibus Energy Policy Act of 1992 (EPAct), and in subsequent efforts in other legislative vehicles as well. Instead, Congress has adopted legislation various Executive Branch agencies to study and report back to Congress. It has also declared it to be U.S. policy to participate in international negotiations regarding climate change that may eventually lead to binding determinations, associate to a decision to authorize restrictions on U.S. emissions of greenhouse gases. In the meantime, pending further action, Congress has explicitly determined, through the Senate's ratification of the Rio Treaty, that the United States will not adopt binding or mandatory restrictions on greenhouse gas emissions.

It is simply not possible to square this history of Congressional rejection of greenhouse gas regulation with EPA's claim today of discretion to issue far-reaching regulations.


EPAct is omnibus legislation containing 30 titles on the subject of energy regulation and policy. The global warming issue was discussed in detail during the legislative history of the Act. The final legislation contains a specific global climate change title, Title XVI. The title contains various provisions for study, planning and funding, but no provisions authorizing mandatory reductions in greenhouse gases.

As with the 1990 CAA Amendments, the non-regulatory provisions of EPAct were adopted in lieu of proposals specifically to mandate restrictions on greenhouse gas emissions. For instance, Senator Wirth, in the 1990 Hearings on the 1990 Amendments to the CAA, announced omnibus national energy legislation containing detailed findings and purposes language describing global warming as an imminent threat to mankind. Both bills would have established a national goal "that the introduction into the atmosphere of C02 from the United States of America shall be reduced to no more than 1990 emissions by the year 2000 through a mix of Federal and State energy policies that are designed to mitigate the costs and risks, both economic and environmental, associated with meeting national energy needs while reducing the generation of carbon dioxide and trace gases and sustaining economic growth". Both bills would have required DOE to adopt a national energy plan designed to meet such goal.

The plan would be required to include an action plan which DOE shall implement "to the maximum extent practicable". None of these provisions, however, were included in EPAct.

Another proposal to regulate greenhouse gas emissions rejected by Congress in the debate over EPAct was the so-called Cooper-Synar bill. Cooper-Synar was originally introduced in the 100th Congress and again in H.R. 2663 in the 102d Congress. The bill proposed to amend the CAA to prohibit operation of new stationary sources that emit 100,000 tons or more per year of carbon dioxide without obtaining offsets under a permit program to be established by EPA. It was opposed by the Bush Administration, which took the position during the debate on EPAct that the United States should undertake no actions regarding global warming other than those which would be economically justified for other reasons (the so-called "no regrets" strategy).

A much watered down version of Cooper-Synar was included as Section 1605 of EPAct. EPAct only authorized Secretary of Energy to issue regulations to fulfill Section 1605, which was opposed by the Bush Administration, Congress and the public. In its report on EPAct, the Senate Energy and Power Subcommittee on Energy and Power stated, "The capacity to regulate greenhouse gases in EPAct's title, together with the numerous provisions in the rest of the comprehensive energy bill, embodies the following basic approach: We would take cost-effective actions that will reduce greenhouse gas emissions (such as improving energy efficiency, facilitating coalbed methane recovery, innovative use of energy resources); we should analyze the important technical and policy issues that will enable us to make wiser decisions on more dramatic actions. Such action would be taken only in the context of concerted international action." As with the 1990 CAA Amendments, the view of the 1992 CAA Amendments, the view of the Administration was that any provisions of a binding or regulatory nature had been removed. As enacted, Section 1605 provides for voluntary reporting of greenhouse gas emissions reductions, in contrast to the mandatory restrictions originally proposed. Section 1605 was offered as an amendment to H.R. 776, the bill that became EPAct, by Representative Logue during the mark-up of that legislation in the House Subcommittee on Energy and Power. It was included in H.R. 776 as passed by the House, and was supported by Lieberman (who co-sponsored the Cooper-Synar proposal during the Senate's mark-up of that legislation in the Senate).

As reflected in the 1992 Report of the House Committee on Energy and Commerce on the legislation that became EPAct, Congress has consistently resisted adopting mandatory restrictions on greenhouse gases. The energy plan designed to meet such goal with respect to greenhouse gases rejected by Congress in the debate over EPAct was virtually identical to one offered by Representative Jim Cooper to H.R. 776, the House energy bill, which [H.R. 776 without the Cooper amendment] was adopted unanimously by the House Subcommittee on Energy and Power.

"That amendment would have provided the Administrator of EPA with the power to establish a system for rewarding the good work of industries that voluntarily—and I stress voluntarily—either reduced their own greenhouse gas emissions or undertake programs to reduce emissions from other sources."

"This was a simple amendment. It did not set goals or mandates. It did not establish any timetable. It did not require reductions. It did not impose a requirement on firms to obtain credits or reduce emissions. But it did provide that good corporate citizens who voluntarily contribute to greenhouse gas emissions will have an opportunity to let the Government record their efforts at reducing those emissions in a data bank."

As reflected in the 1992 Report of the House Committee on Energy and Power, "The INC was established by the United Nations to coordinate negotiation of an international agreement on climate change. The INC was created to address the issue of climate change from a non-binding, global forum. The INC meeting was held in Geneva, Switzerland in November 1988 and was attended by thirty-five nations, including the United States. The IPCC produces reports on global warming science, potential environmental and economic impacts and potential response strategies. It also advises the International Negotiating Committee, (INC)."

The INC was established by the United Nations General Assembly on December 21, 1990 to coordinate negotiation of an international treaty dealing with potential climate change. These negotiations led to adoption, on May 9, 1992, of the Framework Convention on Climate Change, or Rio Treaty, by the twelve member parties of the INC. The Framework Convention was signed on behalf of the United States on June 12, 1992. The U.S. Senate ratified the Framework Convention on November 7, 1992 by the required two-thirds vote.

The Framework Convention calls for the U.S., on a non-binding basis, to reduce greenhouse gas emissions below 1990 levels by the year 2000. It was ratified by the Senate with the clear understanding that the reductions called for in the treaty are purely voluntary. As reflected in the Senate Committee on Foreign Relations on the Framework Convention, the Committee submitted
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written questions to the Administration on various aspects of the Treaty. These questions and the Administration responses were included as an Appendix to the transcript of the Hearings of the Committee. In responding to these questions, the Administration represented that the recommendations could be considered to be “authoritative statements for the Executive Branch.” With respect to subparagraphs A and B of Article IV, the Committee notes that the provisions containing the operative U.S. commitments as to targets and timetables for emissions reductions, the Administration considered them to be “authoritative statements for the Executive Branch.” The Committee notes further that a decision by Congress on whether or not to ratify the Kyoto Protocol would require the Senate to act. The Senate, by a vote of 95-0, submitted the proposed protocol to the Senate for ratification pending further international negotiations. The Kyoto Protocol has no legal standing unless ratified by the Senate.

E. The Kyoto Protocol.

The international community has continued negotiations on the global warming issue culminating in the Kyoto Protocol. The Kyoto Protocol would create legally binding mandates on certain countries, including the United States, to restrict greenhouse gas emissions by certain amounts as of certain dates. As stated above, the ratification of the Kyoto Protocol, the Senate, by a vote of 95-0, passed a resolution stating that the Senate would not ratify any treaty absent meaningful participation by the United States in the negotiations. The Kyoto Protocol has no legal standing unless ratified by the Senate.

V. CARBON DIOXIDE EMISSIONS DO NOT ENDANGER THE PUBLIC HEALTH OR WELFARE.

Our analysis above has examined whether the CAA is intended to regulate the changes to global climate that are assertedly resulting from a human-induced enhancement of the natural greenhouse effect. We stated at the outset that any analysis is not dependent on whether or not carbon dioxide emissions are, in fact, leading to dangerous climate change. We have shown that, even if such emissions are reliably leading to dangerous climate change, EPA cannot rely on information from the frontiers of scientific knowledge to support a finding to that effect under the “endanger” standard without definitive proof of actual harm. We are, of course, familiar with the deferential standards that apply when EPA is making complex technical judgments relying on information “from the frontiers of scientific knowledge.” We do not believe that the decision of the arbitrary and capricious standard as to policy decisions. EPA may regulate under the “endangerment” standard only where there is a finding of “significant risk of harm.” EPA must take a “hard look” at the evidence and engage in reasoned decision making.” Moreover, EPA has a burden to demonstrate that its methodology is reliable, and it must depart from a rational course. Again, the Greening Earth Society’s study shows that the approach taken by Congress in the 1990 CAA does not support an effort to regulate carbon dioxide emissions.

D. Other Congressional Action on Global Warming.

Three other Congressional enactments regarding global warming bear mentioning because they each demonstrate Congress’ intent to reserve for itself the decision on whether regulation of carbon dioxide emissions should be undertaken. First, on December 22, 1987, Congress enacted its first legislation specifically targeting the global warming question, the National Climate Program Act. Congress chose not to impose mandatory restrictions on greenhouse gases. Instead, it explicitly recognized the need for a national approach to the global warming issue, and it intended to facilitate the decision on the issue. Towards this end, the Act provides for the Secretary of State to coordinate U.S. participation in international negotiations regarding global climate change. And it provides that “the President, through EPA, shall be responsible for developing and proposing to Congress a coordinated national policy on global climate change.”

Second, on November 16, 1990, Congress adopted the Global Change Research Act, providing for the President to establish a National Science Foundation Committed Environmental Sciences to coordinate a ten year research effort.

Finally, on November 29, 1990, as Title XXIV of the Food and Agriculture Act of 1990, Congress directed the Secretary of Agriculture to establish a Global Climate Change Program to research global climate agricultural issues and to provide liaison with foreign countries on such issues.

These enactments are consistent with the approach taken by Congress in the 1990 CAA to global climate change. They do not codify the decision to impose mandatory restrictions on greenhouse gases to the United States would get and timetables for reducing emissions of greenhouse gases to the United States would have to be submitted before the United States could deposit its further consent of the Senate. The Senate Foreign Relations Committee Report states:

The committee notes that a decision by the Conference of the Parties to adopt target and timetables would have to be submitted to the Senate for its advice and consent before the United States could deposit its instruments of ratification for such an agreement.

The committee notes further that a decision by the executive branch to reinterpret the Convention to apply legally binding targets and timetables would have to be submitted to the Senate for its advice and consent before the United States could deposit its instruments of ratification for such an agreement.

The Framework Convention is perhaps the most authoritative statement of U.S. policy regarding greenhouse gas emissions. It represented years of effort both domestically and internationally. The result of that effort is a plain statement directly antithetical to EPA’s claim that the climate culture to establish a Global Climate Change Congress has decided to move forward with carbon dioxide regulation. Our analysis shows that any such effort by EPA would be unlawful.

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The apparent available evidence, however, would not support a finding that carbon dioxide emissions are endangering the public health, welfare or environment. The Greening Earth Society report that accompanies this legal analysis demonstrates that, objectively viewed, the scientific evidence of potential climate change is not reliable. Evidence that there is no climatological catastrophe underway or likely to occur, as is so often claimed.

We are, of course, familiar with the deferential standards that apply when EPA is making complex technical judgments relying on information “from the frontiers of scientific knowledge.” We do not believe that the decision of the arbitrary and capricious standard as to policy decisions. EPA may regulate under the “endangerment” standard only where there is a finding of “significant risk of harm.” EPA must take a “hard look” at the evidence and engage in reasoned decision making.” Moreover, EPA has a burden to demonstrate that its methodology is reliable, and it must depart from a rational course. Again, the Greening Earth Society’s study shows that the approach taken by Congress in the 1990 CAA does not support an effort to regulate carbon dioxide emissions.
in the area of carbon dioxide and potential climate change.

The Clean Air Act provides EPA authority to address air pollution, and a number of specific provisions of the Act are potentially applicable to the control of greenhouse gas emissions. However, as was made clear in the document from which Congressman DeLay quoted, these potentially applicable provisions do not easily lend themselves to establishing national or regional cap-and-trade programs, which the Administration favors for addressing these kinds of pollutants.

II. Clean Air Act Authority

The Clean Air Act provides that EPA may regulate a substance if it is (a) an "air pollutant," and (b) the Administrator makes certain determinations. "Air pollutant" (usually related to danger to public health, welfare, or the environment) under one or more of the Act's regulatory provisions.

A. Definition of Air Pollutant

Each of the four substances of concern as emitted from electric power generating units falls within the definition of "air pollutant" under section 302(g). Section 302(g) defines "air pollutant" as "any air pollutant agent or combination of such agents, including any physical, chemical, biological, [or] radioactive . . . substance or matter which is emitted into or otherwise enters the ambient air. Such term includes precursors to the formation of any air pollutant, to the extent that the Administrator has identified such precursors for the particular purpose for which the term 'air pollutant' is used."

This broad definition states that "air pollutant" includes any physical, chemical, biological, radioactive, or reactive substance or matter that is emitted into or otherwise enters the ambient air. SO\textsubscript{2}, NO\textsubscript{x}, CO\textsubscript{2}, and mercury are examples of such "air pollutants." Specifically, section 111(b) of the Act requires EPA to regulate emissions of the pollutants discussed here. Sections 108, 109, 111(b), 112, and sections 302(a), 211(c), 231, 612, and 615. The legislative history of the 1977 Clean Air Act Amendments provides extensive discussion of the statute's purposes and language used throughout the Act referring to a reasonable anticipation that a substance endangers public health or welfare. One of those purposes was "[t]o assure that the health of susceptible individuals, as well as healthy adults, will be encompassed in the term 'public health,' . . . " Id. at 50. Section 108 is described in section 302(h) of the Act, which states: 

"[a]ll language referring to effects on welfare includes, but is not limited to, effects on human health, welfare, or the environment. While CO\textsubscript{2} as an air pollutant, is within EPA's scope of authority to regulate it, the Administrator has not yet determined that CO\textsubscript{2} meets the criteria for regulation under one or more provisions of the Act. Specific regulatory criteria under various provisions of the Act, however, if the Administrator determined under one or more of those provisions that CO\textsubscript{2} emissions are reasonably anticipated to cause or contribute to adverse effects on public health, welfare, or the environment.

C. EPA Authority To Implement an Emissions Cap-and-Trade Approach

The specific provisions of the Clean Air Act that are potentially applicable to control emissions of the pollutants discussed here can largely be categorized as provisions relating to either state programs for pollution control under Title I (e.g., sections 107, 108, 109, 110, 115, 126, and Part D of Title I), or national regulation of stationary sources through technology-based standards (e.g., sections 111 and 112). None of these provisions easily lends itself to establishing market-based national or regional emissions cap-and-trade programs.

The specific provisions relating to state programs do not authorize EPA to require states to control air pollution through economically efficient cap-and-trade programs. Therefore, EPA itself does not have the authority to impose such programs. Under certain provisions in Title I, such as section 119, EPA may facilitate regional approaches to control air pollution under the Act. However, the EPA plans to cooperate in a regional, cost-effective emissions cap-and-trade approach (see Notice of Proposed Rulemaking: Finding of Significance and Notice of Emission Standards and Emission Guidelines. Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing
Regional Transport of Ozone, 62 F.R. 68319 (Nov. 7, 1997). The EPA does not have authority under Title I to require states to use such measures, however, because the courts have held that EPA cannot mandate specific emission control measures for states to use in meeting the general provisions for attaining ambient air quality standards. See Commonwealth of Virginia v. EPA, 108 F.3d 1397 (D.C. Cir. 1997). Under certain limited circumstances where states fail to carry out their responsibilities under Title I of the Clean Air Act, EPA has authority to take certain actions, which might include establishing a cap-and-trade program. Yet EPA’s ability to invoke these provisions for federal action depends on the actions or inactions of the states.

Technology-based standards under the Act directed to stationary sources have been interpreted by EPA not to allow compliance through intersource, cap-and-trade approaches. The Clean Air Act provisions for national technology-based standards under sections 111 and 112 require EPA to promulgate regulations to control emissions of the pollutants from stationary sources. To maximize the opportunity for trading of emissions within a source, EPA has defined the term “facility” as expansively as possible so that a large facility can be considered a “source.” Yet EPA has never gone so far as to define as a source a group of facilities that are not geographically connected, and EPA has long held the view that trading across plant boundaries is impermissible under sections 111 and 112, See, e.g., National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry, 59 Fed. Reg. 19402 at 19452-56 (April 22, 1994). III. Conclusion

EPA’s regulatory authority under the Clean Air Act extends to air pollutants, which, as discussed above, are defined broadly under the Act and include SO₂, NOₓ, CO₂, and many other pollutants emitted into the ambient air. EPA has in fact already regulated each of these substances under the Act, with the exception of NOₓ. EPA’s authority to regulate NOₓ is in the scope of EPA’s authority to regulate other pollutants; EPA has made no determination to date to exercise that authority under the specific criteria provided under any provision of the Act.

With the exception of SO₂, provisions focused on acid rain, the authorities potentially available for controlling these pollutants from electric power generating sources do not easily lend themselves to establishing market-based national or regional cap-and-trade programs, which the Administration favors for addressing these kinds of pollution problems. Under certain limited circumstances, where states fail to carry out their responsibilities under Title I of the Act, EPA has authority to take certain actions, which might include establishing a cap-and-trade program. However, such authority depends on the actions or inactions of the states.

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

Mr. OLVER. Mr. Chairman, I yield 3½ minutes to the distinguished ranking member, the gentleman from the State of West Virginia (Mr. Mollohan).

Mr. Mollohan. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the gentleman from Michigan has spent a considerable amount of time on this issue during the last 3 years, beginning with the 3 minutes to the distinguished rank-
Mr. OLVER. Mr. Chairman, I am happy to yield 2½ minutes to the distinguished gentleman from Maryland (Mr. Gilchrest).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I do not think the question here is whether or not we are going to implement the Kyoto Protocol, because we are not, because that has not been ratified by the Senate. In my mind, the question is do we exchange and do we have the opportunity and the ability to exchange information about these climate change research ideas with the international community?

Let me just share some of the research that has come out by about 99 percent of the scientists involved in this. The atmosphere contains only a very tiny trace amount of carbon dioxide, CO2, and yet we know through drilling in ice cores around the planet, evaluating the landscape, looking at the seas, that in the last 10,000 years carbon dioxide has increased about 1 degree centigrade every 1,000 years, with the exception of the last century. It has increased by about 1 degree centigrade in the last century.

If we put that in Fahrenheit degrees, just in this century, most of it since World War II, carbon dioxide has increased 4 degrees since World War II. Now, if we project that using models over the next century, you get anywhere from 5 more degrees increase to 15 degrees increase.

If we look at the atmosphere, if we look at carbon dioxide, we understand that is the heat balance that protects the biological diversity, the very life on this planet, the heat balance we call now as laymen the greenhouse effect.

Mr. Chairman, there is another example I want to give to you from a book on Laboratory Earth by a biologist from Stanford University, who is respected throughout the world, not as a nutty scientist, but as a reasonable, competent individual. Here is what he says: "When we burn a lump of coal today, we are recovering the carbon dioxide and the solar heat of dinosaur times in fossil organic matter."

Mr. KNOLENSBERG. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. Peterson).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me this time.

As usual, I find this a very interesting and stimulating discussion. We never really have the time to get into the details, because it is very complicated.

But why should we be suspicious of language changes, as we were here, when we received the recent language change? The Clinton-Gore administration year after year in their budget process have tried to fund implementation of the Kyoto Treaty. It was obvious that there were billions of dollars tucked into our budget originally, a treaty that he did not present to the Senate, a treaty that was not debated and properly approved.

I guess the question I would ask is why would any bright representative of our government agree to such a horribly flawed concept as the Kyoto Treaty? This treaty is negotiated by our Vice President who would force American businesses to purchase credits from Third World developing countries who are not a part of the agreement. Now, think about that. We debate foreign aid here a lot. We are going to be requiring American businesses under this agreement to be giving dollars to foreign-country developing businesses to compete with us. Horribly flawed concept.

Now, I do not have time to get into detail, but we just heard from the last speaker about such agreement. More than half of the scientists in this country do not agree to the global warming concept. It is a debate that should continue. But there is agreement out there. The evidence shows that most of the warming was preindustrial age, not since we have been into fossil fuels in the last few decades. This CO2, this evil force that we are proclaiming, it is what is needed for plant life in this country. It is what makes vegetation grow. Vegetation makes the exchange from CO2 to oxygen. It is part of the life chain.

Many of those who are crying scare tactics on this are also against cutting forests, but young growing forests are the best exchanger and absorb more CO2 and give us more oxygen back. This is a debate that unfortunately has not happened in this Congress. But we continually hear the scare tactics that the seas are rising, the shorelines are going to disappear, and that this country is going to be in a disaster state.

Mr. Chairman, I say to my colleagues, that is far from a fact, and we should not be scaring people into this. This is a legitimate discussion we should have, and no administration should be allowed to use funds to sell their theory. They can exchange ideas with other countries, there is no prohibition of that. But they should not be using resources to sell their global warming scare concepts.

Mr. OLVER. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine (Mr. Allen).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Olver amendment which will restore the 1998 agreement that required the U.S. to reduce our carbon dioxide emissions. Eight years later, the U.S. has failed even to make those moderate reductions. Instead, our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

Some on the other side seem to favor a "don't ask, don't tell" policy on global warming. Unfortunately, silence will not make this problem go away. Even the fossil fuel industry recognizes the threat of global warming. BP-Amoco, Sunoco and Shell International have all joined the Business Environmental Council, a group dedicated to reducing greenhouse gas emissions. These companies have publicly stated their belief that greenhouse emissions directly affect our climate.

Instead of fighting common sense solutions every step of the way, we should be improving our energy efficiency, encouraging voluntary reductions, and looking for the most cost-effective ways to cut greenhouse gas emissions. I believe this amendment is a step in the right direction, and I urge my colleagues to support it.

Mr. Chairman, I rise in support of the Olver amendment, which will restore the 1998 agreement that allows the EPA to pursue common sense policies on greenhouse gas emissions.

Once again, the Republican leadership wants to handcuff the EPA from addressing the threat of global climate change.

Unfortunately, this rider is just one more sign that many in this House are in a state of denial when it comes to climate issues.

It wasn't always this way.

In 1992, President George Bush signed an international agreement that required the U.S. to reduce our carbon dioxide emissions.

Eight years later, the U.S. has failed to make even those moderate reductions. Instead, our greenhouse gas emissions have increased by more than 10 percent, and there is no end in sight.

Despite increasing emissions, it seems that the Republican policy on greenhouse gases has regressed since 1992.

Language in this year's VA–HUD appropriations report would prevent EPA from taking any action to stem the threat of climate change.

It's questionable if EPA would even be allowed to discuss climate policy with other nations.
June 21, 2000

To make matters worse, this bill cuts funding for voluntary climate change programs by $124 million.

Some on the other side seem to favor a “don’t ask, don’t tell” policy on global warming. Unfortunately, silence will not make this problem go away.

Each day, the scientific community becomes more united in the belief that greenhouse emissions have an effect on global temperature. It now appears that the 1990s weren’t just the hottest decade of the last century, but perhaps of the last millennium.

Even the fossil fuel industry recognizes the threat of global warming.

BP-Amoco, Sunoco and Shell International have all joined the Business Environmental Council, a group dedicated to reducing greenhouse gas emissions.

These companies have publicly stated their belief that greenhouse emissions directly affect our climate. They have even called for cuts in emissions that are more stringent than those required by the Kyoto protocol.

Mr. Chairman, with only 4 percent of the world’s population, the U.S. emits more than 20 percent of global greenhouse gases.

Any solution to global climate change must include U.S. participation.

Instead of fighting common sense solutions, every step of the way, we should be improving our energy efficiency, encouraging voluntary reductions, and looking for the most cost-effective ways to cut greenhouse gas emissions. This amendment is a step in the right direction, and I urge my colleagues to support it.

Mrs. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, just for an inquiry, can I take it from what the gentleman has just stated that he believes that we should regulate CO2, carbon dioxide, or that the EPA has the authority to regulate it?

The CHAIRMAN. The time of the gentleman from Maine (Mr. ALLEN) has expired.

The gentleman from Michigan (Mr. KNOLLENBERG) has 1½ minutes remaining, including the time to close; the gentleman from Indiana (Mr. OLVER), the ranking member of the Subcommittee on Energy and Water, has 5½ minutes remaining.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the Subcommittee on Energy and Water.

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding me this time. I do think this debate is what is best about the House of Representatives. I think everyone who has spoken today is agreed on fundamental policy, and that is Kyoto has not been ratified, it is not the law of the land and it should not, therefore, be implemented.

We have had a continuing debate as far as the language that has been included in a number of bills, and I am very pleased that the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) have worked out a compromise.

In the limited time I have, I simply want to put this debate into perspective. Kyoto did not come from the vacuum of space; it did not come from Bill Clinton’s mind. It is a point on a continuum that began under the George Bush administration pursuant to a treaty President Bush signed on May 9, 1992, that was ratified by the United States Senate on October 7 of 1992, and the instrument of ratification was signed on October 13. That is where Kyoto came from.

It is not implemented, but there are discussions, there are considerations taking place.

My concern about the language that has been included in a number of bills is that we would be placing qualitative and quantitative restrictions on thought, on judgment, on opinion, and on the preexchange of information, which, in the end, is to all of our benefit to make sure that that is not impeded.

Mr. Chairman, I want to thank the gentleman from Michigan (Mr. KNOLLENBERG) for continuing to have an open mind on this issue. Hopefully, all of us will be able to reach an appropriate compromise that allows authorized, legal programs to deal with environmental problems we face today to continue unimpeded while we continue to negotiate enhancement of the Kyoto protocol.

Mr. Chairman, I support the Olver amendment.

Mr. OLVER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of the Olver amendment.

Mr. Chairman, this amendment protects the younger generation, whom otherwise would pay the bill and suffer the consequences of global warming.

Global warming is the largest environmental issue for young adults, because the long-term impacts could be disastrous and today’s younger generation will be left to deal with the costly impacts.

The human race is engaged in the largest and most dangerous experiment in history—an experiment to see what will happen to our health and our planet when we change our atmosphere and our climate.

The buildup of carbon dioxide and other “greenhouse gases” in our atmosphere causes global warming. The main causes of carbon dioxide are burning ever-increasing quantities of coal, oil, and gas. These harmful gases hold the sun’s energy in our atmosphere and are causing our world’s temperature to increase.

Like a parked car on a hot day, the sun’s heat comes in through car windows, but cannot escape. Eventually, you have an unbearably hot car and this is now happening to our planet.

The United Nation’s Intergovernmental Panel of Climate Change, a panel of the world’s best scientists, has warned global warming is a very real concern. The temperature has already risen as much as five degrees in some regions. Today, we see glaciers melting, more heat-related deaths, and a shift and increase in infectious diseases.

The most important step we can take to curb global warming is to improve our nation’s energy efficiency. Our cars and light trucks, lighting, home appliances, and power plants could be made much more efficient by simply installing the best current technology. Using the best technology can also mean more jobs for more Americans.

But the language in this bill will hamper efforts to seek solutions to this serious problem. We can’t afford to play dead and dumb to this issue.

The amendment will ensure that nothing we do here will undermine our ability to address the threat of global warming to the extent authorized by current law.

In the last 2 years, we have had the Knollenberg amendment, which would prevent the administration from taking any action that is intended to implement the Kyoto protocol prior to ratification. What we fear now is that the Knollenberg amendment not be used to interfere with existing authorities and obligations under the U.N. Framework Convention on Climate Change, the Clean Air Act, and the Constitution. The fear that I have is not that we are going to implement the Kyoto Treaty, but that the Knollenberg language will act as a gag rule on people who are trying to implement other existing laws. That is something that this Congress should not accept.

I would hope that we act sensibly on global warming. The American people want us to find solutions to climate change. This amendment will help end the harassment of staffers who are trying to find the smartest way to protect the environment. I urge all Members to support this amendment. It does not implement the Kyoto Treaty; it simply allows EPA to act under existing authorities, whether a domestic law or a ratified treaty.

Mr. KNOLLENBERG. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. WALSH), the chairman of the subcommittee.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding me this time.

I read the proposed amendment, it strengthens the committee position that ensures the administration will not implement the Kyoto protocol without prior congressional consent.
This was a key element in the Byrd-Hagel resolution passed by the Senate in July of 1997. This congressional consent understood that if we double CO2 about that subject. There is nothing to debate. Birds populations are declining. The Earth is heating up, and we are cause. The northern hemisphere is the hottest it has been in 1,000 years. The 1990s were the hottest decade. The 3 hottest years in human history were 1995, 1997 and 1998. Glaciers are rapidly receding. Bird populations are disappearing. Why? Why? The answer is clear. Carbon dioxide levels in the atmosphere have gone up 30 percent since the preindustrial age. They will go up, and there should be no doubt about this. They will double, in fact, in the next 100 years unless this House pulls its head out of the sand and deals with climate change issues. That is a simple fact, and there is nothing to debate about that subject. Every 6th grader in this country understands that as these trouble CO2 layers in the atmosphere, we will substantially increase the temperatures in Chicago and heat deaths will increase in Chicago. That is not alarmist. Human life will continue to persist, but Maple trees may not in New England. This House has got to act; the country understands that. Ford is moving. Chrysler is moving. British Petroleum is moving. We need to keep this country moving by a simple amendment that will continue to allow us to do what we need to do.

Mr. Chairman, I want to encourage Members on this issue. I think it is our individual responsibility to read on this issue. If the gentlemen will read the latest evidence, they will conclude we have a responsibility to act, not because of the Kyoto, but because of common sense.

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

Mr. Chairman, the administration has negotiated some time ago the Kyoto Protocol. They have yet to submit that treaty to the United States Senate for ratification.

The Constitution demands the Senate’s consent, and they will not get it. This protocol places such severe restrictions on the United States while exempting most countries, including China, Brazil, Mexico, and India, from taking any measures to reduce carbon dioxide equivalent emissions.

The administration took this course of action despite unanimous support in the U.S. Senate for the Senate’s advice in the form of the Byrd-Hagel resolution calling for commitments by all nations, and on the conditions that the Protocol not adversely impact the economy of this country.

In closing, let me just say that I support the amendment and look forward to the report language to clarify what activities are and are not authorized.

Mr. Dingell. Mr. Chairman, as an active participant in the initial floor debate on the Kyoto Protocol funding limitation I want to clarify several issues.

I supported the effort of my good friend, Mr. Obey, to clarify EPA’s role. At that time we were concerned that EPA might violate the laws against advocating a treaty that has not been ratified by the United States Senate.

We agreed that we should curtail lobbying and other activities, including implementing by regulation or statutory action a treaty which is, A. not in the interest of the United States, and B. which is not ratified and is not going to be ratified.

The amendment regarding the Kyoto Protocol funding limitation offered by Mr. Olver to the VA/HUD appropriations bill today also raises the issue of what authority EPA has under current law.

At this point, I would like to enter into the RECORD a letter I sent to Mr. McIntosh, Chairman of the House Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, and Mr. Calvert, Chairman of the House Subcommittee on Energy and the Environment.

As the Chairman of the House Conference on the Clean Air Act amendments of 1990, I understand the boundaries on EPA authority. The boundaries must be maintained and not allowed to grow through mission-creep. I will insist on this point and be watching over EPA.

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussions between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled “EPA’s Authority to Regulate Pollutants Emitted by Electric Power Generation Sources” and an October 12, 1998 memorandum entitled “Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act” prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) it was understood at the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferences (see Conf. Rept. 101–962, Oct. 26, 1990).

However, I should point out that Public Law 101–549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes the Montreal Protocol (S. 876, H.R. 407, and S. 619), which was as enactable as draft standing provisions separate from the CAA. Although the Public Law often refers to the “Clean Air Act Amendments of 1990,” the Public Law does not specify that reference as the “short title” of all of the provisions included in the Public Law.

One of these free-standing provisions, section 821, entitled “Information Gathering on Greenhouse Gases Contributing to Global Climate Change” appears in the United States code as a “note” (at 42 U.S.C. 7611k). It requires regulations by the EPA to “monitor carbon dioxide emissions” from “all affected sources subject to title V” of the CAA and specifically that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a “pollutant” for any purpose.

Finally, Title IX of the Conference Report, entitled “Clean Air Research,” was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (g). New subsection (e) entitled “Pollution Prevention and Control,” calls for “non-regulatory strategies and technologies for air pollution prevention.” While it is noted, as noted in the 1990 amendments, the United States did not include carbon dioxide as a “pollutant.” House and Senate conferences never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferences, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101–549, the United Nations General Assembly, upon recommendation by the United Nations Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, was ratified by the United States Senate by a treaty which was not ratified by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Ranking Member.
The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLIVER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. OLIVER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. OLIVER) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

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, $34,000,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, expansion, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until September 30, 2002.

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, $34,000,000, to remain available until September 30, 2002.

For construction, repair, improvement, extension, expansion, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until September 30, 2002.

HAZARDOUS SUBSTANCE SUPERFUND

(including transfers of funds)

For construction, repair, improvement, extension, expansion, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until September 30, 2002.

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, $34,000,000, to remain available until September 30, 2002.

AMENDMENT NO. 14 OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Chairman, I offer amendment No. 14.
Springs, Florida, it can be very difficult to overcome EPA intransigence. The Ombudsman is critical to giving local communities a voice in the clean-up process. I urge all of my colleagues to protect the interests of their constituents in the Superfund clean-up process by supporting necessary funding for that office.

The CHAIRMAN. The gentleman from Georgia (Mr. NORWOOD) had been previously recognized to claim the time in opposition.

Does the gentleman from New York (Mr. WALSH), the chairman of the committee, wish to claim the time in opposition?

Mr. WALSH. No, I do not, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

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

Mr. Chairman, I claim part of the time in opposition due to the fact that there was no adequate time to discuss this very important issue, but I support the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

We need to grant the ombudsmen subpoena power. We need to grant the ombudsmen subpoena power because there are some grave injustices being committed at the EPA, oftentimes with inadequate and bogus science. The EPA needs to be held accountable to the people that they were created to protect.

For my fellow Members who may not be familiar with this situation, the EPA Ombudsman’s office is or should be a final remedy within the EPA for anyone with a dispute or grievance with that agency. We all want to have lawsuits to a minimum, particularly when taxpayer dollars are involved.

In numerous other fields, this body has encouraged arbitration in lieu of litigation as a tried and true method of holding down court costs while still protecting the consumers. It also opens up the crowded court dockets, frankly, for cases that truly need to be in court.

This is the purpose of the EPA Ombudsman’s office. There is, however, a very large problem with how the program is currently being operated. Current funding has allowed only two arbitrators for the entire country, two for the entire country. Those two officials have no binding legal authority to conduct any real investigation into a complaint. They cannot force truthful testimony, the release of necessary documents, or other evidence. They do not even have the legal power to enforce the EPA to participate in a hearing.

This lack of funding, lack of staff, lack of legal authority has given the EPA the ability to run roughshod over local and State government and private citizens without any accountability outside of Federal court action, which is often a practical impossibility for those who have been injured.

My constituents unfortunately have firsthand experience of what this shortcoming really means in real life. In Augusta, Georgia, my farmers used sludge from a waste treatment plant as fertilizer on their fields after EPA recommended the procedure as a safe and practical means of eliminating sludge.

The farmers explicitly followed the EPA guidelines. It now appears this recommended procedure is being seriously questioned, and it may have been under question as the farmers were being advised to do so.

Upon this discovery, did the EPA do anything to look into this matter? No. They closed ranks and did everything possible to deflect responsibility for the matter. That is not accountability. The gentleman yield right or wrong in this fiasco at home, but we do believe that the EPA Ombudsman should be allowed to find the truth.

Currently, the Ombudsman has limited authority to examine questionable EPA dealings. We need to give this office adequate oversight power to watch what the EPA is doing. They are accountable to taxpayers, and we need to make sure that they uphold that mission.

The Bilirakis amendment would give the Ombudsman the legal power to force EPA to participate in a grievance hearing. My word, the Chairman has a hearing in his hometown and the EPA will not even participate. It gives the Ombudsman the ability to compel the agency to testify truthfully. For any citizen, business, or agency in this country to be held accountable for their actions, it is crucial that they be required by law to cooperate with the process of an independent investigation of a complaint.

This measure provides this critical oversight for EPA. It is long overdue. I thank the gentleman from Florida (Mr. BILIRAKIS) for bringing this to our attention. Support this amendment. Support the Ombudsman for the EPA.

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

Mr. NORWOOD. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman from Florida for bringing this to the attention of the subcommittee. This is an important issue. He has shown real leadership in the course of removing toxic waste or re-mediating toxic waste.

The Ombudsman is in an important position, and we will work with the gentleman through the conference to make sure this important position is adequately funded.

Mr. NORWOOD. I thank the gentleman.

Mr. SAWYER. Mr. Chairman, ninety-eight weeks ago, EPA Administrator Carole Brown-er, gave Ombudsman Robert Martin clearance to conduct a preliminary review of the Industrial Excess Landfill (IEL) superfund site in my district.

But the clock continues to tick by for the people of Lake Township in Ohio’s Stark County. I can only assume that the delays in issuing the findings of his preliminary review are a result of budgetary constraints. If this is the case, then the solution offered by the gentleman from Florida (Mr. BILIRAKIS) will be of great help to our community.

I have high hopes that Mr. Martin will resolve this issue at long last. The substantial delays—the report was first promised to be ready in September of 1998—exacerbates any hope the public retains. I hope that the Ombudsman will be effective in helping Township officials and the nearby residents identify testing protocols that will help them find peace of mind and the best solutions for this troubled site. Again, I will say, if this amendment will speed the process at the IEL site, I am certainly for it.

Mr. TRAFICANT. Mr. Chairman, I rise in strong support of the Bilirakis Amendment, which earmarks $2 million for the activities of the EPA’s Ombudsman.

The office of The Ombudsman performs a vital function that is essential to ensuring that the health and safety of communities living near hazardous waste sites are not compromised.

Most importantly, the Ombudsman is the only entity that is truly independent. Our constituents can be assured that, if the Ombudsman conducts a review of a particular site, that there will be a fair, thorough and objective analysis done.

This is an essential office that desperately needs funding. $2 million will not bust that bank. For a very, very modest investment, the taxpayers are getting a huge return.

I think the country is lucky to have the services of Bob Martin, the EPA Ombudsman. He is highly competent, he is honest and he is effective.

I urge approval of the amendment, and I commend the gentlemen from Florida for bringing this amendment forward.

Ms. DEGETTE. Mr. Chairman, today I speak in support of providing additional funds to support the Environmental Protection Agency’s National Hazardous Waste and Superfund Ombudsman. The Office of the Ombudsman has been instrumental in providing further investigation and access to information for the public on a number of complicated Superfund sites across the nation.

There are many communities across the United States impacted by years of hazardous waste disposal. The very laws and agencies involved in cleaning up these very dangerous sites often become mired in legal tangles and bureaucratic inertia. The Office of the Ombudsman has been an ally of citizens to further ensure that public health and the environment remain at the forefront in clean up decisions at Superfund sites. The Ombudsman also plays...
CONGRESSIONAL RECORD—HOUSE

June 21, 2000

Mr. BILIRAKIS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk reads as follows:

LEAKING UNDERGROUND STORAGE TANK RECLAMATION 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, $79,000,000, to remain available until expended.

OIL SPILL RESPONSE

INCLUDING TRANSFER OF FUNDS

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, $79,000,000, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructural assistance including capitalization grants for State revolving funds and performance partnership grants, $3,176,957,000, to remain available until expended, of which $1,200,000,000 shall be for 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; $8,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural Native Villages; $1,068,957,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, and other State and local control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions of title III of this heading in Public Law 106-234, 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 of the fund: Provided further, That notwithstanding section 1452(n)(5) 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 fund State revolving tributary pursuant to section 319(h) and 318(e) of that Act: 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-188040-01, C-188040-04, C-470319-03, and C-470319-04, are hereby resolved in favor of the grantees.

POINT OF ORDER

Mr. BILIRAKIS. Mr. Chairman, I make a point of order that the language beginning with the words “except that” appearing at page 63, line 4, and following through the words “drinking water contaminants” on line 9 violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on an appropriations bill.

The language in question countersmands the directive given to the Administrator of the Environmental Protection Agency in section 1452(n) of the Safe Drinking Water Act that she reserve $10 million of funds appropriated to the drinking water State revolving funds for health effects studies on drinking water contaminants.

As such, Mr. Chairman, it changes current law and constitutes a violation, as I have said earlier, of clause 2 of rule XXI. I must regretfully insist on my point of order.

The CHAIRMAN. Does any other Member desire to be heard on this point of order?

The Chair is prepared to rule. The Chair finds that this provision explicitly supersedes existing law, in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is irrevocably lost.

Mr. WALSH. Mr. Chairman, I reserve the point of order against the amendment.

Ms. BOYD. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

ADMINISTRATIVE PROVISION

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.

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. 5101 et seq.), to remain available until expended:

Provided, 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 in the District of Columbia, $5,150,000.

COUNCIL ON ENVIRONMENTAL QUALITY

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 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 in the District of Columbia, $5,150,000.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

INCLUDING TRANSFER OF FUNDS


FEDERAL EMERGENCY MANAGEMENT AGENCY

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 $5,500,000 shall be transferred to “Emergency management planning and assistance” for the consolidated emergency management performance grant program; of which $30,000,000 shall be transferred to the “Flood map modernization fund” account; and up to $50,000,000 may be obligated for pre-disaster mitigation projects and repetitive loss buyouts (in addition to funding provided by 42 U.S.C. 5170c) following disaster declarations.

__ 1345

AMENDMENT OFFERED BY MR. BOYD

Mr. BOYD. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Mr. Boyd: Page 66, line 18, after the dollar amount, insert "the following: (increased by $2,009,220,000)".

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman’s amendment.

The CHAIRMAN. The gentleman from New York (Mr. Walsh) reserves a point of order.

The gentleman from Florida (Mr. Boyd) and a Member opposed each will control 15 minutes.
The Chair recognizes the gentleman from Florida (Mr. BOYD).

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

Mr. Chairman, I represent a district in North Florida that has been hit by a hurricane or tropical storm almost every year in recent history. The Federal Emergency Management Agency is the 911 service that we all rely on when disaster strikes. In order to ensure that FEMA has the resources necessary to provide relief to disaster victims, the administration and the Congress are supposed to set aside the sufficient funds to cover the average yearly cost for disasters for the last 5 years.

This year, the administration did its job, and they requested $2.9 billion for FEMA to provide disaster relief. Now, this money is used to provide aid to families and individuals, clear debris, repair infrastructure damages to our communities, any damages that are caused by Presidentially declared natural disasters.

Unfortunately, because of the completely unrealistic spending constraints placed on this bill, FEMA only received $300 million for disaster assistance in this bill. This is over $2.4 billion less than what was appropriated last year by this Congress and $2.6 billion less than the 5-year average that we should have placed in this account to ensure that FEMA has the resources that they need.

Now, many of the opponents of this amendment will argue that we can quickly pass an emergency supplemental when disaster assistance is needed. Well, let us just take a look at how quickly supplementals move in this Congress. Five months ago, this House passed this year’s emergency supplemental. We are still waiting on our colleagues in the Senate to act on this legislation.

Is that the answer that my colleagues want to give a family who just lost everything in a natural disaster or to their community who just lost its infrastructure to a disaster. What happens when this money is needed and Congress has recessed during the election year and is back home campaigning in October or November? How long will it take for Congress to come back into session and enact a supplemental?

Now, many of my fellow fiscally responsible colleagues will point out this is emergency spending and does not have offsets. That is true, it is. However, let us talk about the cost of supplementals. If we do not do this in the regular order and do it in emergency supplemental, we are likely to have a much larger price tag than the $2.6 billion that we are asking to refill this account. In other words, pay up now or pay a lot more later when we come back to do the emergency supplemental.

The question is very simple. Are we going to admit that this money will be spent in the regular order of the appropriations process and provide the funding needed to meet ongoing emergency situations that we know are going to occur, or are we going to continue to play the budgetary games and pretend that we are not going to spend this money? If we choose the latter, we are fooling ourselves.

I ask my colleagues, Mr. Chairman, this question: Do they want to tempt fate? We are going to have floods, fires, we have got fires in eight States going on right now, hurricanes and winter storms. Do my colleagues want to go home after a natural disaster hits and tell their people that help is on the way, or do they want to tell them they decided to play budget games with our future and did not provide FEMA with adequate resources? I urge my colleagues to do what is right for their constituents. I urge the gentleman from New York (Mr. WALSH) to not insist upon his point of order.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

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

Now, many additional speakers at this point in time, so by way of closing, I would just like to thank the gentleman from Oklahoma (Mr. COBURN) for his statement. He is right. He and I have worked together on budgetary honesty, fiscal responsibility, and I think that most of the people of this Nation want their government to perform certain functions. But they also want their government to be honest and make sure that we understand that those functions are going to be paid for so that we do not have to come back later with smoke and mirrors or do we not have to borrow money to fund those particular functions.

This is a function that this Federal Government will perform. When a disaster hits, whether it be a hurricane or a fire or a winter storm or a tornado, those natural disaster events occur all over this country every year, the Federal Government, through FEMA, will step up to assist those local communities and those families that have been affected.

The 5-year average cost of that assistance is $2.9 billion, $2.9 billion, Mr. Chairman. We have appropriated about 10 percent of that money in this bill. I think that it is not being honest with the public in terms of doing our budget. We all know that later on we will come back and do this through a supplemental emergency appropriation. At that point in time, it is likely to cost us a lot more money.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. COBURN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WALSH).

Mr. WALSH. I do, Mr. Chairman.

The American public needs to be informed and mirrors or we do not have to borrow money to fund those particular functions.

This is a function that this Federal Government will perform. When a disaster hits, whether it be a hurricane or a fire or a winter storm or a tornado, those natural disaster events occur all over this country every year, the Federal Government, through FEMA, will step up to assist those local communities and those families that have been affected.

The 5-year average cost of that assistance is $2.9 billion, $2.9 billion, Mr. Chairman. We have appropriated about 10 percent of that money in this bill. I think that it is not being honest with the public in terms of doing our budget. We all know that later on we will come back and do this through a supplemental emergency appropriation. At that point in time, it is likely to cost us a lot more money.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

Mr. COBURN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WALSH).

Mr. WALSH. I do, Mr. Chairman.
both of these gentleman are right. We should appropriate these funds through the proper, through the normal appropriation process, and we should have funds in the pipeline available. The reason that we did not appropriate additional emergency funds in this bill is because there are currently $2 billion in the pipeline. The money is there. It is available. If this year continues to proceed as it has, those funds will be available through the fall into the spring. Will we do another emergency supplemental in the spring? I would suspect we will. We seem to do one every year. But the fact of the matter is we did not appropriate additional funds because we have money in the pipeline to deal with an emergency.

So that basically is the reason that I would have the point of order.

Mr. COBURN. Mr. Chairman, I make a point of order that on page 67, lines 4 through 14 constitute legislating on an appropriation bill in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair in that regard.

The CHAIRMAN. If no other Member wishes to be heard, the Chair finds that this provision explicitly supersedes existing law in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

The Clerk will read.

The Clerk reads as follows:

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I move to strike the last word.

The Clerks read.

The point of order is sustained and the provision is stricken from the bill.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

The Clerk will read.

The Clerk reads as follows:

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I move to strike the last word.

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Mr. WALSH. Mr. Chairman, I move to strike the last word.

The Clerk will read.
infants died had been recalled 5 years earlier, but nobody knew. Despite ef-
forts of the Consumer Product Safety Com-
munication about these recalls more ac-
table to the public. Specifically, we are seek-
ing to establish a comprehen-
sive Consumer Product Safety Com-
munity listing all of the children's prod-
cts subject to recall or corrective action over the last 15 years. It would
strengthen the Consumer Product Safety
Community's ability to notify con-
sumers of truly dangerous products and
would enable the CPSC to monitor the
effectiveness of product recalls.

Let us make sure that no other child
dies as a result of a product that has
been recalled and the public was not
made aware.

Mr. WALSH. Reclaiming my time.
Mr. Chairman, I share the gentleman's
concerns; and I think it might be
possible to find a solution in the con-
ference, and I will certainly bring the
gentleman's concern to the attention of
the conference.

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

Mr. WALSH. I yield to the gentleman
from West Virginia.

Mr. MOLLOHAN. I appreciate the
gentleman's yielding to me.

Mr. Chairman, I also share the gen-
tleman's concerns. We can certainly
try to address this issue in the con-
ference with the other body, and I ap-
preciate the gentleman raising the
issue. Our partnership is already
poignant, and it certainly does need to be addressed;
and I hope we can address it in
conference. I appreciate the gentleman
bringing it to our attention.

Mr. DREIER. Mr. Chairman, I move
to strike the last word.

The CHAIRMAN. Does the gentleman
from New York (Mr. WALSH) designate
the gentleman from California (Mr.
DREIER) to strike the last word?

Mr. WALSH. I do, Mr. Chairman.

Mr. DREIER. Mr. Chairman, I would
like to begin by extending congratula-
tions to the distinguished chairman of the
subcommittee, and the ranking
member, the gentleman from West Vir-
ginia (Mr. MOLLOHAN), for their fine
work under challenging circumstances.
I would also like to extend congratula-
tions to the gentleman from Indiana
(Mr. PEASE), chairing this very, very
important measure.

I rise, along with my colleague, the
gentleman from California (Mr. ROGAN),
who chairs representing Pasadena,
California, to bring to the atten-
tion of my friend, the gentleman from
Syracuse, New York, some concerns I
have about efforts in the other body to
transfer away from Pasadena's Jet Pro-
 propulsion Laboratory some of its im-
portant functions. I believe these efforts
for unmanned exploration of the
solar system. JPL has led the world in
exploring the solar system with robot-
ics spacecraft by visiting all known
planets except Pluto. Over the last sev-
eral years, JPL has saved taxpayer
money by turning to outside vendors,
wherever appropriate, and reducing its
workforce by almost 30 percent from
its 1992 high.

In fiscal year 2000, for example, 41
percent of JPL's Telecommunication
and Mission Operations Directorate is
already contracted out to outside ven-
dors for routine services. So they have
demonstrated a very clear and strong
commitment at JPL to contract out
whenever possible.

While JPL contracts out routine
services where appropriate, many func-
tions are not routine and cannot be
properly performed by outside vendors.
Space communications, for example,
Mr. Chairman, requires highly special-
ized capabilities. To accomplish this
mission, JPL developed the Deep Space
Network, a highly advanced system of
powerful antennae designed to commu-
nicate with our planetary missions.
The DSN is more than just a commu-
nications device, however. It is an in-
credibly powerful scientific instrument
used in many radio-astronomy experi-
ments.

Last year, Congress asked NASA to
study the idea of transferring all of
JPL's Telecommunications and Mission
Operations Directorate to a private
contractor under the Consolidated
Space Operations Contract, also known
as CSOC. This would include the oper-
ations of the entire deep space network
as well as the flight operations of cur-
rent and future missions, including
Galileo, Cassini, Ulysses, and Voyager.
NASA conducted the study and, in a
letter to Congress, recommended
against such a transfer because the
 speculative savings were based on erro-
neous assumptions and such an action
would introduce an extreme amount of
risk in the mission operations.

Now, Mr. Chairman, on behalf of my
colleague who chairs the Sub-
committee on Defense of the Commit-
tee on Appropriations, the gen-
tleman from California (Mr. LEWIS),
who is very supportive of this effort, I
would like to say that we strongly
agree, as I know my colleague, the gen-
tleman from California (Mr. ROGAN),
are with this report that has come out.
It has come to my attention that our
friends in the other body may be
seeking to direct NASA to transfer
these functions to the CSOC contract

despite the findings that came out in
NASA's report. This action would be
devastating to NASA's space explo-
tion missions. I oppose any attempt to
cripple NASA's planetary exploration
program by transferring essential aspects of JPL to
an outside contractor.

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

Mr. DREIER. I yield to the gen-
tleman from New York.

Mr. WALSH. Mr. Chairman, I thank
the gentlelman for yielding, and I thank
him for his distinguished service on the
Committee on Rules. I want to thank
him for bringing this to our attention,
as well as the other gentleman from California (Mr. ROGAN), who is a fighter
and an advocate for JPL.

My goal has always been to invest
the resources of the Nation wisely.
While this means getting the most out
of every dollar we spend, it does not
mean being penny-wise and pound-fool-
ish. There is no other organization in
the world that possesses the knowledge
and the capabilities of JPL for deep
space exploration. We must fully uti-

lize the talents of the men and women
of JPL in order to succeed.

The recent difficulties in the Mars
program have taught us all the dangers
of dividing important capabilities be-
tween lab and outside contractors. I
wish to assure the gentleman that I
will not accept any proposal to transfer
these functions away from JPL.

Mr. DREIER. Reclaiming my time,
Mr. Chairman, I thank my friend for
his very supportive comments and ap-
preciate his commitment to this ex-
tremely important program and also
his kind words not only about the Jet
Propulsion Laboratory but about my
friend, the gentleman from Pasadena,
California (Mr. ROGAN).

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

Mr. DREIER. I yield to the gen-
tleman from California.

Mr. ROGAN. First, Mr. Chairman, I
want to thank my good friend and
neighbor to the east, the distinguished
chairman of our Committee on Rules,
for yielding to me and also for his in-
credible leadership on this particular
area.

I also want to express, on behalf of
all of the employees and families at
JPL, our deep appreciation to the gen-
tleman from New York, our distin-
guished subcommittee chairman, for
helping us in this particular area.

The CHAIRMAN. The time of the gen-
tleman from New York (Mr. DREIER)
has expired.

(By unanimous consent, Mr. DREIER
was allowed to proceed for 1 additional
minute.)
June 21, 2000

Mr. DREIER. Mr. Chairman, I continue to yield to the gentleman from California, Mr. Rogan.

Mr. ROGAN. Mr. Chairman, what I just wanted to share with my colleagues is that a visit to JPL is an incredible experience. When one goes there, one sees not only the incredible benefits they have made with respect to space exploration but what JPL has done for our national economy with the spin-off technology that has come out of there, from robotics surgery, to breast cancer research, data compression, laser technology, global communications, and the list goes on and on.

To contract this out now would have a devastating effect not just on JPL but upon our technology, because we cannot contract out the cumulative knowledge and experience of these people, those incredibly dedicated men and women.

So, once again, I want to urge the subcommittee Chairman, in his dealings with the other body, to do as the Chairman of the Committee on Rules has suggested, to keep this whole knowledge that we have here. I yield for a colleague to talk about his work.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to ask my good friend and colleague, the gentleman from New York (Mr. Sweeney), also a fellow New York Yankee fan, to engage in a colloquy with me.

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

Mr. WALSH. I yield to the gentleman from New York.

Mr. Sweeney. Mr. Chairman, I want to thank my friend and my neighbor, and I just want to say that the chairman of the subcommittee, the gentleman from New York (Mr. Walsh), does great work for all of this Nation, and we New Yorkers are particularly proud of the work that he does.

I rise today, Mr. Chairman, with concerns I have regarding an important issue that affects my region of the country, but, sadly, I think, a growing part of the Nation is being affected as well, and it is certainly the greatest environmental challenge for the Adirondack Mountains of New York, and that is the issue of acid rain.

The Members of the New York congressional delegation, in particular, my Adirondack neighbor to the north, the gentleman from New York (Mr. McHugh), as well as the subcommittee chairman, the gentleman from New York (Mr. Walsh), have been very aggressive in combating the toxic rain that is falling on our region and killing our lakes and forests. Specifically, I would like to address three acid rain programs that I fear are currently in danger of being dismantled.

First, earlier this year, EPA announced a decision to discontinue funding for the Mountain Acid Deposition Project, MADPRO, under its Office of Research and Development. This program is doing important work in monitoring cloud water chemistry and quantifying the debilitating effects of acid rain on our region.

Operating since 1994, the MADPRO cloud monitoring program has located one of its three monitoring sites at Whiteface Mountain, in the heart of the Adirondack Park. I know a place near and dear to the chairman's heart. Thankfully, we have had many of us, EPA this month reversed its earlier decision to discontinue funding. However, I remain concerned about the long-term commitment of the EPA to this important initiative.

Second, I want to express considerable concern for the Clean Air Status and Trends Network, CASTNet. In 1997, there was concern that CASTNet was at risk of being defunded; and since that time, Congress has set a floor for the funding of that program.

Lastly, I am concerned about important Temporally Integrated Monitoring of Ecosystems/Long-Term Monitoring Network, TIME/LTM, which measures water chemistry in lakes and streams throughout the Adirondacks and Appalachian Mountains. TIME/LTM is the only long-term network which helps us determine whether past emission controls are having their intended effect on the environment.

Mr. DREIER. Mr. Chairman, I have time to ask my colleague from New York to continue to yield.

Mr. Sweeney. Mr. Chairman, if the gentleman will continue to yield, I thank the chairman again for his commitment to fighting acid rain.

It is important to note at this time, Mr. Chairman, a recent GAO report, which I requested, revealed that half of the lakes in the Adirondacks have shown increases in nitrogen levels since the Clean Air Act Amendments were signed into law in 1990. These levels are at levels far higher than EPA's own worst-case scenario estimates, and we are clearly not doing enough.

I believe that the current evidence of the worsening of the acid rain problem shows that this is a time to be strengthening the Federal Government's commitment to acid rain programs, not retracting it; and I once again thank the Chairman for his commitment to funding these important environmental programs.

Mr. Chairman, I thank the gentleman from New York for offering the opportunity to express language that ensures the continuation of these critical acid rain monitoring programs.

The Chairman. The Clerk will read. The Clerk reads as follows:

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE (INCLUDING TRANSFER OF FUNDS)


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 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 offfsetting certain expenses of the Federal Government, and shall 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 5 percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

(TRANSFER OF FUNDS)

For necessary expenses pursuant to section 1366 of the National Flood Insurance Act of 1968, $30,000,000 to be derived by transfer from the "Disaster relief" account, and such additional sums as may be received under 1360g(c) or provided by State or local governments or other funds (including funds for floodproofing and floodproofing activities designed to reduce the risk of flood damage) to be deposited into the Federal Consumer Information Center Fund:

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Federal 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 1365 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.


The first sentence of section 136c(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4127(c)), as amended by section 104 of the Higher Education Act of 2000, is further 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 in the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of the Federal Consumer Information Center Fund in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal years 2000 and 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, operational, and 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, $5,499,900,000, to remain available for obligations incurred before October 1, 2001:

AMENDMENT NO. 33 OFFERED BY MR. CUMMINGS

Mr. CUMMINGS. Mr. Chairman, I offer an amendment that has been designated No. 33.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. CUMMINGS:

Page 73, line 3, after the dollar amount inserted in the following: "(increased by $2,800,000)".

Page 73, line 18, after the dollar amount inserted in the following: "(increased by $2,800,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed the amendment.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume. However, I am not in opposition.

We have considered this and we have discussed this with the gentleman from West Virginia (Mr. MOLLOHAN) the ranking member. We view this as a friendly amendment, it is a proper use of funds, and we think it is a good allocation of funds. For that reason, I have no objection to the amendment offered by the gentleman from Maryland.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I agree with the chairman and have no objection. I compliment the gentleman from Maryland (Mr. CUMMINGS) for bringing it up.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. ROEMER:

Page 73, line 3, after the dollar amount inserted in the following: "(reduced by $2,000,000)".

Page 73, line 18, after the dollar amount inserted in the following: "(increased by $2,800,000)".

Page 77, line 5, after the dollar amount inserted in the following: "(increased by $5,900,000)".

Page 77, line 11, after the dollar amount inserted in the following: "(increased by $5,900,000)".

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20,
2000, the gentleman from Indiana (Mr. ROEMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to yield 10 minutes additional time to both sides evenly divided.

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

Mr. WALSH. Mr. Chairman, reserving the right to object, if I could inquire of the gentleman from Indiana (Mr. ROEMER), it is our understanding that he has several other amendments that have time allocated for them; and if he would withhold from offering those amendments, and if my colleague from West Virginia (Mr. MOLLOHAN) who was a part of the other two amendments the gentleman would agree, we could provide the additional 10 minutes to this amendment.

Mr. ROEMER. Mr. Chairman, an additional 10 minutes per side to this amendment?

Mr. WALSH. Mr. Chairman, that is correct.

Mr. Chairman, I yield to the gentleman from West Virginia (Mr. MOLLOHAN) for clarification.

Mr. MOLLOHAN. Mr. Chairman, if the Chair would indulge, I do not know how complicated this might be to do, if it could be done in the Committee of the Whole or done in the whole House. But if such an agreement could be worked out easily, I would agree to that, give the gentleman another 10 minutes, and save us 20 minutes on the other two amendments.

Mr. WALSH. Mr. Chairman, reclaiming my time, as I understand it, there would then be provided a total of 30 minutes in the aggregate, 15 minutes a side, on this amendment.

Mr. MOLLOHAN. Mr. Chairman, it would be a total of 20 minutes, with 10 minutes on each side for this amendment.

Mr. ROEMER. Mr. Chairman, I understood it to be a total of 30 minutes, 15 minutes per side.

Mr. MOLLOHAN. Mr. Chairman, we discussed this very clearly. It would be a total of 20 minutes on this amendment No. 48, 10 minutes to a side on that; on the other two amendments the gentleman would be able to speak for 2 minutes just to talk about the amendment and then to withdraw them and not to exercise a point of order with regard to them.

Mr. ROEMER. Mr. Chairman, if the gentleman will continue to yield, how about I would agree to the 10 minutes per side on this amendment and then I have 4 minutes to discuss my two amendments in the next title and withdraw the amendments?

Mr. WALSH. Mr. Chairman, I have no objection to that. If the gentlemen are all in agreement, I would be happy to agree to that.

Mr. MOLLOHAN. Mr. Chairman, I have no objection to that.

The CHAIRMAN. Without objection, the gentleman from Indiana (Mr. ROEMER) will have 10 minutes and a Member opposed will have 10 minutes on this amendment.

There was no objection.

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

Mr. Chairman, I thank the chairman and the ranking member for their gracious opportunity to work through this amendment, which oftentimes is given an hour or 2 hours of debate.

Mr. Chairman, this amendment would cut $2.1 billion and thereby eliminate the Space Station, transfer $508 million to the National Science Foundation, and transfer another $365 million back into NASA, thereby leaving $1 billion for debt reduction, probably the highest priority for the American people right now to keep this economy going and provide low interest rates and low mortgage payments.

For NASA, Mr. Chairman, this is the best of both worlds. It is the best of times in that we are succeeding in many endeavors: the Hubell returning great pictures from space, the Pathfinder landing on Mars and exciting the American people with new knowledge, and John Glenn saying our senior citizens going into space can teach us every bit as much as a 25-year-old endeavoring into space. But they are also the worst of times, with a Space Station eating up $2.1 billion and being $80 billion over budget.

Now, according to this graph, Mr. Chairman, the initial cost of the Space Station was $8 billion. It is now $100 billion and growing. The initial missions for the Space Station, we had eight. Now, they are down to one. I do not think this is a good investment of the taxpayers' money.

Now, Bill Gates, the chairman of Microsoft, was just up here testifying the other day and told Congress that the best investment we could make as a Congress, as a people, is to invest in research and development and science so that we stay on the cutting edge and keep jobs in America and export products abroad.

This amendment moves $508 million into the National Science Foundation to invest in research and development, to invest in the American workers, to invest in the cutting edge, and to invest in American jobs.

I would conclude so that I could have more speakers have the opportunity to discuss this amendment by saying this: Our dream has expanded beyond the Space Station, outside of the universe with the Hubell pictures and Mars; and now with the Russians and MIR, their space station is now being paid for by wealthy Americans paying $220 million to travel to MIR.

Is that the future of the American Space Station, an expensive amusement park for the wealthy, when it can do little else?

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

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

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

Mr. Chairman, the proposed amendment would delete funding for the International Space Station and reallocate the funds to various worthy programs in other portions of the bill and designate a portion of the savings for debt reduction.

While I may agree with the plea for additional funds in some of the programs proposed by the gentleman from Indiana (Mr. ROEMER), I must oppose the amendment.

In addition to Russia, the second largest infrastructure provider, the other international partners remain committed to the station program, having spent over $5 billion to date.
The Russian Service Module is on schedule for a summer launch. This element will allow a permanent crew to be placed in orbit later this year.

NASA is actively encouraging commercial participation in the station program, having just concluded a major multimedia collaboration.

Mr. Chairman, within one year, the station will be inhabited by three international crew members. In five years, the station will be complete and serving as an outpost for humans to develop, use, and explore the space frontier. We have come far, and soon the station research will be underway. Now is not the time to stop this incredibly important program.

I ask all Members to oppose the Roe amendment.

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

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE), a cosponsor of the bipartisan amendment.

Mr. GANSKE. Mr. Chairman, I thank the gentleman from Indiana for yielding me the time. I will try to save a little time.

Mr. Chairman, the International Space Station is a failure and it is a misuse of taxpayer money. In 1983, Ronald Reagan first presented the idea of the Space Station and NASA predicted the cost would be $8 billion.

Between 1985 and 1993, we spent $11.4 billion on this project and never sent anything to orbit. So we started over and, voila, we had the International Space Station.

In 1993, NASA told us that the station would cost $17.4 billion to build, would be completed in the year 2002, and would be operational for 10 years. They told us the total operational costs from construction to decommissioning would be $72.3 billion. We were presented with a new program that would cost twice as much and that would last one-third as long.

And what was the result? As my colleagues can see from my chart, since 1993 we have spent more than $2 billion every year. With funding provided in this bill, we will have spent $25.4 billion since 1995. Construction is 4 years behind schedule and is expected to cost the U.S. around $26 billion. That is 50 percent above the original quote.

The United States is expected to pay 74 percent of construction costs. If this Station is completed and if it becomes operational, the United States is scheduled to pay 76 percent of operational costs. And we call that an international Space Station!

The United States is the only country expected to make cash payments for this Station’s operating expenses. The other countries will reimburse through in-kind contributions.

Where is the international commitment? Vote for this amendment. It requires necessary funding to the National Science Foundation; it boosts successful NASA programs; and it reduces the national debt.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, once again I rise in opposition to kill the International Space Station and once again I rise in the strongest possible opposition to that amendment.

Last year, I said that the time for debate on this issue had passed. It was true then, and it is certainly true today. It is even more true today. All of these arguments that are being advanced against the International Space Station were applicable a long time ago. We have now a functional Space Station in Earth’s orbit. We have a team of scientists who have just returned from a resupply, repair, and reboost mission to that station and by the end of this summer, the launch of the long-awaited Russian service module will allow the station to be inhabited by humans.

Mr. Chairman, the gentleman from Indiana would throw all of that away, flushing literally tens of billions of dollars down the drain, money invested by the United States and also money invested by our international partners, yes, by Russia, Canada, Japan, Italy, and France to name just a few. Pulling out of the joint effort at this stage is, in my judgment, irresponsible.

Mr. Chairman, we have had a number of recent votes on this issue. I think from 1992 to date, a series of maybe eight or nine votes on this issue. In each instance, the body has expressed its solid support and increasing support for the International Space Station.

There is simply not much else to say in this debate. We have said so many times before during those years.

But let us be honest. This amendment is not really about anything else other than killing the Space Station, however attractive some of the accounts are to where the money is spent. This debate has been decided in the past. I urge defeat of the gentleman’s amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I suggest we can do better by our budget and by our children by investing the Space Station money in worthy, reliable programs, both at NASA and in other areas of the science budget as well as reducing our national debt.

Mr. Chairman, what could we do with $2.1 billion? We could fund the National Institutes of Health for 16 years. We could provide low-income heating assistance for thousands of families; or fund child immunization programs nationwide. We could also clean up our Superfund sites, fund drug prevention programs, provide Head Start to our children in need, pay our debt to the United Nations, and provide a tax cut for working families. These are investments that should be making for our children and for their future. I strongly believe that the Space Station is a case of misplaced priorities. With the many needs here on Earth, the Space Station is just too expensive. We need to shore up our Social Security system and protect Medicare and Medicaid. This amendment must be passed.

Mr. WALSH. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Alabama (Mr. CRAMER), a member of the subcommittee.

Mr. CRAMER. I thank the chairman of the subcommittee for yielding me this time.

Mr. Chairman, 9 years we have been at this. The gentleman from West Virginia, the ranking member, referred to the number of votes that we have had before. When we add in the authorizing committee battles that we have had over the Space Station issue and now this battle as well, it seems like we have voted hundreds of times on this amendment. We need to give our support to the good NASA employees that have given their careers to building the Space Station program. This is not the time to pull the rug out from under this program. As we speak, the prime contractor is 90 percent through developing the hardware. As we speak, there are 12 International Space Station payloads already at the Kennedy launch site. Just last month, the shuttle dropped off 2,000 pounds of supplies for the first crew.

We have got numerous experiments and scientific projects that will be carried aboard the Space Station project as well. It is up there. We need to give our support to this program.

If there ever was a time to discuss this issue, it was years and years ago. The gentleman from Indiana is wrong and this was wrong at this time. We have been at this for 9 years. Give it a rest.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. DUNCAN) in support of my bipartisan amendment.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this amendment. As both the gentleman from Indiana (Mr. ROEMER) and the gentleman from Iowa (Mr. GANSKE) mentioned, the original estimate on the cost for this Space Station was $8 billion in 1984. The old Washington con game or shell game is at work here again, drastically low-balling the original estimate of cost and then spreading the funding around to as many congressional districts as possible to try to get political support.

Seven years after the start of this in 1991, an extraordinary coalition of 14 leading scientific groups came out strongly against the Space Station because of the tremendous drain on funding from other worthwhile scientific
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CONGRESSIONAL RECORD—HOUSE

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL), the distinguished ranking member of the full Committee on Science and a strong advocate of the Space Station program.

Mr. HALL. Mr. Chairman, here we go again. Of course I oppose this amendment. I have opposed it ever since the gentleman from Indiana has been in Congress. I hope I am opposing it for the next 10 years with him because he is a great guy; he just has a lousy amendment.

He is continuing that tradition even though the first segment of the International Space Station is already in orbit and operational and additional elements of the station are awaiting launch from Cape Kennedy. There are so many reasons. I will just say that we are here in the annual argument again. It has been argued before time and time again. It has never passed. I think if it should pass this station to go on to the next station that we would have every hotel and every eating establishment within 100 miles of here covered by school children and university people and people across the country that know that this is the future of America. We have a Space Station. We need it for many reasons: medical, all types of electronic fallout, national defense. You name it; we need it.

I urge my colleagues to vote against the amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

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

Mr. Chairman, I rise today in support of my friends from Indiana’s amendment. It is time for this Congress to finally realize that previous Congresses have simply made a bad investment decision. But let me preface my remarks by saying that there is no bigger cheerleader for NASA at the space program in this Congress than myself. In fact, I sometimes think like Yogi Berra that it is deja vu all over again. We have been here before. We have enacted the President’s budget and the readjustments. Mr. Chairman, I urge my colleagues to support this amendment to terminate this failed program and do what is right for our citizens.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GENSENBERG).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman for allowing me to oppose the Roemer amendment one more time. I sometimes think like Yogi Berra that it is deja vu all over again. We have been here before. We have enacted the President’s budget and the readjustments. Mr. Chairman, I urge my colleagues to support this amendment to terminate this failed program and do what is right for our citizens.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, in my 6 years in Congress I have consistently voted to stop the fiscal hemorrhaging represented by the International Space Station. Because I have done so, I often have constituents ask me how I can be against space-based research. My answer is that I am not against space research. In fact, I am ardently for such science. Unfortunately, the International Space Station does not advance the scientific mission of NASA and actually threatens the scientific payoff the United States can expect from the agency. Evidence today shows that few non-NASA scientists believe the project has scientific value. And continuing cost overruns suck the air out of worthwhile programs, making it unlikely we will be able to duplicate the success of missions like the Pathfinder.

Mr. Chairman, the pro space science amendment is the no Space Station vote.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

The Roemer-Ganske-Woolsey-Duncan-Rivers-LoBiondo-Kind-Camp-Ramstad bipartisan amendment is strongly supported by the Taxpayers for Common Sense, the National Taxpayers Union, Citizens Against Government Waste, the Concord Coalition.
and Citizens for a Sound Economy. Ten leading scientific associations, including the American Physical Society, the Carnegie Mellon Society, and the American Society of Cell Biologists also support it.

I encourage bipartisan support to stop the Space Station and invest in the National Science Foundation and debt reduction.

Mr. WALSH. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. LAMPSON).

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

Mr. Chairman, terminating the International Space Station would end what could be the most significant research and development laboratory in history and cause a complete upheaval of the shuttle program for years into the future, in America's space flight program.

High-cost growth often cited as the reason to terminate the Space Station is simply not the case. The initial congressional budget projection for ISS from 1984 to 2000 was approximately $14.5 billion. During those years, actual expenditures have totalled $15.8 billion, reflecting a growth of less than 10 percent. Termination costs could total over $750 million. And the prime contractor has completed nearly 90 percent of its development work. In addition, Russia and the other international partners remain committed to the ISS and have spent over $5 billion to date. Within 1 year, the ISS will be inhabited by three international crew members. In 5 years, the Space Station will be complete and serving as an outpost for humans to develop, use, and explore the space frontier.

We have come so far and soon the ISS research will be under way. The last 2 decades have seen magnificent high-tech growth in this world. Imagine what this facility will do for the children and education in the next 2 decades and beyond. Vote no on this misguided amendment.

Mr. JACKSON-LEE of Texas. Mr. Chairman, I rise today to oppose the Roemer-Ganske-Woolsey-Duncan et al. amendment to H.R. 4635, the VA-HUD-Independent Agencies Appropriations Act.

We cannot squander this historic opportunity to invest in America's future; if approved, this amendment to the VA-HUD Appropriations measure risks doing just that.

Despite the shortcomings of this bill, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the preeminent country for space exploration.

Although this measure is destined to be vetoed in its current form, I believe the $13.7 billion appropriation, $322 million (2 percent) less than the administration, could have been even more generous.

But the amendment offered to completely eliminate funding for the international space station would be entirely reckless and would abandon our commitment to the American people.

Although many of us would have clearly preferred to vote on a bill that includes more funding for other NASA priorities, Veterans Administration and National Science Foundation programs, such increases should not offset the money appropriated for our international space station.

The measure provides $2.1 billion for continued development of the international space station, and $3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Shuttle safely and to launch, as well as assemble the international Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA. It has been accused, but we will have a space program and we will have a space station, and $3.2 billion for space shuttle operations. We need to continue the development of the international space station, and $3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Shuttle safely and to launch, as well as assemble the international Space Station.

Mr. Chairman, I rise in opposition to the gentleman's amendment.

The International Space Station represents a unique scientific opportunity to perform research. Research and innovations and breakthroughs that will improve the quality of life for all of us. NASA has already grown crystals aboard the Shuttle that have provided scientists with useful insights into the mechanisms of crystal growth. Information gained on crystal growth will make it easier and more predictable to develop specialized materials on Earth. During relatively short duration Shuttle missions scientists have gained a better understanding of underlying biological mechanisms that will help us understand balance and hearing in humans. Of particular interest is the fact that Shuttle flights which have given scientists a better understanding of the structure of a specific strain of the flu virus that kills 3,000 infants in the U.S. annually, providing pharmaceutical manufacturers key information needed to develop antibodies.

Clearly, research aboard the Shuttle in the zero gravity environment of space has led to keen insights into various scientific phenomena. However, this is only a fraction of the scientific discoveries enabled by the Space Station. The Shuttle can only fly a handful of times per year and only a couple weeks at a time. On the other hand, the Space Station enables research to be conducted 365 days a year.

Mr. Chairman, I rise in opposition to the gentleman's amendment. Mr. ROE-MER. After countless missed deadlines, technical glitches, cost overruns, and a lack of support from our so-called "partners," it's time we face facts; the International Space Station program must end.

The original estimate for the first space station put the cost of such an endeavor at $8 billion. Congress ended up spending $11.4 billion and what it got was a failed program that offered little hardware, and no launch. Since this program did not work, Congress should not even increase the billions of dollars a year it will take to maintain the station after that. What's more, our so-called "partners," Japan, Canada, and 10 other countries, are only required to collectively spend $9 billion. It seems the partners of the International Space Station actually share little more than a name. Once again the United States is left holding the bag.

On March 16, 2000, Mr. Allen Li, Associate Director, National Security and International Affairs Division of the Government Accounting Office gave testimony before the House Science Subcommittee on Space and Aeronautics saying Russia is still not complying with the space station's safety requirements. His testimony states the Russian Control and Service Modules have not met NASA guidelines to protect the station from orbiting debris, vehicle damage, and non-cooperative action. NASA is still reviewing other safety concerns including excessive noise levels and outright operational failure. Where billions of dollars are concerned and, more importantly, human life, is any risk acceptable? My greatest fear is that NASA is ignoring quality standards in a futile attempt to justify this albatross.

It is for these reasons I fully support Mr. ROEMER's amendment to the Veterans Administration-Housing and Urban Development Appropriations bill for FY 2001. This amendment transfers the $2.115 billion appropriated to the International Space Station and places it in the National Science Foundation and in other valuable NASA programs. Additional money will go towards paying down the national debt.

Mr. Chairman, enough is enough. Congress has already dumped too much into this space station, to no benefit. I believe we should give America's taxpayers a break by canceling the International Space Station.

Mr. KUCINICH. Mr. Chairman, I rise in opposition to the gentleman's amendment. Mr. ROE-MER. After countless missed deadlines, technical glitches, cost overruns, and a lack of support from our so-called "partners," it's time we face facts; the International Space Station program must end.

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Mr. KUCINICH. Mr. Chairman, I rise in opposition to the gentleman's amendment. Mr. ROE-MER. After countless missed deadlines, technical glitches, cost overruns, and a lack of support from our so-called "partners," it's time we face facts; the International Space Station program must end.
Space Station (ISS). The Space Station is critical for NASA to maintain America's leadership in space exploration, research and technology. In addition, we are building peaceful relationships among 16 countries by collaborating on mutual goals for the benefit of humankind.

The practical benefits to space exploration are countless. It is proven that for each tax dollar we spend in space, we receive $9 back here on Earth in new products, new technologies and improvements for people around the world. Research in the Space Station's unique orbital laboratory will lead to discoveries in medicine, materials and fundamental science. Space station research will build on proven medical research conducted on the Space Shuttle to benefit diseases such as cancer, osteoporosis and AIDS. Medical equipment technology developed for low orbit astronauts are still paying off today. For example:

NASA developed a "cool suit" for the Apollo missions, which is now helping to improve the quality of life of multiple sclerosis patients.

NASA technology has produced a pacemaker that can be programmed from outside the body.

NASA developed instruments to measure bone loss and bone density without penetrating the skin which are now being used by hospitals.

NASA research has led to an implant for delivering insulin to diabetics that is only 3 inches across which provides more precise control of blood sugar levels and frees diabetics from the daily burden of insulin.

Second, the ISS enhances US economic competitiveness by providing an opportunity for the private sector to use the technologies and research applications of space. This will increase the number of high-tech jobs and economic opportunities available today and for future generations.

Third, the Space Station serves as a virtual classroom for students of all ages. Innovative programs have been designed that will allow students to actively participate in research on board the Station. Our commitment to long-term research and development will encourage today's youth to consider careers in science and technology, fields where American workers are desperately needed.

With nearly 90 percent of the International Space Station development completed, we are only months away from having a permanent human presence in low orbit and beginning the research that holds so much promise for the global community. Ending progress on the ISS now would require NASA to scrap billions and develop for the ISS. Furthermore, we would be throwing away years of international cooperation and ending the peace time collaboration in history.

I urge my colleagues to ensure that the United States remains at the forefront of space research. Vote NO on the Roemer amendment.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed. The point of no quorum is considered withdrawn.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the distinguished gentleman from Missouri (Mr. HULSHOF) to enter into a colloquy.

Mr. HULSHOF. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH) for yielding to me. As my good friend, the gentleman from New York (Mr. WALSH) the chairman of the Subcommittee VA, HUD and Independent Agencies knows, in a 6-hour time frame between May the 6 of this year and Sunday May the 7, 15 inches of rain fell in parts of my district. As a result of some severe flash flooding, two lives were lost, over 200 of my constituents were left homeless and numerous businesses have suffered property damage.

Recognizing the severity of these damages caused by the flooding, the President on May the 12 of this year designated three Missouri counties, Franklin County, Gasconade and Jefferson County as Federal disaster areas.

Believing that a precedent had been set by Congress in their dealings with past disasters, the Mayor of the City of Washington, Missouri submitted to me a request for an appropriation that would permit their city to implement a flood buyout and relocation program.

Though a specific line item was not used to secure relief for the victims of past floods, it is my understanding that a precedent was set by allowing money through the Housing and Urban Development's Community Development and Block Grants program to pay for buyouts, to pay for relocation and mitigation in communities in North Dakota, South Dakota, and Minnesota.

While I certainly, Mr. Chairman, would prefer that more money be made available in the Community Development Block Grant low, and moderate-income requirements for those areas affected by the major disaster that was the subject of this May 6 and 7 flood. However, I also recognize that the provisions of such a proposal would constitute legislating on an appropriations bill and would have been ruled out of order.

Mr. Chairman, recognizing that at this point there is little that this body can do, I would ask the gentleman from New York (Mr. Walsh) should an opportunity present itself to help those families and businesses that were severely impacted for him to look for that and grasp that opportunity on behalf of those families and businesses.

Mr. Chairman, I want to thank the gentleman from New York (Mr. WALSH) for his willingness to work with me to address this very critical and serious situation.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Missouri (Mr. HULSHOF) for his hard work on behalf of the American Forest and Paper Association, EPA should withdraw its August 23, 1999 proposed rule during fiscal year 2001. This limitation is consistent with my own position that, due to the overwhelming opposition from groups as diverse as the United States Conference of Mayors, Friends of the Earth, Earth Justice Legal Defense Fund, the Sierra Club, the Clean Water Industry Coalition, the National Federation of Independent Business, the American Foreign Bureau Federation and the American Paper Association, EPA should withdraw its August 23, 1999 TMDL proposals and go back to the drawing board.

However, I also want to make sure that H.R. 4635 includes bill language that would prevent EPA from finalizing or implementing changes to the Agency's TMDL program that are based on the August 23, 1999 proposed rule during fiscal year 2001. This limitation is consistent with my own position that, due to the overwhelming opposition from groups as diverse as the United States Conference of Mayors, Friends of the Earth, Earth Justice Legal Defense Fund, the Sierra Club, the Clean Water Industry Coalition, the National Federation of Independent Business, the American Foreign Bureau Federation and the American Paper Association, EPA should withdraw its August 23, 1999 TMDL proposals and go back to the drawing board.

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under current regulatory authorities. This is one of the primary purposes of the $1.5 billion increase in funding for State Clean Water programs under section 106 of the Clean Water Act. The committee expects States to use these resources in part to fill the data gaps identified by GAO in their March 2000 report on data quality and to develop and implement TMDLs that are scientifically and legally defensible.

Mr. BOEHLENT. Mr. Chairman, in addition, I would like to seek clarification of the committee's intent if EPA ignores my request and the requests of other Members of Congress, our Nation's mayors, major environmental groups, agricultural groups, forestry groups and industry groups and finalizes this rule within an effective date that occurs prior to the enactment of H.R. 4635.

The CHAIRMAN. The time of the gentleman from New York (Mr. WALSH) has expired.

(By unanimous consent, Mr. WALSH was allowed to proceed for 1 additional minute.)

Mr. BOEHLENT. If the gentleman will continue to yield, some have suggested that if EPA's new TMDL rules go into effect, existing regulations will be removed from the Code of Federal Regulations and the language of H.R. 4635 will not reinstate those existing regulations.

Mr. WALSH. Mr. Chairman, I thank my friend for his advocacy. If EPA refuses to withdraw the TMDL rules and issues final rules with an effective date that will occur before enactment of this legislation, I will work with the Senate in conference to ensure that the TMDL regulation in effect today remain in place.

Mr. BOEHLENT. Mr. Chairman, I want to thank the gentleman for his leadership, and it is pleasure to work in partnership with him.

The CHAIRMAN. The Clerk will read. The Clerk reads as follows:

AMENDMENT NO. 39 OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. MOLLOHAN:

Page 73, line 18, insert after the dollar amount the following: “(increased by $322,700,000)”.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, January 20, 2000, the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from West Virginia (Mr. MOLLOHAN).

The CHAIRMAN. The gentleman from New York reserves a point of order.

The Chair recognizes the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, let me express appreciation to my dear friend and colleague, the gentleman from Alabama (Mr. CRAMER) for his assistance in working on this amendment and working on NASA issues generally. The gentleman is a real champion for NASA funding and he has a passionate concern for the underfunding of some of the accounts that we are trying to address here today. I just want to give a special note of appreciation to him for his assistance.

This amendment, Mr. Chairman, would accomplish a simple goal: to bring NASA's long-reduced budget up to the President's requests. After years of repeated cuts the administration has proposed a modest increase for NASA, only 3.2 percent, but it is a modest increase and barely takes care of inflation. Indeed, the gentleman from New York (Chairman WALSH) has done his best to fund NASA in this bill, and we express appreciation for him for those efforts.

Let me briefly explain why I think there are some accounts that deserve funding. The so-called Living With the Sun's initiative that would help us understand the Sun's behavior, extremely important, Mr. Chairman, when to expect sun flares, when to expect these abnormalities affect us on Earth. Mr. Chairman, my amendment would provide $16.5 million to that end.

Secondly, the bill before us completely eliminates funding for the space launch initiative, extremely important, including funding for advanced technology research on the next generation Space Shuttle, as well as ongoing work on two experimental vehicles, the X34 and the X37.

My amendment, Mr. Chairman, would provide $290 million for this purpose, which represents $30 million less than the President's requests, but it at least gets significant amounts of money on those very important projects.

Thirdly, my amendment would provide $39.1 million to the aviation systems capacity program for a total of $49.2 million. This important ongoing program of research and development has a role in improving utilization traffic control and reducing airport and aerospace congestion.

Finally, my amendment provides $7 million for the small aircraft transportation system, to develop technology for use in improving utilization traffic control and reducing general aviation airports and aircraft, which have the highest accident rate of all modes of transportation, Mr. Chairman. This is an area that we desperately need to put these additional funds.

Let me restate that by offering this amendment, I am in no way intending to criticize my chairman, the gentleman from New York (Mr. WALSH) for his hard work in drafting this bill. We simply did not have enough money to go around and hopefully we will as we move forward.

We have, however, I think, with this amendment, put important resources back into NASA's programs that were underfunded so that it can carry out these important responsibilities.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

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

Mr. Chairman, I reluctantly oppose the amendment of the gentleman from West Virginia (Mr. MOLLOHAN). As we all know, there is no offset for this, but we are certainly sensitive to the desire of the gentleman to provide these funds where they are needed. Unfortunately, we do not have the additional funds to provide under our allocation. If, perhaps, later in the process, additional funds come available, we would be happy to work with the gentleman to resolve this. At this time, I must continue to hold a point of order against him.

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

Mr. MOLLOHAN. Mr. Chairman, I yield to my good friend, the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my colleague from New York (Mr. WALSH) for yielding me the time, and I want to say that I have enjoyed working with the gentleman for years on NASA's issues.

I represent the Marshall Space Flight Center back there in Alabama. When I came to the Congress in 1991, the gentleman was among the first people that we began working with to plan for a future for NASA that was beyond the space station. Also in coming to this subcommittee, I want to pay tribute to
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the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) during my now two terms on the subcommittee, the gentleman lamented the struggle vainly and against a lot of odds with allocations that made it very, very difficult for us to have the kind of NASA budget that some felt like we needed to have.

However, at the end of the process, we made sure that NASA did receive the support of the committee, and I thank the gentleman from New York for that and for enduring with those of us that want to make sure that the particular line item programs are heard and have a voice there.

Mr. Chairman, I want to speak more specifically to the Space Launch Initiative, because the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) is attempting through this amendment to restore funding that would help a number of NASA's programs, and he has spoken about those programs. But the Space Launch Initiative is a very important initiative that really defines NASA's future.

It is designed to enable the aerospace industry and NASA to come together to look at a new version of space transportation. The Space Launch Initiative envisions NASA eventually purchasing launches from commercial launch vendors allowing NASA to then concentrate its resources on the science missions and space exploration as well. In Subcommittee on Space and Aeronautics, I know the ranking member, the gentleman from Texas (Mr. HALL) is here, and he will spend time discussing over this particular amendment the initiatives that the Committee has undertaken.

We have given a mandate to NASA to come up with alternative means of transportation, working with the aerospace industry to make sure that they come up with these alternate means of transportation as we restore this funding to NASA's budget, they will not be able to do that.

I hope that the committee will hear this amendment, and especially as the process winds its way through, as we continue the rest of the summer, that we will be able to restore this important funding to NASA to make sure that the Space Launch Initiative is indeed a reality.

Mr. HOYER. Does the gentleman from New York (Mr. WALSH) reserve his point of order?

Mr. WALSH. I do. Mr. Chairman. Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Maryland, (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my distinguished friend from West Virginia (Mr. MOLLOHAN), the ranking member of the subcommittee for yielding me the time, and I rise in strong support of his amendment.

I want to say at the outset that I believe that the chairman of this subcommittee is not necessarily in theory opposed to the dollars being added back and, therefore, I think in terms of subcommittee, we can all support this amendment.

The ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) will argue that we are constrained by funding priorities, but I believe that this is a priority. I believe that is why the gentleman from West Virginia (Mr. MOLLOHAN) has offered it. If we think NASA's work is confined to scientific esoterica that only a handful of Ph.D.s can understand, we need to think again. Research and development conducted by NASA for our space program has led to widespread social benefits, everything from improvements in commercial airline safety to understanding global climate change.

NASA's research also has benefited medical science. For example, its research on the cardiovascular systems is leading to breakthrough discoveries, testing procedures and treatments for heart disease. A few of today's space-derived improvements include blood pressure monitors, self-adjusting pacemakers and ultrasound images. You would not think of that at first blush. The amendment before us would restore $322.7 million in funding for NASA's space and aeronautical programs, funding that was cut in committee from the President's number.

The amendment before us brings our national priorities back into focus, which is, in my opinion, what we ought to do. It would restore $260 million to NASA's space launch initiative, which is critical for our future space needs. In addition, this amendment would restore $16.6 million in funding for NASA's Living with a Star initiative, a project that will be run at Goddard Space Flight Center.

Mr. Speaker, the tapestry of our national history is woven together by exploration and discovery, from the first settlers in Jamestown to the expeditions of Lewis and Clark, to Neil Armstrong's first step on the Moon 31 years ago. Today, let us reaffirm our national commitment to the latest frontier, science and technology.

I urge my colleagues to support this amendment.

Mr. Chairman, let me state my strong support for this amendment on NASA funding. It's not about pork-barrel spending and pet projects. It's about our Nation's peace and prosperity, and our quality of life.

If you think that NASA's work is confined to scientific esoterica that only a handful of Ph.D.s can understand, think again. Research and development conducted by NASA for our space program has led to widespread social benefits—everything from improvements in commercial airline safety to understanding global climate change.

NASA's research also has benefitted medical science. For example, its research on the cardiovascular system is leading to breakthrough discoveries, testing procedures and treatments for heart disease. A few of today's space-derived improvements include blood pressure monitors, self-adjusting pacemakers and ultrasound images.

The amendment before us would restore $322.7 million in funding to NASA's space and aeronautical programs—funding that was cut in committee. That's certainly a lot of money. However, before I describe the NASA programs that would be forced into a stare down with the budget ax, and why funding for these programs ought to be restored, let me ask this question: Are our national priorities so out of whack that we're willing to sacrifice our commitment to science and technology on the altar of enormous and irresponsible tax cuts?

Despite the pioneering spirit that courses through our national character, the majority party apparently thinks so.

Last year, they pushed their huge tax cut scheme through Congress, even though it could have put at risk the healthiest economy in our lifetimes. This year, they're back with equally irresponsible tax schemes.

That's what this cut to NASA funding is all about—funding tax cuts that would benefit the wealthiest among us.

The Republican Party—with its $175 billion in tax cuts over five years, which, according to some estimates, would rise to nearly $1 trillion over 10 years—has to make its budget numbers add up somehow.

Today, NASA's neck is stretched out on the chopping block. Yesterday, it was our school meals and increase and clear cuts. And tomorrow, it will be our initiative to put more police officers on our streets.

All of these vital programs—and our effort to add a prescription drug benefit to Medicare—face the budget ax because the Republican Party would rather pass tax-cut schemes than invest in our Nation's future.

The amendment before us brings our national priorities back into focus. It would restore $260 million to NASA's space launch initiative, which is critical for our future in space. Safe, low-cost space transportation is the key to expanded commercial development and civil exploration of space. This NASA program would enable new opportunities in space exploration and enhance international competitiveness of the U.S. commercial launch industry. It's no wonder that NASA believes this program could impact space exploration and commerce as deeply as the Apollo program.

This amendment also would restore $16.6 million in funding for NASA's Living With a Star initiative—a project that will be run at Goddard Space Flight Center in my district. The Living With A Star initiative will enhance our understanding of the Sun and its impact on Earth and the environment. It will enable scientists to predict solar weather more accurately, and understand how solar variations affect civilian and military space systems, human space flight, electric power grids, high-frequency radio communications, and long-range weather.

In addition, this amendment would restore $46.1 million in funding for two programs that are developing solutions to expensive delays in commercial airline traffic. NASA uses its
Mr. Chairman, the tapestry of our national history is woven together by exploration and discovery—from the first settlers in Jamestown to the expeditions of Lewis and Clark to Neil Armstrong’s first step on the Moon 31 years ago. We have never turned our backs on challenge, and the space launch initiative, and the ranking member’s amendment will go far in that direction.

Mr. Walsh of West Virginia, in his very level and fair-handed handling of this, has agreed to look at this with the gentleman and see if something cannot be worked out. That allows me to give back maybe some of the 3 minutes the gentleman has given me. The gentleman has covered almost everything. The figures have been covered.

Members know I am a strong supporter of the national space program. I will not spend time today recounting all that have come out of the program over the years. I think everybody is aware of them.

But I am disappointed in the way this appropriations bill treats NASA. NASA is not a Republican thrust nor a Democratic thrust. It is really an American thrust, and it has always been handled that way.

When it came time, when the information came from the executive to cut back on programs, NASA was cut back more than any. NASA complied. Administrator Goldin agreed and cut it back because he knew he could cut it decisively with an intelligent knife; and if we cut it, sometimes we cut it with a baseball bat, not knowing really what we are doing. He cut it back about 30 percent over a period of 2½ years. I think we have kept the faith and we ought not to be cutting back on this NASA program again.

I urge that the Mollohan amendment be supported. The gentleman touched on Los Angeles Times, and that has already been addressed, the space launch initiative and our skills in that field, and the space launch initiative, which transforms telecommunications, weather prediction, defense, intelligence work, just to list some of the areas. It would be a mistake I think to lose leadership in space transportation by failing to make these important investments.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. Walsh of West Virginia, I do, Mr. Chairman.

Mr. Mollohan. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. Green).

Mr. Green of Texas. Mr. Chairman, I rise in strong support of our ranking member’s amendment. As the House considers this important amendment, I wanted to bring to Members’ attention just one of the success stories of our space program.

For the last 2 years, I have had the opportunity to meet with and get to know an outstanding scientist and an astronaut in Houston, Texas. Dr. Franklin Chang-Diaz has accompanied me to six of my middle schools in my district to talk about the need for students to take more math and science classes. I have also had the opportunity to visit Dr. Chang-Diaz in his plasma jet propulsion laboratory at Lyndon B. Johnson Space Center in Houston.

Dr. Chang-Diaz is obviously a man of many talents. He is a veteran astronaut with six space flights and has logged over 1,289 hours; but even more so, he is a scientist and he is developing the new, and forgive me if I mispronounce it, the Variable Specific Impulse Magnetoplasma Rocket concept called VASIMR. The VASIMR prototype rocket engine is designed to shorten the trip to Mars, or anywhere else, and provide a safer environment for the crew.

Dr. Chang-Diaz has been working with the scientists throughout NASA and the Department of Energy to develop this process today, and he has been able to secure funds to keep the project going. However, this project is just too important just to allow it to survive. While I do not make a specific request, Mr. Speaker, I hope in the future for assistance to fund the development of the VASIMR prototype rocket engine, and the ranking member’s amendment will go far in that direction.

The CHAIRMAN. Does the gentleman from New York continue to reserve his point of order?

Mr. Walsh. Mr. Chairman, I do.

Mr. Mollohan. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. Scott), my final speaker.

Mr. Scott. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the amendment introduced by the gentleman from West Virginia to restore funds to aeronautics research programs. This amendment is particularly important, given the actions we took last night to cut an additional $30 million from these programs on top of the cuts contained in the bill. This bill denies housing assistance to low-income Americans living in federally subsidized affordable housing. On average, residents of Section 8 housing and public housing and public housing earn only $7,800. This bill denies housing assistance for senior citizens, who made it possible for us to have a middle class. It forces working men and women to choose between housing, health care, food, and other basic needs.

Compared to President Clinton’s requested budget, HUD estimates it reduces housing assistance for San Francisco by $10.9 million and denies affordable Section 8 housing vouchers to 458 San Francisco families. It denies housing help to 234 San Francisco residents who are homeless or are living with HIV/AIDS.
Representative MOLLOHAN's amendment would invest additional funding to provide assistance across the country. At the Appropriations Committee, the Republicans rejected MOLLOHAN's amendment. This amendment would have increased investments to build new affordable housing; provide new affordable housing vouchers; provide housing to the homeless; operate, build, and modernize public hospitals; promote economically community development; and provide assistance to low-income Americans.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this amendment to increase funding for NASA's Science, Aeronautics, and Technology account to the level of the President's request.

When adequate funding for NASA was threatened in last year's VA-HUD appropriations bill, I received hundreds of letters and calls from my constituents in the 2nd Congressional district in Colorado expressing their concerns about the proposed budget cuts to federal science and NASA programs. Many of these calls and letters were from students, researchers, and employees who would have seen their work directly affected by cuts in NASA's budget. But many of the letters I received were from citizens with no direct involvement in NASA's programs. To me, their voices were especially significant because they point to a common understanding of the importance of continuing our investment in science, technology, research, and learning.

This past February, I hosted a "space weekend" for constituents in my district. I told them at that time that I was encouraged by the President's proposed budget number for fiscal 2001 in the areas of research and development programs, and in NASA funding in particular. I told them I was hopeful that Congress would make the wise decision to make those needed investments—investments that will allow us to build on the foundation we've already laid.

Unfortunately, those hopes have not been fulfilled. Today, the bill before us leaves NASA programs $322 million below the budget request. It eliminates almost all of the funding for the Small Aircraft Transportation System and the Aviation Capacity programs, both of which are intended to make use of NASA's technological capabilities to reduce air traffic congestion. If eliminated, funding for NASA's Space Launch Initiative, a program to help maintain American leadership in space transportation, and that eliminates all the money for NASA's effort to better forecast "solar storms" that, if undetected, can damage the nation's communications and national security satellites. This "living with a Star" program is especially important to the University of Colorado at Boulder and federal laboratories in my district.

Investing in NASA is a wise decision. The advancement of science and space should concern us all. We only have to look at some examples of the successful transfer and commercialization of NASA-sponsored research and technology to see why. From advances in breast tumor imaging and fetal heart monitoring to innovative ice removal systems for aircraft, NASA technology continues to benefit U.S. enterprises, economic growth and competitiveness, and quality of life.

NASA's Science, Aeronautics, and Technology programs comprise the bulk of NASA's research and development activities. Two of these programs that are of great importance to me are NASA's Offices of Space Science and Earth Science, which focus on increasing human understanding of space and the planet through the use of satellites, space probes, and robotic spacecraft to gather and transmit data.

There are still so many unanswered questions about the origins of the universe, the stars and the planets, as well as about how we can use the vantage point of space to develop models to help predict natural disasters, weather, and climate. But NASA can't answer these questions if we don't provide it with adequate resources.

This bill does not make these much needed investments in our future, which is one reason I cannot support it.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield back the balance of his time?

Mr. WALSH. I do.

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

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 20, 2000, House Report 106-683. This amendment would provide new budget authority in excess of the subcommittee's suballocation made under section 302(b) and is not permitted under section 302(f) of this Act.

I ask for a ruling from the Chair.

The CHAIRMAN. The Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN) would increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

The Clerk will read:

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, planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; $50,000 for travel expenses, purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; and such sums as may be necessary, including watercraft, for purchase (subject to approval for replacement only) and hire of passenger motor vehicles, $56,844,000, 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, $18,500,000:

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, any activity authorized 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 federal 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, any activity authorized 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 federal revitalization and construction of facilities, and facility planning and design.

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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 title III of the Federal Credit Union Act (12 U.S.C. 1795 et seq.), shall not exceed $3,000,000,000:

Provided. That administrative expenses for 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 Geospatial-Intelligence Agency (51 U.S.C. 1890–1891); services as authorized by 5 U.S.C. 3109; authorized travel; acquisition, maintenance and operation of aircraft and purchase of flight services for research support; $3,159,564,000, of which not to exceed $264,500,000 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; 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.

AMENDMENT OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment as the designee of the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOLT:
Page 77, line 2, after the dollar amount, insert the following: “(increased by $34,700,000)”.
Page 77, line 22, after the dollar amount, insert the following: “(increased by $61,940,000)”.
Page 77, line 2, after the dollar amount, insert the following: “(increased by $404,990,000)”.
Page 77, line 4, after the dollar amount, insert the following: “(increased by $34,700,000)”.
Page 77, line 22, after the dollar amount, insert the following: “(increased by $61,940,000)”.
Page 77, line 2, after the dollar amount, insert the following: “(increased by $34,700,000)”.
Page 77, line 4, after the dollar amount, insert the following: “(increased by $380,000)”.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 15 minutes.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentle- man’s amendment and to reserve the time in opposition.

The CHAIRMAN. The gentleman from New York reserves a point of order against the amendment.

The gentleman from New Jersey (Mr. HOLT) is recognized for 15 minutes.

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

Mr. Chairman, there are a number of problems with this bill, but I think one of the greatest is the lack of adequate funding for the National Science Foundation. This is an area that I think we should work in a bipartisan way to cor- rect.

Let me be clear: the gentleman from New York (Chairman WALSH) and the ranking member and the members of the subcommittee have worked hard to meet the pressing needs with the lim- ited funds that they have been given. They have done a good job. But because of inadequate appropriations allocation, the National Science Foundation does not receive the funds it needs to continue its vital work.

Now, in order to maintain our superb economic growth in this country, we need at least two things: a smart, well trained workforce and new ideas. The National Science Foundation plays a crucial role in both areas, in education, both elementary and secondary, as well as higher education, public education and museums and radio and television, and research in all areas.

The NSF supports nearly 50 percent of nonmedical research conducted at academic institutions, and provides the fund- ing for the National Science Foundation for much of the medical research and other re- search we value in our society.

The VA-HUD appropriations bill we are being asked to support comes up short in the needed investments for the National Science Foundation. It cuts NSF investments in science and engineering by over $500 million, or 13 percent below the level requested by the President. So as funded, the bill would weaken U.S. leadership in science and engineering and deny progress that would result in improvement of the quality of life of all Americans.

This is not just a case of the congres- sional leadership ignoring the Presi- dent’s request for the National Science Foundation. No. The leadership is ig- noring its own plan for NSF funding. Just two months ago, Congress passed a budget blueprint for FY 2001 that called for significant increases in the National Science Foundation funding. As a member of the Committee on the Budget, I worked to increase that funding. In committee I helped pass an amendment to include an additional $100 million for the National Science Foundation and other government re- search. Later, as the budget came to the floor, along with advocates on both sides of the aisle, we succeeded in rais- ing that allocation almost to the amount requested by the President.

I do not think any of us suspected that a short 60 days later we would be presented with such a disappointing result. That allocation, at that time, was no way, given the available re- sources that we had, to meet that re- quest.

However, what we did do was we in- creased funding for NASA, increased funding for HUD, increased funding for the Veterans Administration, and we increased funding for the National Science Foundation. In fact, we increased NSF by almost $170 million. That is a substantial increase. The budget is now over $4 billion. We believe strongly in investing in science and technology. I think that our con- ference has been clear and our record strong on supporting investments in science. However, we do not have un- limited resources. We are constrained by the allocation. I would add that if funds are made available at the end of this process as we go into the conference that we will look, and I know the gentleman from West Virginia feels the same way, we will look strongly at providing those resources for further investments in technology. At this time, we do not have those funds available to us, and for that reason, I would reluctantly op- pose the gentleman’s amendment.

Mr. Chairman, I continue to reserve my point of order, and I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield 5 minutes to the gentleman from Wis- consin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, we are here today because the committee has underfunded the President’s budget re- quest for the National Science Foundation by $500 million. Last year, Chair- man Greenspan of the Federal Reserve said this: “Something special has hap- pened to the American economy in re- cent years. I have hypothesized on a
number of occasions that the synergies that have developed, especially among the microprocessors, the laser, fiber optics and satellite technologies, have dramatically raised the potential rates of return on all types of equipment."

What has happened to the American economy, in my view, has a lot to do with this committee and the work of this subcommittee. If we take a look at the technologies that Chairman Greenspan was talking about, this committee has been largely responsible for funding a number of them through the years, and the results show.

If we take a look at the Internet, for instance, in 1985, the National Science Foundation built the first national backbone, the very infrastructure that makes the Internet work today. In 1993, the NSF provided the funding for the development of the first Web browser. The Internet economy will be worth $1 trillion by next year. It employs more than 1 million workers, and it is the engine of our economic growth.

Biotechnology. In one of its first grants in 1951, NSF gave $5,000 that helped to establish the very basis of genetic research. Since that pivotal discovery, the field has exploded. Sixty-five biotechnology drugs have been approved by the FDA since that time.

DNA fingerprinting. In 1995, using a key NSF discovery which made that technique possible, the Centers for Disease Control was able to stop an outbreak of E. Coli illness because of what they had learned over the previous 10 years.

MRI machines. That technology is amazing. It has revolutionized medicine, and that too has grown out of NSF funding.

So has the satellite technology that Dr. Greenspan was talking about.

Mr. Chairman, if we want the economy to grow, if we want to expand our knowledge of the problems that face us on the health front, we have to fund NSF to do the basic science that is required. When they do that, they can, in turn, pass it through to the National Institutes of Health who take it a step further, and we can finally come up with discoveries on how to deal with some of the most dreaded diseases in this society.

So all it helps to do is to make the economy the engine that it is today. All it helps to do is to help human health with illnesses that we have fought against for generations. It is well worth the investment. It is extremely shortsighted for this agency to be short cut just so that the majority party can provide $90 billion in tax cuts to people who are likely to高出$500,000 a year. That is a wrong priority; this is the right one. I congratulate the gentleman for offering the amendment.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to the amendment.

Mr. Chairman, there are many Federal agencies that compete for the VA-HUD budget allocation: the Veterans Administration, housing and urban development, Environmental Protection Agency, and other independent agencies such as the National Science Foundation. All of us here, Republican or Democrat, support the National Science Foundation because we know that much of their work, the greatest portion of their work, in fact, goes into university-based research. That support is bipartisan and nonpartisan, in fact.

Further, this bill under discussion clearly reinforces the commitment of this Congress to scientific research as we are aware of the National Science Foundation marks its 50th anniversary this year. It is funded at a record $4.1 billion. This is an increase of $167 million, or 4.3 percent over last year. We wish it could be more.

It is also the first time funds for this agency have topped the $1 billion level. As part of Federal spending, this agency has, has had a powerful impact on national science and engineering in most every State and institution of higher learning. Every dollar invested in the National Science Foundation returns manyfold its worth in economic growth.

I note that 5 years ago, the National Science Foundation budget was $3.27 billion in the fiscal year 1997, and 3 years ago, the National Science Foundation had climbed to $3.6 billion in 1999.

This year’s increased National Science Foundation appropriation for the fiscal year 2000 continues us in the right direction. The remarkable discoveries mentioned by the gentleman from Wisconsin will continue with this allocation, and with more money, we can find it as this bill goes to conference.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON), someone who is very well positioned to speak to this as the ranking member on the Subcommittee on Basic Research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation again to the committee and subcommittee chairs for their efforts, but it is time to set the record straight. This is what we need the most to keep the rich rich and to provide for educational opportunities for young people coming along so we
can stop having to lift the caps of H-1B visas to bring people over here to do the job. This is also an area where we provide that support and provides for the support of teachers and who get our young people educated so that they can enter this marketplace.

Mr. Chairman, it is time for us to stop faking an attempt to tell the real truth. The very rich in this country have not begged for this tax break. We are trying to cut all the basic things in order to save the money to give this tax cut for the very, very rich.

We have made them have the opportunity for this wealth by this very research that can be done right here with these dollars. Mr. Chairman, $500 million is merely a drop in the bucket for what we will get in return. Every dollar we have ever put in research has come back fourfold.

Mr. Chairman, I rise in strong support of the amendment. It will restore over $500 million cut by the underlying bill from the President's historic budget proposal for the National Science Foundation. The increase will bolster the activities of an agency with a critically important role in sustaining the nation's capabilities in science and engineering research and education.

Basic research discoveries launch new industries that bring returns to the economy that far exceed the public investment. One striking example is information technology, which Federal Reserve Chairman Alan Greenspan has repeatedly cited as primarily responsible for the nation's sparkling economic performance. Applications of information technology alone account for one-third of U.S. economic growth, and create jobs that pay almost 80 percent more than the average private-sector wage.

Restoring funding for NSF is important for the overall health of the nation's research enterprise because NSF is the only federal agency that supports research and education in all fields of science and engineering. While a relatively small agency, NSF nevertheless is the source of 36% of federal funding for basic research performed at universities and colleges in the physical sciences; 49% in environmental sciences; 50% in engineering; 72% in mathematics; and 78% in computer science.

Recent trends in basic research support in some important fields have been alarming. For example, since 1993, physics funding has gone down by 29%; chemistry by 9%; electrical engineering by 36%; and mathematics by 8%.

Last year alone, NSF could not fund 3,800 proposals that received very good or excellent ratings by peer reviewers. Good research ideas that are not pursued are lost opportunities. The amendment will greatly reduce the number of meritorious research ideas doomed to rejection because of inadequate budgets.

The amendment will enable NSF to fund 4,000 more awards than the underlying bill for state-of-the-art research and education activities. It will prevent the curtailing of investments in exciting exploratory research in such fields as information technology, nanoscale science and engineering, and environmental research. The effect of the amendment will be to speed the development of new discoveries with immense potential to generate significant benefits to society.

Past cuts of NSF research amply demonstrate the payoffs possible:

Genetics—NSF played a critical role in supporting the basic research that led to the breakthroughs of mapping the human genome for which NIH justly receives credit. Research supported by NSF was key to the development of the polymerase chain reaction and a great deal of the technology used for sequencing.

Magnetic Resonance Imaging—MRI, one of the most comprehensive medical diagnostic tools, was made possible by combining information gained through the study of the spin characteristics of basic matter, research in mathematics, and high flux magnets.

Jet Printers—The mathematical equations that describe the behavior of fluid under pressure, which were developed under NSF support, provided the foundation for developing the ink jet printer.

Ozone Hole—NSF-funded research in atmospheric chemistry identified ozone depletion over the Antarctic, or the "ozone hole" as it has come to be known, and established the scientific consensus on the probable causes. Since CFCs are used in many commercial applications, this discovery has driven the search for benign substitutes and has led to a reduction of CFC emissions.

The increase in funding made possible by the amendment also translates into almost 18,000 more researchers, educators, and students receiving NSF support. This is a direct, and positive, effect on the shortgages projected in the high-tech workforce. It will increase the number of well-trained scientists and engineers needed for the Nation's future.

I regret that H.R. 4635 supports limits for NSF-sponsored research that will lead to breakthroughs in information technology, materials, environmental protection, and a host of technology dependent industries.

The amendment sustains the economic growth that has been fueled by advances in basic research by restoring needed resources for the math, science, and engineering research and education activities of the National Science Foundation.

Mr. WALSCH. Mr. Chairman, I continue to reserve my point of order, and since I have no further requests for time, I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. ETHERIDGE).

The gentleman from New Jersey (Mr. OVERTON). Mr. Chairman, I rise in support of the Obey-Holt amendment to restore the funding to the National Science Foundation in the amount of $508 million. As a former superintendent of my State schools, I compliment the chairman of my subcommittee.

Mr. MOLDOVAN. Mr. Chairman, I rise in support of the Obey-Holt amendment to restore the funding to the National Science Foundation in the amount of $508 million. As a former superintendent of my State schools, I compliment the chairman of my subcommittee.

Mr. WALSCH. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in support of the Obey-Holt amendment to restore the funding to the National Science Foundation in the amount of $508 million. As a former superintendent of my State schools, I know firsthand that the support for NSF for science and engineering education is so important. Every dollar invested in this agency returns manyfold its worth in economic growth.

As the lead source of Federal funding for basic research at colleges and universities, NSF supports research in educational programs that are crucial to technological advances in the private sector and for training of our next generation of scientists and engineers, as we have already heard.

This appropriation bill will jeopardize the Nation's investment in the future by cutting off NSF funding for science and engineering research and education by over $500 million. That is about 11%.

This reduction will seriously undermine priority investments in cutting-edge research and eliminate funding for almost 18,000 researchers, educators, and students.

At a time when we are trying to improve the quality and quantity of science and mathematics in the United States, the bill is calling for an education cut that includes a reduction of 21%, or over 30 million, below the request for undergraduate education—including the nearly 50% cut in requested funding for the National Science, Math, Engineering and Technology Digital Library. These investments are key components of the Administration's 21st Century Workforce Initiative and critical to ensure students to compete in the today's knowledge-based economy.

Our values call on us to invest in our people for our nation's future rather than to waste our resources on an irresponsible tax plan.

This is about 11 percent below the requested level, and this reduction will seriously undermine previous investments in cutting-edge technology and jeopardize research.

Mr. WALSCH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HOLT. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from West Virginia (Mr. MOLDOVAN), the ranking member of the subcommittee.

Mr. MOLDOVAN. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

First let me compliment the gentleman from New Jersey (Mr. OVERTON). In a very short period of time in the Congress he has distinguished himself as an expert in the area of government-sponsored research, and also has been its strongest advocate.

I want to say that it is particularly appropriate that he is the author of this amendment because of the reputation that he is establishing in this area. We appreciate the gentleman's efforts.

Mr. Chairman, let me also compliment the chairman of my subcommittee for being able to find money for a 4 percent increase in the NSF budget. In this budget allocation that we were given in our committee, that is quite a feat. It is in fact a recognition of his attitude towards how important basic funding research is.

But it is not enough. Our economy, our new economy, demands that we invest more in the National Science Foundation in basic research. That is why I strongly support the gentleman's amendment.

Mr. HOLT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLIVER), who knows of
We also need a smart, well-trained work force, and NSF contributes directly to that through education in elementary, and secondary schools through higher education and through public education. We will not find better investments in our children’s future than investment in education and in research. That is what this amendment is about.

Mr. LARSON. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from New Jersey, Mr. HOLT, to the Fiscal Year 2001 VA–HUD Appropriations bill. Without the adoption of Mr. HOLT’s timely amendment this bill will be woefully inadequate. As it stands, this bill would cut the National Science Foundation’s budget for science and engineering research by over $500 million from the President’s request. Mr. HOLT’s amendment will restore much of this funding and will allow important NSF programs to continue and grow.

The current version of H.R. 4635 includes a reduction of 21 percent from NSF’s requested sum for undergraduate education. This includes a nearly 50 percent cut in funding for the National Science, Math, Engineering and Technology Education Digital Library. Obviously, today’s students cannot become tomorrow’s leaders if they do not have a proper education. We must strive to give our students the pertinent knowledge in these important fields. Mr. HOLT’s amendment will allow tomorrow’s scientists to learn the valuable information they will need for the 21st century.

Additionally, the bill we have on the floor today will eliminate funding for almost 18,000 researchers and science and mathematics educators. These scientists and educators perform cutting edge research on a daily basis, and the elimination of their funding will weaken the United States world leadership in the fields of science and engineering. Furthermore, the bill will severely underfund basic research, including health care, environmental protection, energy, and food production. Fortunately, Mr. HOLT’s amendment will restore this funding and allow the United States to maintain its reputation in the field of international research.

Moreover, H.R. 4635 would result in the elimination of 4,000 grants for research and educational endeavors. Through this reduction, investments in the crucial fields of information technology, nanoscale science and engineering, and environmental research will drop, and thus will slow the development of new discoveries. Clearly, these cuts must be restored so that American technology can stay competitive in the global marketplace. Mr. HOLT’s amendment will allow American technology to continue to advance and improve.

Finally, we must remember that in the past 50 years, half of U.S. economic productivity can be attributed to technological innovation. In order to stay competitive in the next 50 years, we must make this important investment in America’s future and support the NSF. As a result, I urge all my colleagues to support this amendment and I commend Mr. HOLT for his steadfast leadership on this issue.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.
The CHAIRMAN. Pursuant to House Resolution 325, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from New York (Mr. Hinchey); the amendment offered by the gentleman from Massachusetts (Mr. Olver); amendment No. 48 offered by the gentleman from Indiana (Mr. Roemer).

SHELTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mrs. Kelly) on which further proceedings were postponed and on which the noes prevailed by voice vote.

SHELTON

The Clerk will designate the amendment.

SHELTON

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SHELTON

The text of the amendment is as follows:

SHELTON

Amendment offered by Mrs. Kelly:

Page 25, line 19, after the dollar amount, insert the following: ‘‘(increased by $1,000,000)’’.

SHELTON

Page 45, line 12, after the first dollar amount, insert the following: ‘‘(reduced by $1,000,000)’’.

SHELTON

The vote was taken by electronic device, and there were—ayes 250, noes 170, with the time for any electronic vote after 3:30 p.m. inserted.

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Page 25, line 19, after the dollar amount, insert the following: ‘‘(increased by $1,000,000)’’.

SHELTON

Page 45, line 12, after the first dollar amount, insert the following: ‘‘(reduced by $1,000,000)’’.
CONGRESSIONAL RECORD—HOUSE

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Mr. BARCIA changed their vote from "no" to "aye." Ms. SCHAKOWSKY and Mr. WISE changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to House Resolution 525, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a roll call vote by electronic device may be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 22 OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 22 offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. HINCHEY: Page 46, line 21, after the dollar amount, insert the following: ‘‘(increased by $4,779,000).’’

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 211, not voting 16, as follows:

[Roll No. 300] AYES—207

11767

Mr. DAVIS of Florida and Mr. SNYDER changed their vote from ‘‘no’’ to ‘‘aye.’’ Mr. CRAMER changed his vote from ‘‘aye’’ to ‘‘no.’’

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for: Mr. DEUTSCH, Mr. Chair, on rollcall No. 300, had I been present, I would have voted ‘‘yea.’’

AMENDMENT OFFERED BY MR. OLIVER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. OLIVER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 314, noes 108, not voting 12, as follows:

[Compiled]

[Nominees]

Amendment No. 22 Offered by Mr. HINCHEY

Amendment No. 22 offered by Mr. HINCHEY: Page 46, line 21, after the dollar amount, insert the following: ‘‘(increased by $4,779,000).’’

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 207, noes 211, not voting 16, as follows:

[Roll No. 300] AYES—207

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Mr. WAMP and Mr. BURTON of Indiana changed their vote from "aye" to "no."

MESSRS. CANNON, DICKEY, and MCNULTY changed their vote from "no" to "aye."

So the amendment was voted to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 48 OFFERED BY MR. ROEMER

The chairman is the business is the demand for a record on amendment No. 48 offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered. The CHAIRMAN. This will be a 5-minute clock.
Mr. WALSH. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 90, line 16, be considered as read, the House, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 81, line 11 through page 90, line 16 is as follows:

SEC. 408. None of the funds in this Act may be used for any program, project, grant, or contract, including any program, project, grant, or contract in any Native American tribe, that is funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 406. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 410. Except as otherwise provided in this Act, none of the funds provided 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 a contract for the provision of services to any of the Federal agencies, if the contractor shall be compensated in the event of the termination of the contract by the Federal Government or a grantee) at levels not in excess of the levels appropriated in this Act.

SEC. 412. Except as otherwise provided in this Act, none of the funds provided in this Act to any department or agency shall be obligated or expended to procure personal automobiles as defined in 15 U.S.C. 2001 with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 413. 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 be subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 414. 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 be subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 415. 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 be subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 416. Except as otherwise provided in this Act, none of the funds provided 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 a contract for the provision of services to any of the Federal agencies, if the contractor shall be compensated in the event of the termination of the contract by the Federal Government or a grantee) at levels not in excess of the levels appropriated in this Act.

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 official responsible for the program. Thus, 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 endangered species.

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 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 for such loan or mortgage purchase commitments (or part of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage purchase commitments of the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or any other form of assistance provided for in this Act, unless such loans are in substantial default, 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. Notwithstanding any other provision of law, and effective with enactment of this Act, the General Services Administration shall allocate one Senior Executive Service slot for the position of Director, Federal Consumer Information Center, from the total number of Senior Executive Service positions authorized to the General Services Administration by the Office of Personnel Management: Provided, That said Senior Executive Service slot shall be a permanent career reserve position and filled with all due regard and in accord with law for the merit system, and the person selected for such position shall remain hereafter in the Federal Consumer Information Center. Such funds as may be necessary to carry out this provision shall be made available from funds appropriated to the Federal Consumer Information Center Fund.

SEC. 425. None of the funds provided in title III of this Act shall be obligated or expended to support joint research programs between the United States Air Force and the National Aeronautics and Space Administration, specifically, none of the funds in this Act shall be used to support the activities of the AF–NASA Council on Aeronautics and the AF/SPC–NRO–NASA Partnership Council.

SEC. 426. None of the funds provided in title III of this Act shall be used to support, and to make such contracts and commitments 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 for such loan or mortgage purchase commitments (or part of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage purchase commitments of the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation or any other form of assistance provided for in this Act, unless such loans are in substantial default, 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. 429. NASA FULL COST ACCOUNTING.—Title III of the National Aeronautics and Space Act of 1958, P.L. 85–568, is amended by adding the following new section at the end:

"(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 originally appropriated."
construction of secondary treatment on our side of the border that will ade-
quately address both current and future
flows of Mexican sewage.

The Federal Government requires up-
grades for environmental reasons at
similar private sector and local facili-
ties all over this country, but at the
same time this arbitrary cap which was
set by a previous Congress is resulting in
the violation by the Federal Govern-
ment of its own Clean Water Act. As
the chairman of the subcommittee is
aware, I have prepared an amendment
to his bill which would have sought a
lifting of this cap, and the facilitation of
the timely construction of the sec-
ondary sewage facility. However, I am
informed that the amendment would
have been subject to a point of order as
legislation on an appropriation bill.

Mr. WALSH. I thank the gentleman
for his statement and I thank him also
for his strong environmental leadership
in Southern California. He is noted
throughout this House for his clear
thinking. The gentleman is cor-
rect that while the intentions of this
amendment are quite clear, because the
effect of the amendment would alter
existing law, it would be in viola-
tion of clause 2 of rule XXXI, and I
would reluctantly be forced to bring
a point of order against the amendment
which would be sustained.

Mr. BILBRAY. I thank the gen-
tleman for the clarification. Given this
procedural situation, I will not be of-
fering my amendment at this time but
will continue to work together with
the gentleman on his bill to address
the cap issue as the legislation moves
forward.

Mr. WALSH. I thank the gen-
tleman, it is essential that the Federal
Government be required to achieve the
same environmental standards
that they and we require on every-
one else.

Mr. WALSH. I appreciate the gen-
tleman’s remarks and will certainly con-
tinue to work with him on this issue.
The gentleman from California has
made very clear to me the chronic
problems his community faces as a re-
sult of the problems of Mexican sewage
flows, and he has made clear his desire
to lift the cap in order to help provide
the appropriate levels of treatment to
do so.

While we share his interest in resolv-
ing this issue, we remain concerned
with the preferred proposal which EPA
has chosen by which to provide sec-
ondary treatment which we believe
would not be adequate to protect the
public health. We therefore believe it
would be unwise to raise the cap at this
time. As is stated in the report, how-
ever, the committee will be continuing
to examine progress on this issue, in-
cluding the potential for secondary fa-
cilities to be sited in Mexico. We an-
ticipate updating this decision as a re-
sult of secondary treatment at a later time.

Mr. BILBRAY. I want to thank the
gentleman for his consideration and
commitment. Mr. Chairman, my com-
unity is just asking how many more
decades has to pass before the citizens
of Imperial Beach and South San Diego
are protected by their Federal Govern-
country from pollution from a foreign
country.

H O U S E O F R E P R E S E N T A T I V E S ,
C O N G R E S S O F T H E U N I T E D S T A T E S ,
Hon. JAMES WALSH, Chairman, Sub-
committee on Veterans Affairs, HUD, and
Independent Agencies Appropriations
Committee, the Capitol, Washington,
DC.
DEAR CHAIRMAN WALSH: I am writing to
follow up on our continuing conversations
regarding the public health and environ-
mental threats posed by untreated Mexican
sewage flowing into the U.S., and on to
beaches in my district, and the need for sec-
ondary sewage treatment along our border
with Mexico. I greatly appreciate the level of
attention you and the U.S. Coast have shown
to me on this critical issue to date.

As you well know, the Environmental Pro-
tection Agency (EPA) has rejected the only
feasible technical alternative for
the International Wastewater Treatment
Plant (IWTP), which would have additional
benefits in that it would allow for
treatment of the sewage flowing into the U.S.
and on to beaches in my district, and
the need for secondary sewage treatment
along our border with Mexico.

I greatly appreciate your continued con-
cern for and interest in this important issue,
and thank you again for your consideration.
Please don't hesitate to contact me directly,
or Dave Schroeder of my staff, should you
have any question or require any addi-
tional information.

Sincerely,
BRIAN BILBRAY,
Member of Congress.

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AMENDMENT TO H.R. 4635, AS REPORTED, VA
H U D A P P R O P R I A T I O N S A C T , 2 0 0 1 , O F F E R E D
BY MR. WAXMAN

Page 90, after line 16, insert the following:

SEC. 426. The limitation on the amounts of
funds appropriated to the Environmental
Protection Agency that are available for
making grants under section 510 of the Water
Quality Act of 1987 under the heading STATE
FUNDS/COST SHARING (by a public-private partnership) of a
secondary treatment facility in Mexico, which
would utilize the same kind of technol-
.,...
work together in a bipartisan fashion. Water districts across the country are understandably concerned about the high cost to treat water for radon while little is done to address radon in indoor air. EPA’s own science indicates that 98 percent of the threat from radon comes from sources other than drinking water. Is this the gentleman’s understanding?

Mr. WAXMAN. The gentleman is correct. I would also note our history of working together to protect the environment. Radon in indoor air is the second leading cause of lung cancer and is a serious public health concern. Although radon in tap water can pose significant risk, the clear majority of the risk from radon on a national basis comes from radon seeping into homes from soil. For this reason and for the reasons the gentleman stated, the Safe Drinking Water Act was drafted to allow for the implementation of multimedia programs that would allow States to focus on radon more on indoor air than on drinking water. This would allow the States to address radon in the most cost-effective manner possible. If States implement these programs, then public water systems could comply with much less stringent standards while we achieve improved public health protection.

Mr. LEWIS of California. I agree that radon is a serious public health issue and that a multimedia approach is a sensible way to address it. Unfortunately, I have heard many concerns from my constituents about this proposed regulation. I believe other Members have as well. In California alone, if the State does not adopt a multimedia program, the water agencies have stated that this new standard for radon in water would cost water customers some $600 million in the first year of implementation. Would the gentleman agree that it may be appropriate for Congress to pass legislation to provide greater health protection than the proposed radon drinking water rule? My intent is to provide reasonable resources to address radon in indoor air and provide greater certainty to drinking water providers that they will be spending money sensibly.

Mr. WAXMAN. I agree and believe the law could be strengthened in this manner. I want to commit to working together on an expedited basis to develop legislative language that would achieve these goals. I believe we do not need to delay the EPA regulations to achieve this goal and that delaying the regulations may be counterproductive. Will the gentleman agree to work on legislation with technical assistance from EPA?

Mr. LEWIS of California. I certainly will. I appreciate the gentleman extending that hand, for there is little doubt that this problem does not know partisan lines and to be able to work together with him dealing with EPA would be very helpful to me and much appreciated.

Mr. WAXMAN. Will the gentleman also agree to address the radon report language in conference to prevent the rule from being delayed?

Mr. LEWIS of California. Yes. I will if the gentleman will agree to work on a bipartisan approach to this problem that is a good solution. Bipartisan legislation could address the concerns of all stakeholders. I look forward to working with the gentleman.

Mr. WAXMAN. I look forward to working with him in seeing that we can resolve this in a way that will be most productive for protecting public health.

Mr. LEWIS of California. We appreciate the committee’s cooperation.

Mr. WAXMAN. I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will recognize the following amendment:

Page 19, after line 21, insert the following new section:

SEC. 114. Not later than March 30, 2001, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the Senate and House of Representatives a report on the program of the Department of Veterans Affairs to establish and operation at Department medical centers of Mental Illness Research, Education and Clinical Centers (MIRECCs). The report shall include the following:

(1) Identification of the allocation by the Secretary, from funds appropriated for the Department in this Act and for prior fiscal years, of funds for such Centers, including the number of Centers for which funds were provided and the locations of those Centers.

(2) A description of the research activities carried out by each Center with respect to major mental illnesses affecting veterans.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume. The amendment I am offering today would require the Department of Veterans Affairs by March 30 of next year to report to the Congress on the establishment and operation of their mental illness research, education and clinical centers. In addition, the report would include an accounting of the funds allocated by the Department for these centers and a description of the research activities carried out by these facilities.

Let me say that serious mental illness remains one of the most debilitating and costly scourges facing individuals who suffer, their families and our Nation’s communities. Among those who suffer are thousands and thousands of veterans. Nearly 2 years ago right outside these doors, Officers Gibson and Chestnut were gunned down just inside this Capitol by a veteran who suffered from serious mental illness. I asked myself then when would we as a Nation look at this set of illnesses squarely in the eye and do what is required to unlock the mysteries that shroud medical understanding and treatment?

Importantly, at the direction of this Congress, the Department of Veterans Affairs has now opened eight mental illness research, education and clinical centers across our country. The Department is noted for so many scientific breakthroughs. I just want to also state for the record that three of the centers that currently operate were opened in 1997, three more in 1998, and the last two in 1999. In the 1999 selection process, there were eight applicants and of these, five merited site visits and two were considered outstanding and were approved.

But it is estimated that even with the opening of these centers, the Veterans Affairs budget for mental health research has remained flat for a decade and a half.

VA mental health research remains disproportionate to the utilization of mental illness treatment services by veterans. In fact, in 1988 only 11 percent of all VA research was dedicated to chronic mental illness, substance abuse and post-traumatic stress syndrome, despite the fact that nearly 25 percent of patients in the system receive mental illness treatment. That is one system where people are actually being treated. The problem is we do not have answers to so many of these serious illnesses, illnesses like schizophrenia, illnesses like bipolar disorder, illnesses that do not go away but are in fact chemical imbalances of the central nervous system.

My amendment is an attempt to get the Department of Veterans Affairs to carefully focus on what they are doing to provide this Congress with a better understanding on the mission of each of the centers, their funding as well as their achievements so we can work hand in hand with the Department to help not just find answers for America’s veterans but indeed to use the Department of Veterans Affairs to find answers for all those who suffer from these horrendous diseases here in our country.

Mr. Chairman, I reserve the balance of my time.
Mr. Chairman, I am not in opposition, and I thank the gentlewoman from Ohio (Ms. KAPTUR) for her amendment. I thank her for her strong advocacy for the mentally ill. She has always worked extremely hard and with real dedication to this issue to ensure that medical and social services are reached by those in need, especially our veterans.

I know of no objection to this amendment, and for that reason, I would accept the amendment and urge its adoption.

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

Mr. Chairman, I want to thank the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) for his openness and willingness to work hand and hand with us on this and also express my appreciation on behalf of all of those who suffer.

Mr. Chairman, I also want to thank the ranking member of the subcommittee, the gentleman from West Virginia (Mr. MOLLOHAN) for allowing this time early on in this particular title, I genuinely appreciate the acceptance of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR). The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with a member of the subcommittee, the gentleman from Michigan, a distinguished Member (Mr. KNOLLENBERG).

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

Mr. WALSH. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I appreciate the gentleman for yielding to me on this issue. I want to report to the gentleman from New York (Mr. WALSH) that the NRC, the Nuclear Regulatory Commission, has just contacted me to state their claim that any failure to achieve an MOU, a memorandum of understanding, with the EPA is not for any lack of trying on the part of the NRC.

I hope the gentleman does not confuse that failure to achieve an MOU with the need for continued funding. The attention and the money has been provided by this committee, the request is not for a tax break.

Mr. WALSH. Mr. Chairman, I thank the gentleman for communicating this matter to me and to the subcommittee and will look into the claim of the Nuclear Regulatory Commission and the attendant report language.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

At the end of the bill (before the short title), insert the following new section:

SEC. 1. (a) The amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical Care" is hereby increased by $500,000,000, and the amount provided in title I for "VETERANS HEALTH ADMINISTRATION—Medical and Prosthetic Research" is hereby increased by $65,000,000.

(b) Any reduction for a taxable year beginning before January 1, 2003, in the rate of tax on estates under the Internal Revenue Code of 1986 that is enacted during 2000 shall not apply to a taxable estate in excess of $20,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment of the gentleman from Texas (Mr. EDWARDS).

The CHAIRMAN. The gentleman from New York (Mr. WALSH) reserves a point of order.

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

Mr. Chairman, I can think of no group that deserves Congress' support more than America's veterans, and this amendment is about supporting and keeping our commitment to those veterans.

According to the Disabled American Veterans, the Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America, the $353 million in increased VA medical care and research funding in this amendment is needed and I quote, "to fill the funding gap so the needs of our Nation's veterans can be properly met."

Dennis Cullinan, director of the National Legislative Committee for the Veterans of Foreign Wars sent me a letter 2 days ago saying the VFW, and I quote, "would like to take this opportunity to extend our support to your amendment."

Mr. Chairman, why is this amendment needed? The answer is very simple, to keep our commitment to our Nation's veterans, just as those veterans have kept their commitment to us. As the DAV, VFW, AMVETS and Paralyzed Veterans of America have said, "over the past decade, spending for veterans' health care has fallen dramatically short of keeping pace with medical inflation and associated cost increases."

How do we pay for my amendment? We do it by simply delaying the recently passed estate tax reduction for estates only over $20 million. That would save us $1 billion over 2 years, the exact same amount it would take to improve health care for America's 25 million veterans.

In other words, we can see that millions of veterans receive the health care they need and deserve if this House will simply today say that approximately 6 of the richest families in each State should not receive a $500 billion tax windfall.

The choice is very clear. We can tell one-tenth of 1 percent of the richest estates in America that we are not going to give you a tax break. Why? So we can take care of the millions of veterans who sacrificed to ensure your family's freedom and opportunity.

The question today is, whose side are we on? Do we want to help millions of veterans struggling to get better health care, or do we want to help one-tenth of 1 percent of America's most affluent families?

Mr. Chairman, I have heard a lot of candidate speeches lately about values, but I would suggest that, as Members of Congress, every time we pass budget priorities says a lot more about our values than all of our speeches combined.

To keep our Nation's commitment to veterans, we do not have to undo the entire estate tax reform bill passed just 2 weeks ago on this floor.

We do not even have to raise taxes on the wealthy, who frankly have already received enormous tax cuts through reductions and capital gains taxes. All we have to do is tell Bill Gates and Steve Forbes and about 300 of America's richest estates each year that we believe that taking care of millions of veterans and their health care is more important than giving another tax break.

Mr. Chairman, this amendment should be a simple choice. It is a clear choice. If no Member of this House will object this afternoon, we can pass this amendment and help veterans today.

I would point out the Republican leadership did let that happen in the appropriations bill passed on October 20 of 1998 on this floor. I would hope the Republican leadership would give America's veterans the same procedural respect today that hundreds of other less deserving groups were given in October of 1998 on the appropriations bill in this House.

Mr. Chairman, let me say they have done a very respectable, fine job of supporting veterans given the Republican budget constraints caused by massive regressive tax proposals.

I do want to commend the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for their subcommittee work. They have done well within those constraints.

This amendment though is not about their work on the Appropriations Subcommittee, rather this amendment is about a clear choice of whether Congress should spend an additional $500 million helping one-tenth of 1 percent of America's families or whether we want to take that same $500 million and help millions of America's veterans.
It is a clear choice. This amendment is about our priorities in this House. It is about whose side are we on. Let us vote for the Edwards amendment and stand by the veterans who have stood up for all of America’s veterans.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSCH) continue to reserve his point of order?

Mr. WALSCH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas (Mr. EDWARDS) has 5 minutes remaining, the gentleman from New York (Mr. WALSCH) has reserved his time and his point of order.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS) for his amendment. He is a great advocate for veterans as his amendment again demonstrates.

The Edwards amendment increases funding next year for veterans’ medical care, by $500 million and funding for the VA medical research by $35 million. These increases are needed if veterans are to receive access to timely and high-quality medical care and services, and the research program of VA is to be adequately funded.

Too many veterans are being forced to wait too long to receive the medical care they need and deserve. Today some veterans are waiting as long as 6 months for an appointment with a primary care provider. The waiting list for appointments with the specialist can actually be longer.

The Edwards amendment provides resources to improve the quality and timely delivery of medical care to our Nation’s veterans. VA is recognized worldwide as a leader in medical research.

The Edwards amendment will increase funds for the VA medical research program next year by $65 million. Under the current level of funding for VA medical research, only a small proportion of the worthwhile projects are provided needed funding. The Edwards increase in research funding is a sound investment to enable VA researchers to make breakthrough discoveries which will benefit veterans and the general population.

Again, I commend the gentleman from Texas (Mr. EDWARDS) for offering his amendment. It is a sign of his leadership on these issues. I urge my colleagues to vote for the Edwards amendment.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER), a ranking Democrat on the VA Subcommittee on Benefits. He also has been a real leader on veterans’ programs in this Congress.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Edwards amendment and in strong support of our Nation’s veterans. The amendment of the gentleman from Texas (Mr. EDWARDS) calls for an increase in $500 million in the health budget of the VA. This money was not just pulled from the air, that figure, it comes from this document, the Independent Budget for the Department of Veterans Affairs, a comprehensive policy document created by veterans for veterans.

All of the veterans in this Nation got together to say what do we need for a professional Veterans Administration which will improve our health and our benefits. This is a professional job, an analytical job. Let me just tell Members where that $500 million will go.

Under the section on staff shortages, in this independent budget, let me just read what veterans experts have concluded, faced with severe budget shortfalls, VA facilities have laid off hundreds of employees, including physicians, nurses, physicians assistants, and other clinical staff.

Layoffs combined with staff attrition from retirement, transfer and resignation have left VA facilities with insufficient clinical staff to meet veterans’ needs. In some cases, administrators have had difficulty filling vacant positions compounding their staff shortages.

We have witnessed many cases of poor quality care that are the direct result of inadequate staffing. For example, at one VA center with dangerously low staffing levels has seen its mortality rate increase threefold during the last 4 years. We are killing veterans because we have inadequate staffing levels.

Adequate numbers of well-trained staff are needed to keep up with the workload to prevent potentially harmful delays in care and to provide appropriate care. At one VA center in our country, for example, a patient faced a 97-day wait for an appointment at the cancer clinic and a 6-month wait for dental prosthetics at the dental clinic.

One stroke patient at this medical center reported having his outpatient rehabilitation therapy suspended for several weeks, because his therapist went on vacation and there was no one to cover her. Because of staff shortages brought on by budget constraints, VA facilities have drastically reduced services or eliminated them altogether.

The Edwards amendment is about our priorities in this House. It is about whose side are we on. Let us vote for the Edwards amendment and stand by the veterans who have stood up for all of America’s veterans.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?
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Mr. WALSH. Mr. Chairman, is there any time remaining on our side?

The CHAIRMAN. The gentleman has 8 minutes remaining.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order, and I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I will not take more than 30 seconds.

My friend on the other side has worked diligently. As a matter of fact, this is one of the most bipartisan issues that we have, with the gentleman from California (Mr. FILNER) and the gentleman from Texas (Mr. ENWARD) and the ranking minority on this committee. But I would say to my friends, the veterans have served this country, the United States of America, and all the citizens made a promise to keep health care. Subvention is a pilot program and a Band-Aid. TRICARE, we are all working on those in a bipartisan way. But that promise was made by all Americans, not just a few families.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. The gentlemen does the gentleman from New York insist on his point of order?

Mr. WALSH. I do, Mr. Chairman.

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

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule is sustained and the amendment is not in order.

AMENDMENT NO. 23 OFFERED BY MR. HINCHEY
Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HINCHEN

Mr. HINCHEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HINCHEN: At the end of the bill, after the last section (before the short title) insert the following new section:

SIC. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocations system.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. HINCHEN) and a Member opposed each will control 10 minutes.

Mr. HINCHEN. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. FRELINGHUYSEN) be allowed to control 5 of the 10 minutes I have been allotted.

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

There was no objection.

Mr. HINCHEN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, over the last couple of years particularly, the chairman of the subcommittee on VA-HUD has done an admirable job in ensuring that additional funds were allocated for the Veterans Administration, especially and particularly for veterans health care. In spite of his best efforts, however, many veterans in certain parts of the country are getting inadequate health care nevertheless. That is as the result solely and completely of a program administered within the Department of Veterans Affairs, known as the Veterans Equitable Resource Allocation program, otherwise known as VERA.

VERA, in spite of its name, is wholly inequitable. Under VERA, we have seen cuts in veterans health care in many parts of the country over the past years, in particular, throughout New England, New York, Pennsylvania, the Midwest, the far West, and other places as well. In addition, we have seen cuts in Illinois, Michigan, Wisconsin, Missouri, Kansas, Colorado, California, in addition to other States.

This amendment would provide that no money be allowed for the administration of this program.

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

Mr. Chairman, I rise today in support of this amendment, which I offer with my colleague, the gentleman from New York (Mr. HINCHEN), and many others. Quite simply, this amendment would prevent the VA from using the Veterans Equitable Resource Allocation formula, known as VERA, to allocate funding to 22 Veterans Integrated Service Networks, known as VISNs, throughout the country. Instead, this amendment would send the VA back to the drawing board to develop a formula which would be truly equitable and which would distribute funding across the Nation, so that all of our veterans, regardless of where they live, would be provided with the same access to medical care based on need.

Under the current formula, VISN 3, which includes New York and New Jersey, has seen its funding cut by over 66 percent since 1997. The funding shortfall has hampered VISN 3’s ability to provide a full range of medical services to veterans.

For example, look at the VA’s VERA-based allocation of funding for hepatitis C testing and treatment. The fiscal year 2000 budget provided $190 million. The fiscal year 2001 budget under consideration today would increase that amount to $340 million.

Hepatitis C is a growing problem in our Nation, especially among Vietnam-era veterans. VA’s funding epidemic proportions in VISN 3 in New York and New Jersey, where 26 percent of all veterans tested for hepatitis C have tested positive. The VISN needs approximately $10 million this year just to provide hepatitis C treatment to veterans who test positive for the virus and additional funding to pay for testing, which can cost between $50 and $200 per person.

In March, VA Secretary Togo West told the Subcommittee on Veterans Affairs of the Committee on Appropriations that he had not spent all of the hepatitis C money in the fiscal year 2000 budget because the demand was not there. Because this funding is allocated under the VERA formula, our area has found itself in need of at least an additional $22 million to pay for hepatitis C testing and treatment this year. These are for veterans in need.

Mr. Chairman, because of the skewed distribution of funding under VERA, under that formula, we are faced with a system of winners and losers. When it comes to providing health care for veterans, there should be no winners and losers.

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

The CHAIRMAN. Does any Member claim the time in opposition?

Mrs. MEEK of Florida. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentlewoman from Florida is recognized for 10 minutes.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all respect and deference to my colleague, I rise in opposition to this amendment. I rushed to get here, and I have been on the floor all day waiting for this amendment.

Mr. Chairman, as you know, the Veterans Equitable Resource Allocation system, better known as VERA, was implemented to ensure that VA resources followed the veterans who are moving to southern and western States. This VERA formula has come under scrutiny many, many times; and each time it has come under scrutiny, there was no way to skew the figures, because the figures must go wherever the veterans are.

For a decade and a half, as more and more veterans moved to southern and western States, our facilities and our services were overwhelmed by the needs of our new veteran arrivals. Even today, our Florida veteran facilities are finally beginning to get the resources we need after so many years of neglect to care for our ever-growing veterans population. VERA has been working well, Mr. Speaker; and our committee knows it has been working well because it has been done in a fair and equitable way.
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In 1997, the General Accounting Office reported that VERA makes resource allocations more equitable than the previous system that was in effect. In 1998, the PricewaterhouseCoopers accounting firm found that VERA was sound in its concepts and methods and that VERA was also ahead of other global budgeting systems that are based on historical allocations with periodic adjustments.

Let us face it, Mr. Chairman. Whenever there is an allocation formula, everyone cannot be happy. There are two sides of this, but you cannot get away from the statistical evidence that is presented through these studies. It is obvious that the money goes where the veterans go.

VERA is constantly being refined. Seven adjustments are being implemented. There will be another adjustment in the formula that would need it most, and doing so in a fair manner, I strongly oppose this amendment and urge my colleagues to do the same, in fairness. Mr. Chairman, it is a simple statement of fairness.

Mr. FRELINGHUYSEN. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the Hinchey amendment. There is nothing fair or equitable about the current VERA allocation formula. If you are from the Northeast, if you are from a sparsely settled part of the country, like my State, veterans are getting the back of hand by the VA. That is what you are getting. There has to be a more equitable distribution of funds.

I will tell Members this, we must have a basic threshold level of quality health care for veterans, no matter where they live. They have to have adequate facilities, they have to have adequate services, and when you have a formula, like VERA strictly distributing funds based onVA outpatient clinic visits, with major outmigration from some areas, with sparsely settled populations of veterans in others like Nebraska, our veterans are not being treated fairly on VA health care.

I can tell you what is happening in Iowa and Nebraska, in our area. We are being cut dramatically in funds, to the point that veterans are not being served in our part of this country. This formula is unfair since it started. They simply will not listen to us down there in the Veterans Affairs Department. They simply go on and treat us unfairly. It is time to stop the use of this inequitable VERA formula.

Mr. Chairman, this Member rises today in strong support of the amendment offered by the distinguished gentlemen from New York (Mr. HINCHHEY) which would prohibit funds in the bill from being used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation (VERA) system. Unfortunately this has turned into a regional legislative battle between northeastern states and especially low-population states, medical personnel, and services for treating the very real medical needs faced by our veterans wherever they live.

This formula has been inequitable to our State, veterans are getting the back of hand by the VA. That is what you are getting. There has to be a more equitable distribution of funds.

As one who has lived through base closures and realignment, I know how painful it is toacial groups to underutilized facilities. There have been claims that the veterans left behind in States that have been losing veterans are older and sicker. That is what the other States are saying, they are older and sicker. But, by my demonstration here today, I have shown you that we have older veterans. These claims are not supported by the facts.

So VERA is statistically sound; it is following the veterans, that allocation is. So, overwhelming evidence that VERA is targeting VA resources to veteran populations that would need it most, and doing so in a fair manner, I strongly oppose this
Mr. Chairman, obviously I rise in opposition to this amendment, basically it aims to dismantle what this House overwhelmingly approved. It was one of the major reforms in the VA health care system.

VERA is a system for distributing VA health care funds equitably, to ensure that veterans have similar access to care, regardless of the region they live in. Before 1996, when Congress directed VA to establish this system, veterans experienced enormous disparity in access to care. Veterans who received all needed care from VA facilities in Florida, for example, often found after returning to Florida the VA’s doors were closed to them.

This happened because a system for distributing funds did not take into account the demographic changes that occurred.

According to the General Accounting Office, VA’s former allocation system not only resulted in unequal access to care. It also encouraged inefficiency. GAO cited the need for a system like VERA. So my colleagues, the GAO has studied this carefully, and they have cited the need for such a system as VERA, which the gentleman from New York (Mr. Hinchey) would like to remove and dismantle. Price Waterhouse did an analysis of this as well. They validated the methodology that was used and indicated that it was sound. VERA recognizes that there is variability in labor costs and other factors from region to region and makes adjustments accordingly. It is fundamentally a fair system.

Mr. Chairman, that is not just me speaking. Price Waterhouse has validated this system, and GAO cited the very letter that we passed overwhelmingly in the House.

So as I mentioned earlier, I have this letter from the VA’s acting Under Secretary of Health who confirms that the VERA system is working and that the VA administration itself continues to support it, and I will include that for the record at this time.

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networks; in the FY 2001 allocation, there are no dollars to remaining by be shifted. All networks are required to increase their FY2000 VERA allocation.

Mr. STEARNS. Mr. Chairman, we have a similar debate on this amendment last year when the gentleman offered it. I urge the gentleman not to dismantle a system that is working for the veterans in this country. I also note that the VA maintains a reserve fund to handle the kind of problems that the gentleman has raised, and I am sure others will raise from the north. In fact, the New York/New Jersey Network received $60 million last year from that reserve fund that was set up just to handle problems that they are going to get on the floor and talk about.

For those areas of the country that have legitimate funding problems, there is this safety mechanism with the reserve fund. We need not and should not, I say to my colleagues, take the extreme step that the gentleman proposes. Adopting the Hinchey amendment would hurt veterans all across this country.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 45 seconds to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I would merely say that Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

The author of this amendment argues that the veterans in New York are not being treated equitably. VERA takes all of that into consideration, and under VERA, veterans in the metropolitan New York area will receive an average of $5,539 per veteran patient. That is 16 percent-plus higher than the national average. The Florida VISN will receive $4,485 per patient under VERA, an average payment that is 2.5 percent below the national average. Certainly we should ask ourselves how is this unfair to New York veterans.

Mr. Chairman, I urge that we oppose this amendment.

Mr. Chairman, I rise in strong opposition to the Hinchey amendment which would prohibit the use of VA funds to further implement the Veterans’ Equitable Resource Allocation system.

VERA, as it is called, corrects historic geographic imbalances in funding for VA health care services and ensures equitable access to care for all veterans.

Florida has the second largest veterans population in the country with 1.7 million veterans. Approximately 100 veterans move to Florida every day. Since coming to Congress, I have heard from veterans who were denied care at Florida VA medical facilities. In many instances, these veterans had been receiving care at their local VA medical center. However, once they moved to Florida, the VA was forced to turn them away because the facilities in our state simply did not have the resources to meet the high demand for care.

This lack of adequate resources is further compounded in the winter months when Florida veterans are literally crowded out of the system by individuals who travel south to enjoy our warm weather.

I have heard from my veterans to understand how they can lose their VA health care simply by moving to another part of the country or because a veteran from a different state is using our VA facilities.

Congress enacted VERA for a very simple reason: equity. No matter where they live or what circumstances they face, all veterans deserve to have equal access to quality health care.

Since VERA’s implementation, the Florida Veterans’ Integrated Service Network (VISN) has experienced a forty percent increase in its workload. The Florida network estimates that it will treat a total of 300,000 veterans by the end of Fiscal Year 2000.

The Florida network has also opened 18 new community based outpatient clinics since VERA’s implementation. It plans to open additional clinics in the near future. None of this could have happened without VERA.

The author of this amendment argues that veterans in New York are not being treated equitably. The VERA system already takes regional differences into account by making adjustments for labor costs, differences in patient mix and differing levels of support for research and education.

According to the Department of Veterans’ Affairs, VA facilities in the metropolitan New York area will receive an average of $5,339 per veteran patient. This means that these facilities will receive an average payment for each patient that is 16.07 percent higher than the national average. On the other hand, the Florida VISN will receive $4,485 per patient—an average payment that is 2.5 percent below the national average. How is this unfair to New York veterans?

VERA ensures that veterans, across the country, have equal access to VA health care services, and that tax dollars are spent wisely. If the Hinchey amendment passes, continued funding imbalances will result in unequal access to VA health care for veterans in different parts of the country.

I urge my colleagues to vote against the Hinchey amendment.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume to say that this is not a regional argument. The issue is bureaucratic bungling by computer. If your area is not being hurt today, it most certainly will be tomorrow.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise in strong support for the Hinchey-Frelinghuysen amendment, and I urge my colleagues to do the same.

We want to suspend the VERA program. It is not working, and it is certainly not working for New Jersey. We are the only VISN to lose money. It is unacceptable to the veterans in New Jersey. It is unacceptable to me.

According to this year’s bill, our VISN will receive $22 million less than we did in Fiscal Year 1999, and $14 million less than we did in Fiscal Year 2000. In fact, when we consider the supplemental appropriation, New Jersey will receive $52 million less than we received for the entire fiscal year 2000.

This is not a question of making everyone happy, this is a question of equity. The program is not working. What we are going to do is wedge one veterans’ group against the other. That is not acceptable to us in New Jersey, and I am sure to the gentlewoman from Florida (Mrs. MEEK) and to the gentleman from New Jersey (Mr. FRELINGHUYSEN), it is not acceptable to them as well.

Mr. Chairman, I rise today to voice my strong support for the Hinchey, Frelinghuysen amendment and I urge my colleagues to do the same.

The amendment is simple, it suspends the VERA program. What we need to do is go back to the drawing board and come up with a program that is fair to all veterans.

In Fiscal Year 2000, Congress provided $1.7 billion more for veteran’s medical care. Yet, in New Jersey we lost $36 million in funding.

We were the only VISN to lose money. It is unacceptable to the veterans of New Jersey. It is unacceptable to me.

According to this year’s bill, our VISN will receive $22 million less than we did in Fiscal Year 1999 and $14 million less than we did in Fiscal Year 2000!

In fact, when we consider the supplemental appropriation we received this year, New Jersey will receive $52 million less than we received for the entirety of Fiscal Year 2000. This is a disgrace.

And that is because of VERA, the Veterans Equitable Resource Allocation program, which redirects money from some regions of the country to pay for veterans who live in other parts of the country.

Our veterans deserve better.

The fact is that the VERA system is not equitable to all veterans. This amendment sends the message that VERA is not working. The VA should develop a truly equitable plan.

Members of the military have put themselves at great risk to protect American interests around the world. In return for this service, the federal government has made a commitment to both active duty and retired military personnel to provide certain benefits.

Our veterans helped shaped the prosperity our nation currently enjoys. It is OUR duty to ensure that commitments made to those who served are kept.

The VERA system is simply not working. I urge my colleagues to support this important amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), the dean of the New York Congressional Delegation.

Mr. GILMAN. Mr. Chairman, I am pleased to rise today in strong support of the Hinchey-Frelinghuysen amendment prohibiting funds from being used
to implement VERA, the Veterans Equity Resource Allocation system, which was created to correct an inequity in the manner in which veterans’ health care funds were being distributed across the country. While conceived as a sound effort, VERA was fundamentally flawed in that it did not look at the quality of care being delivered to veterans in any given region. Moreover, it also failed to consider the effect of regional costs in providing health care.

Under VERA, the watchword was efficiency: deliver the most care at the least cost. While ideal for outpatient care, VERA has unfairly penalized those VISNs that provide vital services such as substance abuse treatment, services for the homeless, veterans’ mental health services, and spinal cord injury centers. Under VERA, those services are all deemed too expensive and inefficient.

VERA was implemented at a time when the VA budget was essentially flat lined. VISN directors were not provided additional funds to offset the cost of annual pay raises for VA staff and annual medical inflation costs.

The CHAIRMAN. The time of the gentleman from New York (Mr. GILMAN) has expired.

Mr. GILMAN. Mr. Chairman, I thank the gentleman.

This was not a problem for those directors of VISNs who received money under VERA. However, for those directors of VISNs that were losing money under VERA, it was a double hit that crowded out additional funds needed for other vital services.

It is commendable that the subcommittee was able to find an additional $1.3 billion for veterans’ medical care. Yet, due to VERA, very little of that money was found to make its way to the Northeast where it is vitally needed. Instead, it will be sent to those VISNs that have already seen increases.

Accordingly, I urge my colleagues to support the Hinchey-Frelinghuysen amendment.

Mr. HINCHHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I very seldom get up here to remark on some of these, and the reason is that most of us have made up our minds already and nobody is going to convince us to change.

Let me give my colleagues some information. If my colleagues think that reforms have been instituted recently in veterans’ health services, they are wrong. In L.A. they have caused nothing but disruption. You have closed offices where people need the offices, and in L.A. they have charged the problem. There is terrific. There are log jams all the time. Veterans have a hard time, some of them unable to drive, and especially those with mental services needs have a hard time getting to the centers as it is now. So you close some. Then you close administrative offices and move them to Phoenix, Arizona, when the population is in L.A.

What is the matter with you in this reform. You need to open your eyes and see that there is something very, very wrong with the reform. In other words, the care they were taking the ill, and veterans are not getting the attention they need. I am sorry if my colleagues cannot see that, but they ought to realize it; they ought to take a better look. My colleagues ought to go back to their districts and talk to their veterans and ask them if they are getting the services they need, because they are not.

Mr. HINCHHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I stand here in strong support of the Hinchey amendment. I think the bottom line that we have heard from both sides, and there should be no arguments here, is that we are supposed to take care of our veterans. I have been out to my VA hospital, and let me tell my colleagues, they have cut the budget as far as they can go. Yes, a lot of my veterans do go to Florida. That is where they are part of the time of the year. But they are still using the services in my North Port hospital.

This should not be a fight among colleagues. We are supposed to take care of our veterans. That is the bottom line. We have made promises to our veterans. This should not even be a budget fight.

Mr. Chairman, I strongly support the Hinchey amendment; and we should certainly, in the future, start allotting more money for the veterans, because we are supposed to take care of our veterans. That is the bottom line. We have made promises to our veterans. This should not even be a budget fight.

Mr. Chairman, I strongly support the Hinchey amendment; and we should certainly, in the future, start allotting more money for the veterans, because we are supposed to take care of them. We, the government, made a promise to our veterans: you serve this country and we will take care of you.

Well, I am embarrassed to say that the $3.4 years that I have been here, we have not kept that promise to our veterans; and as a nurse, I can tell my colleagues, they know it.

Mr. HINCHHEY. Mr. Chairman, I yield myself the remaining time.

In closing, I would just say to my colleagues that this is not a regional issue, this is an issue that affects veterans coast to coast, as we have seen in the arguments that have been presented here this evening. If it happens that one’s particular district or one’s particular State is not adversely affected at this particular moment, it will be shortly.

Mr. Chairman, this formula has got to change. Please support the amendment.

Mrs. MEEEK of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I rise in opposition to the Hinchey amendment.

Mr. Chairman, I rise in opposition to the Hinchey amendment, which would block the continued implementation of the VERA system, a change which would cripple the VA. An identical amendment was offered last year and failed on a vote of 158–266.

On April 1, 1997, the VA began to implement the VERA system, which allocates health care resources according to numbers of veterans in each of 22 regional VISNs (Veterans Integrated Service Networks). The Hinchey amendment would jeopardize health care in a majority of VA networks by blocking continued implementation of this system.

Before VERA, funds were allocated according to the historical usage of VA facilities, adjusted annually for inflation. When veterans migrated to the West and the South, funding continued to be concentrated in the Northeast.

The amendment proposes to prohibit funding for the VERA allocation model, creating a significant question about what model the VA would use instead. Presumably, the authors of the amendment would support a return to the allocations of FY96. When FY00 levels are compared to FY 96 allocations, such an adjustment would mean that 20 of 22 VISNs would lose money.

Some areas would be particularly devastated by such a reallocation: the Pacific Northwest would be cut 36 percent, the Southwest would be cut 14 percent, the Southeast would be cut 15 percent. To restore funding for these 2 VISNs at FY96 levels, all 20 other VISNs would take an approximate hit totaling $132 million. If VA was forced to recompute allocations according to the old model, the cuts would be even more severe. The VA medical centers I represent would see their budget cut by more than $9 million this year if we restored the old formula.

Such a budget hit would cripple the vast majority of VISNs across the country. VERA is unfair to the 22 VISNs, not just one. In the Bronx, saw its overall allocation decrease from FY99 to FY00. I believe that we should encourage the VA to continue moving forward with this successful initiative. Please join me in opposing the Hinchey Amendment.

Mrs. MEEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

First of all, we in Florida, we have visual acuity, I want to let my colleagues know. We can see, and when we see, we can read. The number is 7,200. Mr. Chairman. We have the numbers. There is no question about it, we all want veterans served. But should we yield because we have to satisfy one part of
the Nation? We have to satisfy all of the veterans.

Mr. ALLEN. Mr. Chairman, I rise in support of the Hinchey amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Hinchey Amendment to suspend the Department of Veterans’ Affairs misguided Veterans’ Equitable Resource Allocation (VERA) plan.

The VERA plan takes scarce resources away from the veterans in my district and other areas of the Northeast based on flawed data about veteran populations around the country.

The veterans who use the VA health care system in New York deserve better than the VERA plan gives them. Each year, about 150,000 veterans use the eight VA facilities in the New York Metropolitan region. These veterans have come to rely on the excellent services provided by these facilities, and the cuts in these services under VERA have been disastrous.

Since the implementation of VERA began, I have received reports from many veterans in my district of diminished quality of care at VA medical centers. In fact, the VA’s own Office of the Medical Inspector investigated the Hudson Valley VA hospitals and found more than 150 violations of health and safety rules at those hospitals alone. It is not a coincidence that these violations came at a time when these hospitals were trying to cut costs to comply with VERA.

And the situation is getting worse. The service network that serves New York and New Jersey will receive a cut of over $40 million. This means the quality of care will suffer and more services will be cut as hospitals and clinics face even more reductions in force. All of our veterans, regardless of where they live, deserve better.

Mr. Chairman, I understand the need to provide services to growing veterans populations in other regions of the country, but that must not be at the expense of New York’s veterans. An assessment of the VERA plan by Price Waterhouse highlighted a major flaw in the fundamental assumptions of the plan. The report stated that “basing resource allocation on patient volume is only an interim solution because patient volume indicates which veterans the VHA (Veterans Health Administration) is serving, not which veterans have the highest care needs.” This is especially relevant to the New York region, which has the highest proportion of specialty care veterans in the country.

We cannot turn our backs on our proud veterans, but that is exactly what will happen if we allow VERA to continue. I urge my colleagues to treat our veterans with the dignity and the respect they deserve. Support the Hinchey Amendment.

Mrs. KELLY. Mr. Chairman, I rise today in strong support for the Hinchey amendment.

Under the Veterans Equitable Resource Allocation plan, I have witnessed the results of cuts that have effectively removed nearly $300 million from the lower New York area veterans network.

VERA is fundamentally flawed. These flaws permeate VERA’s methodology, its implementation, and the VA’s oversight of this new spending plan.

Our veteran’s network has the oldest veteran population, the highest number of veterans with spinal cord injuries, the highest number of veterans suffering from mental illness, the highest incidence of hepatitis C in its veteran population, and the highest number of homeless veterans. It is inconceivable and intolerable that the VA would continue to reduce our regions funding.

VERA 3 has required reserve funding for the last 3 years because our veterans hospitals keep running out of money. In this fiscal year, VERA 3 required $102 million in reserve funding. In the next fiscal year it expects to request even more. When will we realize that the VA should fund our hospitals properly the first time and leave reserve funds for emergencies?

I beseech my colleagues on both sides of the aisle to support this amendment and make the investment in our veterans hospitals necessary for the health of our veterans. The veterans of this Nation gave their best for us. Now we need to do our best for them.

Mr. GOSS. Mr. Chairman, I rise today in strong opposition to this amendment. My home state of Florida has 1.7 million veterans who serve as home to thousands of veterans. The numbers for Florida reflect the busy winter season. Given the age and special needs to this population, many of these men and women require extensive medical attention.

The lack of timely, quality health care for our veterans has reached a crisis point across the country, but the problem is particularly acute in southwest Florida. Every year more and more veterans flock to Florida to enjoy their golden years; and every year the veteran clinics and hospitals in my state are hard pressed to meet the demand. Sadly, the need far exceeds our resources in southwest Florida. Veterans routinely wait months—and sometimes over a year—just to get an appointment for something as simple as vision and hearing care. This is an unacceptable way to treat those who served our country honorably.

VERA begins to address this injustice by allocating funds according to the number of veterans having the highest priority for health care. VERA is a fair and just system: it puts the money where the vets are. This is straightforward, commonsense policy. I urge my colleagues to reject the Hinchey amendment and support a fair and equitable policy of providing for our veterans.

Mr. ALLEN. Mr. Chairman, I rise in support of the Frelinghuysen/Hinchey amendment to prohibit the VA from distributing health care funds through the Veterans Equitable Resource Allocation (VERA) formula.

As I have said many times in the past, VERA has negatively impacted the VA’s ability to meet the health care needs of veterans in the Northeast. I understand that VERA has benefited certain regions of the country, but the level of care in those regions has been raised at the expense of Northeast veterans. The situation continues to get worse, not better for the 150,000 veterans in my district.

Veterans in my district rely on Togus VA hospital in Augusta. Those veterans who are treated at Togus cannot say enough about the quality of care. There is no question about it, if you can get in to see a doctor, the care is exceptional.

Doctors and nurses have dedicated their careers and lives to serving this population and recognize the unique care veterans need.

But Mr. Chairman, Togus is located within VISN 1. Despite this bill’s $1.35 billion increase in the fiscal year 2001 VA health care budget, VISN 1 will only receive a $15 million increase.

Togus alone already has a $9 million shortfall in Fiscal Year 2000. There is clearly a need for increased funding, and yet VISN 1 is one of only two VISNs that has lost funding since 1996 when VERA was implemented.

While the quality of medical care remains high, budget constraints have forced Togus to reduce staff, causing severe strains on access to care, as well as staff morale.

The excessive waiting times make it difficult to meet the commitments to funding increases through VERA are tied to the number of patients seen, veterans in the Northeast regions are put at an automatic disadvantage.

I am told over and over by the VA Undersecretary for Health, Dr. Thomas Garthwaite, that the VA employs the VERA numbers work out. I am told that each VISN receives the appropriate amount of money to cover its costs.

Mr. Chairman, the numbers are not working out. The former Acting Director of VISN 1 recently said that over the past few years equipment and construction funds were used to supplement funds for direct medical care.

VERA simply does not provide the means to cover the facility costs of hospitals in the Northeast and still provide quality care.

Recently, two Boston VA hospitals, West Roxbury and Jamaica Plain, began to consolidate their operations. However, there is no money to complete this kind of transition without affecting the care to veterans.

Because Boston serves as the major surgical center for the VISN, the patient population who receive care is going to suffer. The VISN does not have the $40 million required to complete this process smoothly.

The cost of providing health care in aging facilities is not adequately accounted for in VERA. The formula must be reexamined.

I am tired of hearing, “the numbers work out.” Anyone who visits Togus, or any hospital in the Northeast will clearly see that it is not working out for those veterans seeking care.

There is simply no excuse, Mr. Chairman, for the hurdles our veterans must now face to access high quality health care. We need to make a greater commitment to funding veterans’ health care through the Veterans Health Care Act of 2000.

This Congress’ fixation on huge tax cuts for the wealthy is endangering funding for veterans’ health care programs, for housing and for other domestic programs.

We must get our priorities straight, and keep our promise to the veterans in this country. Support the Frelinghuysen/Hinchey amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to this amendment to change the VERA formula and return to an obsolete method of allocating veterans funding in this nation.
VERA, the Veterans Equitable Resource Allocation system is one of the smartest, fairest, and simplest things we've done at VA.

We learned that a lot of our older veterans are moving from places up North like Pennsylvania and Ohio and moving to warmer spots like Florida and Arizona. In my own district and in my home state of Florida we've seen an explosive growth in the number of senior citizen veterans living in our communities who require resources. While in some Northern states we have VA hospitals that used to serve a lot of veterans 20 years ago that are now abandoned because of declining veteran populations in those areas. The demographic evidence is very clear.

So Congress decided to put VERA in place to more equitably distribute VA health care dollars so that the money goes to where the veterans actually are and not where the abandoned hospitals are. This "radical" concept is fair and it's working, so I guess if you're a little cynical of Washington, it's no wonder that some people want to get rid of it now.

VERA has meant a marked improvement for our veterans in Florida. Working closely on the 2000 Census, we realized that VERA was one part of the larger issue of re-allocating federal resources based on our nation's changing demographics. For instance, my district and state have similar issues with all senior citizens relating to the Older Americans Act which also attempts to shift some federal funding based on changing demographic patterns.

Just as Florida and Texas and some other growing states may gain Congressional seats in re-apportionment while some states lose seats because of population changes, so too must veterans funding follow the population. I know it's hard for my colleagues on the other side of this issue to see federal funds or Congressional seats go elsewhere and I don't begrudge them for fighting for the amendment, but VERA is fundamentally fair and it's the right thing to do.

VERA also helps force VA to cut waste and inefficiency. The Government Accounting Office (GAO), Congress' non-partisan investigative agency, recently reported that VA is wasting almost $1 million per day maintaining and heating empty obsolete VA facilities, $1 million per day. In my state, the Lyons Medical Center has closed its emergency room. East Orange VA hospital has closed its pharmacy. There have been round after round of RIFs in New York and New Jersey's veteran hospitals.

VERA is a failure! I urge my colleagues to support this amendment. Send the VA back to the drawing board and tell them to come up with a system that meets the needs of all veterans. Our veterans deserve no less.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from New York, which would impose a one-year moratorium on the VERA system. The Veterans Equitable Resource Allocation," VERA, as this funding mechanism is known, was instituted in 1997 as a way to distribute VA resources fairly across the country. But the outcomes since then have not been equitable.

The VERA formula punishes regions like the Northeast and Midwest by calculating need solely on the basis of the number of veterans served—without any regard for the type of individualized or specialized care given to these veterans. Patients in the New York/New Jersey area (which makes up Veterans Integrated Service Network 3, or VISN 3) has the second highest number of veterans in the nation. But because of VERA, our veterans will not receive any money to combat the disease.

How is this fair? How is this equitable? New Jersey has one of the oldest veterans' populations and the highest number of special needs veterans. The funding reduction caused by VERA is taking a tragic toll on the veterans of New Jersey and the Northeast.

Mr. FRANKS of New Jersey. Mr. Chairman, I rise today as a cosponsor of this amendment. The Veterans Equitable Resource Allocation is anything but what its name indicates. VERA is not equitable. In fact, it has had a disastrous effect on veteran health care in New Jersey.

VERA was intended to direct VA health reources to the areas with the highest veteran population. However, the VERA equation fails to calculate the level of care required by the patients. Well intended? Yes. Well thought-out? Not in the slightest, Mr. Chairman.

Visn 3, of which my district is a part, has the second oldest veteran population in the country. Clearly, these veterans have the greatest need for medical care and pay the highest health care costs of all veterans. With this amendment, they will suffer across the board cuts in all those hospitals.

While I appreciate the fact that after years of shortchanging veterans' health services, the President has finally proposed a budget that increases funding for veteran's health care. However, that increase will provide no additional or specialized care given to these veterans elsewhere.

Mr. Chairman, it's time to end the inequity. Not only is the level of support provided to New Jersey veterans unfair, it is jeopardizing their health care. Lyons Medical Center has closed its emergency room. East Orange VA hospital has closed its pharmacy. There have been round after round of RIFs in New York and New Jersey's veteran hospitals.

VERA is a failure! I urge my colleagues to support this amendment. Send the VA back to the drawing board and tell them to come up with a system that meets the needs of ALL veterans. Our veterans deserve no less.

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those who suffer from Post Traumatic Stress Disorder (PTSD) and reduced the number of medical personnel at various health centers.

As a result of these cuts, there has been erosion of confidence between veterans and the VA. I can not describe the anger and pain I see in the faces of veterans in my district because of the reduction in health services. This erosion threatens to destroy the solemn commitment that this nation made to its veterans when they were called to duty.

We can not allow the VA to use VERA to save money by destroying the health care of veterans in New Jersey. We can not allow the VA to use VERA to use managed care to reduce quality. And we can not allow the VA to use VERA to close veterans' hospitals just because they are within sixty miles of each other.

CONCLUSION

The bottom line is: VERA is unacceptable and must change to a fairer more equitable system.

Let me state as firm as possible: There can be no compromise when it comes to veterans' health care. The promise made to veterans must be kept. We must do everything in our power to ensure that veterans receive the best health care possible.

Defending the Constitution of the United States on foreign soil is the greatest duty the nation can ask of its citizens. Our veterans answered the call to duty and performed it to the nation can ask of its citizens. Our veterans answered the call to duty and performed it to the highest standard. We must keep our promise to our veterans regardless if they live in Florida, Texas, Maine or New Jersey. I believe a veteran is a veteran, period. The VA must have the same view. I strongly urge you to support this important amendment. Thank you.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise today in support of this amendment. I understand the goal of VERA is to distribute money according to the number of veterans using veterans facilities, but it doesn't take into consideration the basic overhead expenses of operating medical care facilities in rural, less populated states.

Despite the fact that Congress has fully funded the President's request for the VA next year, at least four VISNs are projecting serious shortfalls. One of these VISNs, VISN 14, which includes Iowa and my home state of Nebraska, is projecting a $40–40 million shortfall.

Although Congress has increased the VA's budget 23.5 percent since Fiscal Year 1996, VISN 14 has only received a 6.2 percent increase—less than the cost of medical inflation. These shortfalls will continue until we are able to find a fairer way to allocate funds.

I believe VISN 14 has taken significant steps to lower costs—in fact, despite the increase in patient load of 26 percent, VISN 14 has closed two inpatient facilities and the number of full time employees has dropped 16 percent. Unfortunately, these changes will not save enough to make up for the large projected shortfall.

Mr. Chairman, when the VA closed the Grand Island inpatient wards, I was assured that the money saved by closing the ward would be used to improve services to Nebraska's veterans, but the opposite has been true—services have gotten worse. Many veterans in my district are forced to travel hundreds of miles to receive the care they were promised. Veterans often wait weeks or even months for appointments to see VA doctors. This is unacceptable. Eligible veterans should have reasonable access to VA facilities no matter where they live. I urge a yes vote on this amendment.

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. HINCHEN. To basically gut the present veterans' medical fund allocation system Congress established a little over three years ago. The reason we established the so-called VERA or Veterans Equitable Resource Allocation was to correct the arbitrary funding for veterans' medical care in various parts of the United States. As the name says, it is about equitable resource allocation—it is about fairness and putting and the health care money where the veterans are.

My veterans in Alabama deserve the same adjusted basic per capital funding as any other part of this country, not more and certainly not less. I don't know how anyone could object to that.

But here's what we should object to: having unneeded VA hospitals in a number of large metropolitan areas, including New York and Chicago. Hearings by the Oversight and Investigations Subcommittee, which I chair, established that the VA is wasting more than a million dollars a day by operating unneeded buildings and facilities. Personally, I think that number is underestimated, but that is what the General Accounting Office reported, and the VA did not deny it.

Any way you look at it, a million dollars a day is a lot of waste. We shouldn't be supporting waste by sending extra money to certain areas to support unneeded VA facilities. That's what this amendment would do. We should be encouraging the efficient expenditure of veterans' health care dollars. Taxpayers want the men and women who have served their country in uniform to have quality health care, and they want Congress to take care that their money is well spent.

Mr. Chairman, I object to this amendment. It is a vote for waste of veterans' health care money, pure and simple. It would be a step backward that would hurt most veterans by virtue of where they live. I urge my colleagues to do right for both veterans and taxpayers by defeating it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEN).

The question was taken; and the YESs prevailed.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 35 offered by Mr. HINCHEN:

Mr. HINCHEN. Mr. Chairman, I ask unanimous consent to modify the amendment in accordance with the submission that is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment Offered by Mr. HINCHEN.

The amendment as modified is as follows: Page 90, after line 16, insert:

SEC. 426. Any limitation in this Act on funds made available in this Act for the Environmental Protection Agency shall not apply to—
(1) the use of dredging or other invasive sediment remediation technologies; or
(2) enforcing drinking water standards for arsenic; or
(3) promulgation of a drinking water standard where such activities are authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. HINCHEN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEN).

Mr. HINCHEN. Mr. Chairman, I ask unanimous consent to modify the amendment in accordance with the submission that is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

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The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

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Mr. HINCHEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. HINCHEN:

Page 90, after line 16, insert:
strike language which involves the issue of arsenic in drinking water. This language would prevent the EPA from establishing standards with regard to arsenic in drinking water. I need not point out to the Members of the House that arsenic is indeed a particularly vitriolic poison. In fact, it occurs in many water bodies and public water supplies in a number of places around the country. So the EPA, in carrying out its responsibilities to protect public health, the EPA is establishing these standards in order to protect the environment, but even more particularly, in order to protect public health.

This language prevents us from dredging and from finding out what is in the bottom of water bodies around the country and taking appropriate remedial action with regard to arsenic in drinking water. I ask the majority of the Members of the House to join me in striking this anti-environment rider from this bill.

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

Mr. WALSH. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

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

Mr. Chairman, first of all, I want to say that this is an amendment that does not do what the author would like it to do. Very simply, the author would like to strike language contained in the committee report, not in the bill but in the report, dealing with direction to the EPA on dredging and in enforcing existing arsenic regulations.

Although he and others will allege that this language somehow reaches in and cancels report language, certainly no reasonable interpretation would come to that conclusion. Specifically, the language refers to limitations in this Act on funds made available in this Act.

I would say to the gentleman that there is no limitation in the Act on any of the above-mentioned issues. There is in particular no limitation of funds for the implementation of arsenic regulations. Moreover, there is not even a limitation of funds on either of the issues contained in the report language.

Despite the author’s best intentions to somehow link what he would hope to accomplish with this language, it plainly and simply cannot and does not do what he would like it to do.

I would like to shift now from a technical interpretation of the amendment to specific comments on the issues that the gentleman objects to. I will confine my comments to the issue of dredging.

This is a very controversial issue. The EPA itself, up until just recently, had rejected the option of dredging because of the resultant pollution downstream from the dredging site. As we all know, when we stir up mud in the river, we travel with the current, so other parts of these rivers would be affected as that dredging began to occur.

The EPA was opposed to dredging for many, many years. Now there has been a change of heart and they want to proceed. Mr. Chairman, we all agree that the toxins that are in our bodies of water need to be dealt with. They need to be dealt with in the safest, most effective ways. We do not want our fish and our wildlife and our vegetative growth and our fellow human beings poisoned by these toxins.

But there is much to sit and debate about the best way to deal with this. What the report language in this bill suggests is that the National Academy of Sciences will come out with a study sometime in September. At that point, the EPA will receive some direction in their decision-making from the National Academy of Sciences report, and they will then incorporate that into their operating plan.

Once they have accomplished that, they can proceed, so we want them to get the benefit of the good science and then incorporate that into their plan and make a good decision and go forward.

I would just state lastly that this is the last time that this issue will be dealt with in this bill because the body of knowledge will be available for informed decision-making by the end of this year, so this is the last time we will deal with this in this bill.

I would urge rejection of this amendment. Let us make sure we have good science before we proceed.

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

Mr. HINCHey. Mr. Chairman, I yield 90 seconds to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the Hinchey-Brown-Waxman amendment.

As the ranking member of the Subcommittee on Health and Environment, which has jurisdiction over the Safe Drinking Water Act, I am very concerned about the report language of the Committee on Appropriations with respect to arsenic.

The committee report language essentially tells the EPA not to enforce current law regarding arsenic. The current standard of 50 parts per billion was established in 1975 based on a public health standard originally established in 1942. However, arsenic is now understood to be much more toxic than was thought was even 10 years ago.

In addition to more evidence on skin cancer, sufficient evidence has been found to link arsenic to fatal lung and bladder cancers and to other organ cancers. Arsenic is a known human carcinogen.

The EPA is in the process of revising the arsenic drinking water standard to be more stringent, but the new standard will not go into effect until 2004 at the earliest. It would be irresponsible for Congress to instruct the EPA to ignore cases in which drinking water supplies do not even achieve the current standards of 50 parts per billion.

This appropriations rider makes a significant change in national policy on drinking water, but the Subcommittee on Health and Environment, which successfully reauthorized the Safe Drinking Water Act just 4 years ago, has not been given the opportunity to review it, nor have any bills introduced in this Congress on arsenic in drinking water.

This anti-environment rider in the report is bad procedure and bad policy. I strongly urge my colleagues to vote yes on the amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to my colleague and good friend the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, the gentleman from New York (Mr. HINCHey) would like us to believe that dredging over 1 million tons of sediment from the Hudson River, disrupting the recovering ecosystem, releasing PCBs downstream, shutting off recreational use of the river, and landfills 85,000 truckloads of dredge material on dairy farms in the Upper Hudson region is somehow the only reasonable action to be taken in the best interests of New Yorkers in order to remediate the Hudson River.

I would advise the gentleman that neither he nor the EPA should feel it is appropriate or necessary to lecture our residents on what is best for their communities. I do not believe we should let politics dictate our efforts to remediate the Hudson River. Simply put, I want to see science and facts applied here.

Mr. Chairman, the public has lost confidence in the EPA and in this endeavor. As the chairman mentions, it has gone on way too long. I have brought a couple of charts that will exemplify what we are talking about.

In the first chart here, the level of 10 exists. These are the past dredging experiences that the EPA has conducted. In each of the dredging experiences they have conducted the level of 10, which is now what the upper Hudson River level is, has been met in their most successful operations, meaning that if they dredge now they will have to realize unprecedented successes.

The second chart, using EPA science, shows the three ways, the natural recovery, the source control natural recovery, the source control dredging recovery, in terms of remediation of the river. If we look at those lines, we will
notice that there is barely a distinction in terms of the kind of recovery.

The EPA has lied to the citizens in the upper Hudson valley. They began a covert study to look at landfilling those dredge materials. They have lost the confidence of those people in that area.

As the chairman pointed out, the National Academy of Sciences report due out in September needs to be incorporated in so that we have the public confidence regained in this endeavor. I urge a no vote, a strong no vote in this effort.

Mr. HINCHHEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding time to me. I strongly rise in support of the Hinchey water bill.

Mr. Chairman, the concern I have is that we are seeking knowledge and seeking better ways to do clean-ups with the National Academy studies. On the other hand, we have existing technologies and we have problems that are endangering people’s health today.

I think we ought to use the knowledge and technology that is available today to help our fellow citizens in cleaning up these waterways while we continue to seek better ways to do so. I am very concerned about the potential delay.

I have a similar situation in my own district that has been studied for 24 years. One of the elements we have incorporated in the project cooperative agreement is a review every 5 years so we can incorporate new technologies as they come online, but I think it would be a mistake today to delay improvements in cleaning up our waterways that today endanger people’s health.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS), the remaining time to close.

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from New York.

Here we go again. The EPA is rushing to implement a new arsenic standard in the water with very little justifiable new scientific evidence. They will tell us that the new, more stringent standards of our communities will be at risk, and therefore we must plow ahead.

No one on this floor wants anyone’s drinking water to be unsafe. I, for one, am not condemning the EPA for setting scientific safe and reasonable drinking water standards. But there is a consequence to these authoritative actions.

I oppose the EPA requiring small, rural community water districts to spend $10 million to $20 million to comply with the current arsenic standards when the EPA is going to mandate an entirely new and more stringent standard in January of 2001. This tactic is simply going to force small rural water districts to spend millions of taxpayer dollars to build a new water treatment facility to comply with current standards, and then 6 months later spend an additional $10 million to $20 million to build an entirely new facility to comply with the new EPA standards.

If the EPA, Mr. Chairman, has its ways, these small communities will spend up to $35 million to comply with two separate standards. Would it not make sense for communities to build one safe and adequate facility that seeks to comply with the new more stringent standard, rather than 6 months down the road spending an additional $20 million?

This situation occurs throughout my State, it occurs throughout a number of other States. I am sure that there are many communities around who are concerned, whether they are small or large, with the attempt to have to comply with the current existing arsenic standards, facing the new future standards as well.

Let me say, Mr. Chairman, that this is a wrongheaded tactic. Why should any community, large or small, be forced to spend that extra $1 million? I stand here, Mr. Chairman, in opposition to this amendment. We should oppose the Hinchey amendment because it is unnecessary. This is a commonsense report language, and in no way ties the hands of the EPA. It merely allows communities to concentrate on meeting one arsenic standard, build one water treatment facility, and save rural water districts millions of dollars in unneeded and duplicative and costly regulations.

Mr. Chairman, I ask all my colleagues to oppose the Hinchey amendment.

Mr. HINCHHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of the Hinchey amendment and against the rider prohibiting the EPA from cleaning up contaminated sediments in our waters.

This language is simply a delay tactic to protect those who have polluted our waterways and do not want to incur the expense of cleaning them up. Many of our rivers and lakes are still polluted from years and years of toxic chemicals being released into them. The people of New York have been waiting for decades. We are not plowing ahead, we have been waiting for decades for the EPA to begin the process of cleaning up the PCB-polluted Hudson River.

Now, as the EPA is on the cusp of beginning the clean-up, this provision was included in this bill to stall the EPA yet again. While I agree that we should make all efforts to ensure that any environmental remediation activities are as safe as possible, I do not believe that this is the case here.

Quite frankly, this language is meant to delay action on cleaning up the Hudson River by making it more difficult for the EPA to take actions in defense of the environment. I urge my colleagues to vote in favor of the amendment and in favor of finally moving to clean up our waterways.

Mr. HINCHHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I rise in support of this amendment and commend the gentleman from New York (Mr. HINCHHEY) and Representative BROWN for their leadership on this important issue.

Once again, we are confronted with a VA-HUD appropriations bill and report that contains damaging and mind-boggling antienvironmental riders. There are two contenders for this year’s winner in the category of the most outrageous and ludicrous antienvironmental riders. The nominee is the language that actually makes it more difficult to clean up PCB, and it is competing against an equally nonsensical provision that would make it more difficult for EPA to keep arsenic out of drinking water.

I really am quite mystified at the fact that we are in the middle of an election year, and 2 weeks ago, the Republicans bring to the House floor a tax break of $20 billion for 400 families. The next week they come in with a bill that cuts the funding for nursing home inspections. Then tomorrow we are going to have to fight whether we are going to continue a tax break for the tobacco industry. Now they want arsenic in our drinking water. What constituents are they appealing to?

Mr. HINCHHEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. BORSKI), ranking member of the Subcommittee on Water Resources and Environment).

Mr. BORSKI. Mr. Chairman, I rise to support the Hinchey amendment and express my opposition to the antienvironment provisions contained in the bill and its report. It seems as though we go down this road every year fighting riders and report language designed specifically to stop the Environment Protection Agency from advancing the protection of human health and the environment.

Just a few short weeks ago, the majority claimed to have adopted a policy of no antienvironmental riders in appropriations bills. Unfortunately for human health and the environment, this is not the case. Instead, the majority has determined to place antienvironmental provisions in the committee report. This amendment is necessary to undo that harm.
Mr. Chairman, I am particularly concerned that the report accompanying this bill would provide EPA with the authority to remove contaminating sediments from rivers and lakes, even when such removal has been thoroughly studied and is the correct response. Contaminated sediments pose huge risks to health and the environment.

More specifically, we all know there are two sites that drive this issue every year which are both heavily contaminated with PCBs. This broad language will stop or delay cleanups not only at these two sites, but also at 26 other sites in 15 States. It is time to stop interfering with EPA protecting human health and the environment. Support the Hinchee amendment.

Mr. Chairman, I include the following letters for the RECORD:


HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the organization we are writing to you in strong opposition to an anti-environmental rider on the FY2001 VA-HUD appropriations bill regarding the Clean Water Act's TMDL program, which may go to the House floor as early as today. Our organizations have consistently opposed all anti-environmental riders, and we urge you to oppose this other and other anti-environmental riders on appropriations bills this year.

The section of the VA-HUD Sub-Committee report, under EPA-Environmental Programs and Management, attempts to use a rider to interfere with EPA's rulemaking process and guidance on the Clean Water Act. Total Maximum Daily Loads (TMDLs) are part of the Clean Water Act's strategy for attaining and maintaining water quality standards in polluted waters. They require that states identify all sources of pollution that impair the use of surface waters such as drinking, swimming or aquatic habitat. Once identified, the TMDL process is a way to ensure that responsibility for reducing pollution is fairly allocated. The Congression community considers this rider an attack on a key opportunity under the Clean Water Act to clean up our nation's waterways. Furthermore, we have serious concerns about Congress' interference with the rulemaking process with a rider.

Moreover, Committee report language encourages EPA to revoke a clean Water Act guidance document issued by the agency's Region IX related in part to the TMDL program that is deemed by the Committee to be too "stringent" for the business community. The Committee's intervention on behalf of polluters and the States to prevent a strong TMDL program by discouraging regional offices from adopting guidance to implement the law is an anti-environmental attack on the Clean Water Act. The Region IX guidance at issue is a clarification of long-standing Clean Water Act legal requirements.

The provision of the proposed TMDL rule which has generated the most controversy is the silviculture provision. In response to industry and congressional concerns, the U.S. EPA last week announced that the TMDL rule that is expected to be finalized this summer will not include this provision.

The TMDL program of the Clean Water Act offers the best opportunity to clean up our nation's polluted waters comprehensively and equitably. We urge you to uphold the principles of the Clean Water Act and the value of the TMDL program by opposing this rider.

Sincerely,

Elizabeth McEvoy, Center for Marine Conservation; Daniel Rosenberg, Natural Resources Defense Council; Ted Morton, American Ocean's Campaign; Paul Schwartz, Clean Water Action; Steve Moye, Trout Unlimited; James S. Lyon, National Wildlife Federation; Rick Parrish, Southern Environmental Law Center; Roberta Mann, Sierra Club; Ellen Mass, Friends of Alewife Reservation; Jackie Savitz, Coast Alliance; Barry Carter, Blue Mountain Native Forest Alliance; Norma Grier, NW Coalition for Alternatives to Sprays; Jennifer Schemm, Grand Ronde Tribe; Hillary Abraham, Oregon Environmental Council; John Kart, Audubon Society of Portland; Bill Marlett, Oregon Natural Desert Association; Mr. Benson, Association of Metropolitan Sewage Districts; Elizabeth E. Stolke, Organization for the Assabet River; Maria Van Dusen, Massachusetts Riversways Program; Pepper Trail, Rogue Valley Audubon Society; Glen Spain, Pacific Coast Federation of Fishermen's Associations; Ed Himlan, Massachusetts Watershed Council; Terri vonFurth, Fenner River Watershed Association; Michael Toomey, Friends of Douglas State Forest; Ellen Mass, Friends of Alwue Reservoir.

ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES,
Re: Municipalities Support EPA's Revised TMDL Program.

Hon. ROBERT A. BORSKI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BORSKI: In August 1999, EPA released proposed regulatory revisions to clarify and redefine the current regulatory requirements for establishing Total Maximum Daily Loads (TMDLs) under the Clean Water Act (CWA) §303(d). Recognizing that the proposed rule has undergone some significant changes in the past year, the Association of Metropolitan Sewerage Agencies (AMSA)—AMSA represents the interests of 260 wastewater treatment agencies. Together, AMSA member agencies serve the majority of the sewered population and treat and reclaim more than 246 of the nation's publicly-owned wastewater treatment plants—every day—supports EPA's efforts to revise the existing TMDL program, as well as its schedule for finalizing the revisions by June 30, 2000.

AMSA anticipates that the final rule will be a major improvement over the existing TMDL program, which has traditionally focused solely on controlling point sources, i.e., municipalities and industrial discharges, rather than developing comprehensive solutions to the nation's water quality problems. During the past 30 years, point sources of water pollution have cut the industrial water pollution trend, and others—have met the challenges of the Clean Water Act to achieve our national clean water goals. The investment in waste water treatment has revived America's rivers and streams, and the nation has experienced a dramatic resurgence in water quality.

However, according to the Environmental Protection Agency (EPA) 40 percent of our waters remain polluted—largely by nonpoint source pollution. The situation will not improve until we include all sources in the cleanup equation.

EPA's revised rule is expected to encourage the development of implementation plans for TMDLs that provide as "reasonable assurance" that all sources of pollution, point and nonpoint, will be addressed as part of a cleanup plan. Development of implementation plans will ensure that the business community and the public have an opportunity to review and understand how the regulatory agencies will respond to local water quality problems. Implementers will also help to ensure that municipalities, which hold many of the nation's existing discharge permits, are not forced to remove in creasinly minimal amounts of pollutants from their discharge at significant expense, while the major pollution contributions from uncontrolled sources remain unabashed.

Implementation plans, while requiring extra time and resources to develop, will encourage holistic solutions that will meet water quality goals, and will likely save billions of dollars nationwide by ensuring proper expenditure of limited local resources.

In addition to ensuring more involvement from all sources of pollution, EPA's revised rule is also expected to improve the existing TMDL program in several other areas including:

Improved ability for the regulated community to work with the public, including by state and federal regulatory agencies to include or exclude waters on TMDL lists. Currently, this lack of protocol has led to the listing of many impaired waters upon outdated or very limited data, with very little ability for public input or review. Requirements to develop and follow these protocols will help to ensure that TMDLs are properly developed using technically-based, scientific approaches, which are supported by data of adequate quality and quantity.

Allowing new or expanded discharges on impaired waters. Currently, regulations at 40 CFR Part 122.4 effectively prohibit new discharges to impaired waters during TMDL development. EPA's revised proposal should provide more flexibility for new dischargers, or the expansion of existing discharges during the 8 to 15-year TMDL development process by allowing new or increased discharges where adjustments in source controls will result in reasonable progress toward environmental improvements. Given that 40,000 waters currently on EPA's impaired water list, this flexibility is critical if we are to allow for the continued economic viability and growth of our nation.

Meeting realistic deadlines. The existing TMDL program is currently being driven by the courts, with extremely ambitious schedules and deadlines for a developing implementation plans. Realistic deadlines will likely result in poorly developed TMDLs based on little or inadequate data, or
appropriations bill. It ought to be
the bill.
remediation if this language stays in
vestigate, to find out what is there, to
which the EPA will not be able to in-
toxic contaminants of various kinds
contaminated with heavy metals and
language in this amendment, 30 places
sites that will be affected by the lan-
out that there are 14 States, some 30
ness of our water. I urge everybody to
clean up your water. This language is
will tell millions of people you cannot
in the interest of General Electric, we
ings, is finally requiring GE to clean up
1 minute to the gentleman from New
25 years, the General Electric Company
20 years. We know that the river itself did
itself would eliminate the sediments. It
11786
While AMSA still has some concerns with
EPA’s revised rule, we do believe that the
program revisions will provide greater clar-
ity concerning the roles and responsibilities
of all stakeholders in the TMDL process, and
would make significant improvements in our
efforts to improve the nation’s water
ity. We therefore urge you to oppose any leg-
islative efforts that may interfere with EPA’s
ability to issue and implement its com-
prehensive TMDL program revisions.
If AMSA’s staff or member POTWS in your
home state can assist you in any way, please
call me at (202) 335-4633. Thank you for your
consideration of your request.
Sincerely,

Ken Kirk,
Executive Director.

Mr. HINCHEY. Mr. Chairman, may I
inquire as to the time that is remain-
ing.
The CHAIRMAN. The gentleman
from New York (Mr. HINCHEY) has 1½
minutes remaining.
Mr. HINCHEY. Mr. Chairman, I yield
1 minute to the gentleman from New
York (Mr. NADLER).
Mr. NADLER. Mr. Chairman, for over
25 years, the General Electric Company
in New York has been thwarting any
efforts to clean up the Hudson River of
the tons and tons of PCB they dumped
into that river. For 20 years, they
demanded study after study after study.
For 20 years, they told us the river
itself would eliminate the sediments. It
has been studied. It has been studied
and studied and studied to death for 20
years. We know that the river itself did
not eliminate the sediments. We know
they must be required to do so.

The EPA, having finished its find-
ings, can now require General Electric
to ship the crude that they put in the river
that is poisoning the ability of communities
downstream to use the water, to drink
the water, to use it for other purposes.

Now we have this language that says,
in the interest of General Electric, we
will tell millions of people you cannot
clean up your water. This language is
guilt. It is intended to protect the foul-
ness of our water. I urge everybody to
unfoil it by supporting the Hinchey
amendment.

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

Mr. Chairman, I just want to point
out that there are 14 States, some 30
sites that will be affected by the lan-
guage in the amendment, 30 places
around the country which are heavily
contaminated with heavy metals and
toxic contaminants of various kinds
which the EPA will not be able to in-
vestigate, to find out what is there, to
develop a technology and a program for
remediation if that language stays in
the bill.

This language is inappropriate in this
appropriations bill. It ought to be
taken out. I ask everyone to join us in
support of this amendment.

Mr. ROEMER. Mr. Chairman, I rise in
strong support of the amendment intro-
duced by my dear colleagues Mr. HINCHEY, Mr.
BROWN and Mr. WAXMAN. This amendment
would ensure that this Body does not impose
limits on the use of EPA funds for dredging or
remediation technologies to clean up
contaminated sediments in lakes and rivers.

The Gowanus Canal, located in Brooklyn,
New York, is in great need of being dredged.
Historic industrial uses in and around the
canal have caused significant amounts of haz-
 hazardous materials to accumulate at the bottom.
The shallow depth restricts the use of the
canal for navigation and commercial purposes.
Most importantly, Mr. Speaker, the contami-
nated sediments represent a continued health
threat for the natural resources of the area.
This amendment is about many lakes and
rivers around the country and their sur-
rounding communities. It is about the eco-
nomic development and prosperity opportuni-
ties that can not properly take place in con-
taminated areas until limiting resources to
enforce drinking water standards.

Mr. Chairman, let us not limit the great eco-
nomic and community development possibili-
ties and the restoration of the environment for
my constituents and for people and commu-
nities around the country. Limiting those op-
portunities by limiting resources would be a
disservice to the people we represent.

I urge my colleagues to support this amend-
ment and ensure that the people we represent
have no limits imposed upon their health, and
the restoration of their lakes and rivers.

Mr. HOBSON. Mr. Chairman, I rise today
to speak against this amendment and in favor
of the report language included in this bill. As
a member of the Appropriations Committee and
the VA-HUD Subcommittee, I support the
common-sense approach the Committee has
already taken to address the problem of con-
taminated sediments in our rivers.

Three years ago, Congress directed the
EPA not to issue dredging or capping regula-
tions. Under the National Academy of Sciences
completes a study on the risks of such ac-
tions. Qualified scientists are working to finish
this report to determine the best way to clean
up rivers with minimal impact to the sur-
rounding environment. This has been an open
process, allowing input from the public, envi-
ronmental organizations, and from the EPA
itself.

Mr. Chairman, I agree that this is an envi-
nonmentally sensitive issue, and it is important
that most qualified, independent scientists
weigh in on this regulation. This is why I sup-
port the existing language, which directs the
EPA not to act prematurely and wait until the
NAS study is complete. I encourage a “no”
vote on this amendment.

The CHAIRMAN. The question is on the
amendment, as modified, offered by the
gentleman from New York (Mr. HINCHEY).

The question was taken; and the
Chairman announced that the ayes ap-
ppeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand
a recorded vote.

The CHAIRMAN. Pursuant to House
Resolution 525, further proceedings on
the amendment, as modified, offered by
the gentleman from New York (Mr.
HINCHEY) will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move
to strike the last word.

Mr. Chairman, pursuant to an agree-
ment that we reached earlier in the
day, I yield 2 minutes to the gentleman
from Indiana (Mr. ROEMER) only for
purposes of discussing his amendment
No. 7.

Mr. ROEMER. Mr. Chairman, I thank
the gentleman from West Virginia and
will briefly discuss an amendment that
was subject to a point of order and,
therefore, legislating on appropriations
bill, and I could not offer it.

This body just decided to go forward
and fund a Space Station that is $90
billion overbudget. Now, if this body is
going to proceed with that kind of deci-
don, I would hope that they would do
it prudently and with our taxpayers in
mind and with science at the forefront.
My amendment would simply say get
the Russians out of the critical path
and build it with the American inter-
est in the forefront.

Right now, according to this graph,
this is the pie graph of how the Space
Station is built. The United States
funds about 74 percent of it; Europe, 11
percent; Canada, 3 percent; Russia has
a question mark. Why? The General
Accounting Office has just come out
with a new study saying that the Rus-
sian participation will cost the Amer-
ican taxpayer $5 billion in the future
because they are not coming forward
with their money, with their time,
with their components. The U.S. tax-
payers in Indiana, Illinois, Massachu-
setts, New York, and West Virginia
are going to have to fund this.

So I encourage this committee to ad-
dress this very critical issue and get
the Russians out of the critical path,
get them out of the critical path so
that they cannot gum up the works and
they cannot force the American tax-
payer to send their hard-earned money
over to Russia.

Mr. Chairman, will the gentleman
from West Virginia (Mr. MOLLOHAN)
yield to me for the second amendment?

Mr. MOLLOHAN. Mr. Chairman, I yield
2 minutes to the gentleman from
Indiana (Mr. ROEMER) for the purpose
only of speaking on his amendment No.
8.

Mr. ROEMER. Mr. Chairman, the
other amendment would simply again
look at the U.S. taxpayers’ interest,
and it would cap the overall costs
of the Space Station.

According to a graph put together
by CRS back in about 1988, the Space
Station took about 4 percent of NASA’s
budget. So out of an overall spending of
$13 billion, $13.2 billion, the Space
Station consumed about 4 percent.

Today, in the year 2000, that spending
level is up to almost 20 percent of the
NASA budget. So NASA is starting to
cannibalize, cancel, withdraw from,
and not do some very important scientific projects within the NASA budget. That might be Shuttle safety programs, in-gauging the safety of our astronauts. They might be programs to do things faster, cheaper, better. They might be space science programs. They may be missions to Mars where, according to today’s paper, scientists are claiming that they have discovered water on Mars. Instead of building a Space Station that limits our dreams, why not go beyond that?

So I would encourage my colleagues, if we are going to build this Space Station, do it smartly, do it prudently, do it wisely, and do it with the taxpayers' interests in mind. Do not send $5 billion in the next couple years to Russia, not our hard-earned money, not our families' hard-earned money. These are two steps that the appropriators and the authorizers should take to curtail costs of the Space Station in the future.

I would encourage my colleagues not to build it and plow this money back into the National Science Foundation, back into NASA, back into other good manufacturing programs that keep good high-paying jobs in America.

So with that in mind, I would hope the gentleman from New York (Chairman WALSH), who I greatly respect, and the gentleman from West Virginia (Mr. MOLLOHAN) would consider these kinds of amendments next year if we are going to go forward with this.

Get the Russians out of the critical path and also put a cap on the Space Station that Mr. MCCAIN has led efforts on in the Senate side. The Senate has agreed to do that, but the House has not.

AMENDMENT OFFERED BY MR. COLLINS

Mr. COLLINS, Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COLLINS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. None of the funds made available in this Act may be used prior to June 15, 2001, for the designation, or approval of the designation, of any area as an ozone non-attainment 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. 38,536, 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 390616).

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Georgia (Mr. COLLINS) and a Member opposed each will control 15 minutes.

The sponsor of this amendment is the gentleman from Georgia (Mr. COLLINS).

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

Mr. Chairman, in 1999, the U.S. Court of Appeals ruled the EPA had unconstitutionally usurped Congress' legislative authority in establishing strict new Federal air quality standards. Reasonable persons expected the agency to delay further implementation of these standards until the Supreme Court rules on the agency's appeal early next year. The EPA has decided to go forward with the process of designing hundreds of new areas in non-attainment status despite the legal uncertainty.

This amendment is simple. It does not affect existing air quality standards, nor does it render judgment on new standards. It only requires the EPA to postpone further action until the Supreme Court issues its final ruling. The only common sense reasonable approach is to delay this process until the Supreme Court renders its decision in early 2001.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Chairman, I yield 5 1/2 minutes to the gentleman from New York (Mr. BOEHLERT), my colleague and neighbor to the east.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. WALSH. I rise in strong, strong opposition to this amendment. Let me begin by explaining what the debate over this amendment is not about. This is not a referendum on the underlying ozone standards. The Supreme Court will review this case later this year. This amendment takes no stand on whether those standards should move forward or not.

Second, and even more importantly, this amendment has nothing, absolutely nothing to do with whether the Environmental Protection Agency can impose sanctions on communities under the 8-hour ozone standard. The D.C. Circuit Court decision already prohibits EPA from imposing any sanctions before the Supreme Court hands down its decision.

Let me emphasize this again. With or without this amendment, no community will lose its highway funding, no community will face new restrictions on plant expansions, no community will face any new penalty or regulation under the new ozone rules before the Supreme Court decision.

The sponsors of this amendment know that. When I suggested to them that statutory language to make it even clearer that the 8-hour standard could not be enforced before the Supreme Court rule, the sponsors dismissed it, telling me that EPA was already prevented from enforcing the standard.

So, again, no one should vote for this amendment thinking that it will somehow protect their communities from enforcement of the new ozone rules before the Supreme Court rules. The lower court has already accomplished that.

So, then, what will this amendment do? This amendment would unnecessarily delay implementation of the new ozone standard if, and only if, it is upheld by the Supreme Court. This amendment would deny the public complete information about air quality by enabling communities to pretend that they do not have an air quality problem when the data indicate that they do.

This amendment would slow the cleaning of our Nation's air by short-circuiting a designation process that has been approved by the D.C. Circuit Court. In short, this amendment would undermine and delay efforts to clean our Nation's air.

And why would we undermine clean air efforts? The answers the sponsors provide are far from compelling. First, they say that continuing with the designation process would cost States and localities additional money. That is not the case. Governors will submit their designation proposals at the end of this month, long before this amendment takes effect.

Moreover, the data for these proposals comes from existing monitors that are already collecting data under the current ozone standard. The only remaining costs are marginal. Existing staff at the EPA and the State environmental agencies will spend some of their time reviewing the proposals and reacting to EPA's decisions.

There is no cost issue here. Voting for the amendment will not save much, if any, money. Cost savings are illusory. But approving the amendment would have very real human cost. The amendment will delay clean air efforts, resulting in more hospital admissions, more lost days of work, more misery, more suffering for American families. Those are real costs.

The sponsors of this amendment also suggest that this measure is needed because otherwise communities would get a damaging black mark. The idea here, I guess, is that dirty air does not exist if it is not officially recognized. But, unfortunately, our lungs do not react to political designations; they react to the chemicals actually present in the air. All the official designation does is to enable the new rules to move forward if, and only if, they are upheld by the Supreme Court.

Also, this black mark argument is a bit of a joke. It is not exactly a secret which counties may be out of attainment. EPA released a list of those
more than 3 years ago, and the sponsors themselves have been circulating lists of out-of-attainment counties for weeks. In both cases, whether the amendment would remove the black mark temporarily or permanently was never given. Without this amendment, communities can begin to figure out how to remove the black marks by actually cleaning up their air.

Mr. Chairman, I urge all of my colleagues to oppose this amendment. It is not necessary and it is contrary to the best interests of American families.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. LINDER), cosponsor of this amendment.

Mr. LINDER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think the crocodile tears the gentleman from New York has for the number of hospital admissions must come from bad dream, because the EPA said to the court there is no way for us to quantify the health statistics with their new rule.

The EPA wants to move forward with designating areas, and the gentleman says that is not going to hurt anyone. But let me tell my colleagues what happens when designations are made. Highway funds stop under the Clean Air Act. Yes, highway funds stop, not because of enforcement but because of designation. Fewer loans are extended to businesses. A mountain of lawsuits from environmental groups, who are now given standing, are filed against States and localities. Many more thousands of dollars are spent by States and localities to comply with the designation processes, not the enforcement processes. News articles labeling regions as non-attainment could seriously damage this economic base.

Furthermore, the Committee on Commerce listened hours on end to a debate with EPA on this and found the same thing: this science is not credible. We should not go forward with something until we know exactly what we are doing because there are negative consequences of that.

Everybody needs to vote for this amendment and tell the EPA to cut it out.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I am sure we are going to hear today the standard EPA mantra that the science is reasonable. It is my understanding, and I will address this to the gentleman from Georgia, that the courts did rule or they did say that the science was reasonable.

The other gentleman from Georgia, who I have great respect, made a comment about the gentleman from New York (Mr. BOEHLERT) having crocodile tears. Well, I can tell my colleagues that I have crocodile tears because of some of the ozone days that we have here in the State of Maryland. The county in my district, Anne Arundel County, it would say it for all to hear, is the 11th worst county in the United States for these kinds of ozone particulate problems. When that came out in the press, and it was substantiated, the people did get angry that that information was not there. The people were happy that they had that information so they could talk to the local county executive and figure out ways maybe they could help resolve that issue.

We have, in the State of Maryland, I do not know if it is worse than anybody else, but we happen to be in the jet stream, the confluence of the westerly winds that blow from the Midwest, and they come right across the metropolitan area of the Midwest, and all of that dirty air that they happen to put up in the stratosphere with the high smokestacks, and I am not saying anything about the industrial area of the Midwest, it just so happens we get a lot of the particulates and ozone problems from that region as a result of the jet stream.

Now, because of that, we do not want to not know that information. We want to know that information because, number one, we put up a lot of pollution ourselves. We have coal-fired power plants; we have the I-95 corridor that runs right through the State of Maryland and brings all that traffic and all those problems. So we want to know what we can do with our own situation here in the State of Maryland. Not placing the blame anywhere else, but saying we have a problem, we have the information, we want to learn about how we can solve it.

Mr. WAXMAN. Mr. Chairman, I rise in strong, strong support of the Collins-Linder amendment.

Now, I am sure we are going to hear today the standard EPA mantra that the new air quality standards would prevent thousands of asthma attacks and hospital admissions. We have already heard it. The problem is that was determined with very faulty studies and bad science. These were precisely the studies, the faulty studies, that the D.C. District Court found were not backed by credible evidence and violated Congress’ legislative authority, and that led the court to overrule this agency. That is the first branch of the Government, the courts, saying to this Federal court that they must stop.

Furthermore, the Supreme Court announced that they would consider EPA’s appeal and all the arguments involved. Due to this legal uncertainty, I truly believe that the EPA should delay further implementation of the standards in order to allow time for the Supreme Court to rule on the pending appeal.

Mr. Chairman, if the Supreme Court upholds the Court of Appeals and does rule that the new standards are unconstitutional, our States and our local communities will have spent tax dollars to comply with illegal requirements and will have nothing to show for their investment in a federally mandated process. That is why I urge my colleagues to vote in favor of this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I rise in strong, strong support of the Collins-Linder amendment.

One of the counties in my district, Chattahoochee County, is a small poor rural county that is trying to build its economic base. EPA’s new standards, no matter how well intentioned, could seriously damage this effort.

Last year, the United States Court of Appeals ruled that EPA’s standards are legally unenforceable. The Supreme Court announced that they would consider EPA’s appeal and all the arguments involved. Due to this legal uncertainty, I truly believe that the EPA should delay further implementation of the standards in order to allow time for the Supreme Court to rule on the pending appeal.

Mr. Chairman, if the Supreme Court upholds the Court of Appeals and does rule that the new standards are unconstitutional, our States and our local communities will have spent tax dollars to comply with illegal requirements and will have nothing to show for their investment in a federally mandated process. That is why I urge my colleagues to vote in favor of this amendment.

Finally, an effective designation triggers a conformity process under the Clean Air Act. That clearly means hundreds of billions of dollars in highway funds lost. This is real. The EPA ought to abide by the court decision.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I ask the House to support my colleagues from Georgia and vote in favor of this amendment.

Mr. Chairman, the EPA’s new standards could potentially triple the number of counties nationwide in violation of the Clean Air Act. Chattahoochee County, in my congressional district, could possibly be one of those counties impacted by these new national ambient air quality standards.

Mr. Chairman, Chattahoochee County is not an industrial county. It is a small poor rural county that is trying to meet the court decision. EPA’s new standards, no matter how well intentioned, could seriously damage this effort.

Last year, the United States Court of Appeals ruled that EPA’s standards are legally unenforceable. The Supreme Court announced that they would consider EPA’s appeal and all the arguments involved. Due to this legal uncertainty, I truly believe that the EPA should delay further implementation of the standards in order to allow time for the Supreme Court to rule on the pending appeal.

Mr. Chairman, if the Supreme Court upholds the Court of Appeals and does rule that the new standards are unconstitutional, our States and our local communities will have spent tax dollars to comply with illegal requirements and will have nothing to show for their investment in a federally mandated process. That is why I urge my colleagues to vote in favor of this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I rise in strong, strong support of the Collins-Linder amendment.

Now, I am sure we are going to hear today the standard EPA mantra that the new air quality standards would prevent thousands of asthma attacks and hospital admissions. We have already heard it. The problem is that was determined with very faulty studies and bad science. These were precisely the studies, the faulty studies, that the D.C. District Court found were not backed by credible evidence and violated Congress’ legislative authority, and that led the court to overrule this agency. That is the first branch of the Government, the courts, saying to this Federal court that they must stop.

Furthermore, the Committee on Commerce listened hours on end to a debate with EPA on this and found the same thing: this science is not credible. We should not go forward with something until we know exactly what we are doing because there are negative consequences of this.

Everybody needs to vote for this amendment and tell the EPA to cut it out.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

Scientists have been studying the effects of ozone on human health for many years, and we know there are serious adverse health effects associated with ozone air pollution. Ozone can trigger asthma attacks, reduce lung function, inflame and damage the lining of the lung. Prolonged exposure can lead to permanent damage in the way the lungs function. So we have a serious health issue associated with ozone.

In 1997, EPA finalized new standards for ozone and fine particulate matters. In May of 1999, in a court case, the United States Court of Appeals for the District of Columbia remanded these standards back to EPA, and there is an appeal now going on to the Supreme Court. But an issue that is not under contention is
whether ozone is harmful or whether EPA had the science to promulgate these standards. No one disagreed with that, and the facts underscored EPA’s decision that it was based on the science.

What is at issue before the Supreme Court is an issue under the nondelegation doctrine. And the Supreme Court is going to be looking at that question. It is really quite an unprecedented matter of law. But in the meantime, areas have been designated under this new standard. This Linder-Collins amendment would stop the designation.

Well, the designation ought to go forward. It does not require expenditure of money for costly monitoring. It does not require a loss of highway funding. It is not EPA disregarding the court case. This is important to go forward with the designations so the areas can be prepared to move once the Supreme Court has decided the issue.

If this amendment were agreed to, it would set us years further along before the localities would be in line to meet the standards and would be prepared to do what is necessary to meet those standards. I would hope Members would oppose the Linder-Collins amendment.

Mr. COLLINS. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I rise in strong support of this amendment, and I start with one question: Have we walked through the looking glass with Alice? Have we now entered Wonderland?

I want my colleagues to follow this with me. The Clean Air Act Amendments of 1990 specify in section 181 that EPA is to put in place a 1-hour standard for ozone and particulate protection, and to measure communities out of attainment based upon that standard.

EPA decided on its own to revise that standard. The court of appeals here in Washington said that was unconstitutional.

□ 1815

It further held that their standards were arbitrary and capricious and they use no intelligible standards by which to address the science to this new formula they came up with. So they have got an unconstitutional formula standard on their hands. They are told they cannot enforce it. And yet today they are demanding that States declare communities across America out of the attainment on a standard that has been declared unconstitutional.

Have we entered Wonderland? Now we are told this is not going to cost anything. EPA says this is going to cost $9.6 billion to implement. Have we got $9.6 billion to throw away, designating nonattainment communities on a standard that the Supreme Court might indeed declare unconstitutional?

I ask my colleagues, who of them in their district has $9.6 billion to give to this worthless effort?

Secondly, the Supreme Court is going to rule on this next year. We are going to get an answer as to whether this is real or not. In the meantime, EPA has designated communities across America in 324 congressional districts, 324, three-quarters of the congressional districts of this House, are going to be designated out of attainment. For what? For a standard that has been declared unconstitutional.

Every one of those communities and congressional districts will be stigmatized for economic growth and development and will be told they are out of attainment, they are not in compliance with Federal law. And my colleagues tell me damage will not be done.

This is Wonderland. We need to adopt this amendment.

Mr. COLLINS. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Georgia (Mr. COLLINS) and the gentleman from Georgia (Mr. LINDER).

Mr. Chairman, this amendment would rightly supersede and suspend a bureaucratic fiat by unelected agency officials that could cost our States and communities billions of dollars as they struggle to comply with an unattainable, unsubstantiated, and unconstitutional standard.

We should protect our constituents from the significant costs of EPA’s decision to mandate a new, highly restrictive ozone standard until the Supreme Court makes its decision to mandate a new, highly restrictive ozone standard.

We protect our constituents from the significant costs of EPA’s decision to mandate a new, highly restrictive ozone standard until the Supreme Court decides whether or not they have the legal and enforceable right to do so.

Already, the Court of Appeals has rejected the reasoning underlying the EPA’s decision to mandate these standards. Taxpayers should not be burdened by premature enforcement of an agency’s standard that cannot be enforceable and should not be issued.

Exposing taxpayers to the increased costs of regulations erected on a highly unstable constitutional footing makes little sense.

Let me be clear. This amendment is not a referendum on the Clean Air Act. It simply protects taxpayers by postponing further action by the EPA from prematurely designating these areas until the court has decided that the EPA has the right to do that.

Congress should protect its own prerogatives and the taxpayers by supporting this amendment and allowing the Supreme Court to render a final determination.

Support common sense and fairness. Require the Congress to accept our full responsibility in this area and allow the Supreme Court to make its decision.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentleman very much for yielding me the time.

Mr. Chairman, America is only as strong as its communities; and by placing a giant question mark over our communities, we do a disservice to community growth.

My district, obviously, is one of the communities that would be adversely impacted by the implementation of the EPA standards.

The United States Court of Appeals has ruled that the EPA label for new air standards are legally unenforceable. And I believe the EPA is not to place a badge of inferiority over our Nation’s cities.

Indianapolis, from which I am elected, is a badge that the U.S. Court has viewed as having no merit. I support clean air. However, let it be under a standard that has the legal sanction of the U.S. court system.

If allowed, this badge of inferiority that lacks legal precedent could have an adverse impact on new businesses that may be less likely to open new facilities in areas designated as contaminated. It may have an impact on the hiring of new employees and community growth in that people may not desire to move into an area that has been deemed to be polluted.

Let us not place an illegal badge of inferiority on our American citizens.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN) a distinguished member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

As one of the 325 Members who could have all or part of our congressional districts included in the nonattainment areas under the EPA’s 8-hour ozone standard, I want my constituents, especially seniors, children and those with asthma, to have cleaner air sooner rather than later.

In New Jersey, the months from April to October are not only the summer season, but they are also known as the ozone season. During this period, the Garden State will see an average of 240,000 asthma attacks; 2,000 related hospital admissions; and 6,000 related emergency room visits. These statistics are from the New Jersey Department of Health.

The 8-hour standard is 10 percent more stringent than the current 1-hour standard and incorporates larger geographic areas. This forces up-wind polluting States, such as those in the Midwest, to do more of their fair share to help down-wind receiving States, such as mine, come into compliance.
Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, there is so much misinformation in this debate it is mind boggling.

Let me read from the D.C. Circuit Court decision. “The factors EPA uses in determining the degree of public health concern associated with different levels of ozone and particulate matters are reasonable.” That is a direct quote.

Secondly, not one penny is going to be spent in the designation process. The only money that will be spent is if the Supreme Court upholds these rulings. The does not mean one penny will be spent by any community. No community loses highway funds. No community loses any support from the Federal Government for economic development activities.

The gentleman from Maryland (Mr. GILCHREST) was absolutely correct. It all boils down to this: The American people have a right to know. The American people have a right to know.

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

Mr. Chairman, the gentleman is right, there is a lot of misinformation about this; and he just delivered some more.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I rise in strong support of the Linder-Collins amendment.

We are all supporters of clean air. This debate is not whether or not ozone is harmful. We all know it is. This debate is about fairness. It is a debate about whether or not we should all be able to play by the same rules.

Over a year ago, the Federal Circuit court found that the EPA acted without authorization in drafting these new 8-hour ozone standards. We know that that matter is on appeal. But we also know that the EPA is continuing to use these standards to label our communities and to designate some of them as nonattainment areas.

What are the nonattainment label mean? It means a suspect of Federal highway funds. It could mean the imposition of auto emissions testing programs. And it certainly means restrictions on all of our local industries. It is like a bright neon sign at the county line saying “stay out” to every business and industry that is looking for a new place to invest.

We believe that everybody should be able to play by the same rules and that we should wait until the Supreme Court rules.

Mr. WALSH. Mr. Chairman, 1 yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman and I strongly associate myself with the comments from my colleague the gentleman from New York (Mr. BOEHLERT). He has it right. The ozone problems are proven.

This amendment would be a significant step backward. It is, in fact, legal and required to be done by the EPA. It would be wrong to set back this work up to 2 years while some of the legal issues are, in fact, being hashed out.

In Atlanta, failure to comply with the Clean Air Act provided much-needed catalyst for making a serious examination of the impacts of unplanned, rapid growth in its metropolitan area.

I think what is happening in Atlanta in Georgia is part of the success stories. Because the new governor had the courage to tell the EPA to move forward through a comprehensive approach they have not yet lost one dime of Federal highway money, they have been able to channel it for things that are in compliance with the plan, and they are able to move ahead and move forward.

It would be a disservice to Atlanta and to other areas of the country to not give people the best information, to not move forward as rapidly as we can, and not be ready to implement this if, as I believe it is in fact going to be the case, this is sustained by the Supreme Court.

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

Mr. BLUMENAUER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding.

Mr. Chairman, I would just like to make a comment on the previous speaker, the gentleman from Texas (Mr. TURNER), as far as putting a neon sign on his area that was considered in a nonattainment area.

New York and Atlanta are both in nonattainment areas, and their economies are prospering. So I think that is a nonargument.

And, also, the gentleman from Oregon (Mr. BLUMENAUER) said no highway funds would be withheld as a result of that, and that is also true.

I think that people should know the quality of their air.

Mr. COLLINS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in strong support of the amendment.

The EPA has already acted. The energy and commerce committee acted in 1990, laid it out fairly specifically.

I certainly respect the gentleman from New York (Mr. BOEHLERT) but I differ with him on his interpretation of what the Court of Appeals said. He relayed some information that they had deemed something reasonable, but they also deemed it unconstitutional and they wrote I think very clearly.

I think where the mistake is here, the gentleman from New York (Mr. BOEHLERT) says that to pass this amendment would unduly delay implementation. Of course it would. That is the whole idea of the amendment, asking them not to be unconstitutional, not to usurp the congressional authority here.

They are presuming that the Supreme Court is going to bail them out. I presume the Supreme Court is going to follow the law and tell the EPA that they acted unconstitutionally, not to act. I think it is just that clear.

Mr. COLLINS. Mr. Chairman, I yield 1 1/2 minutes to the gentleman from Michigan (Mr. KNOLENBERG).

Mr. KNOLENBERG. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, throughout the VA/HUD appropriations hearings this year, I have had occasion to engage both EPA Administrator Carol Browner and Assistant Administrator for Air and Radiation Bob Perciaspe in a dialogue about their legal troubles and their faulty standards and their flips and their reversals and their scientific troubles.

In light of all that, let me explain a little personal experience we are having with EPA in Michigan.

The EPA implemented national restrictive mandates on air using a 1-hour measurement. Then EPA revoked the 1-hour measurement and switched to an 8-hour measurement. Next the courts explained to EPA that their actions were unconstitutional. Then the EPA flipped back again to the first restrictive mandate.

As my colleagues can imagine, the States and the regulated community are frustrated and harmed by EPA’s failures.

Now the EPA is ignoring the most recent air quality data and is instead relying on old, out-of-date designations that were in place at the time the 1-hour measurement was revoked the first time.

Now, if my colleagues are lost, so were we and so are we.

Now, this bad action by EPA violates the long-standing legal principle of fairness known as “detrimental reliance.”

We can do a whole lot better than this. For just such examples as these, I support the amendment and congratulate the gentleman from Georgia (Mr. COLLINS) and the gentleman from Georgia (Mr. LINDER) for their leadership.

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

Mr. Chairman, a lot has been said about gathering information. And information is important. It is important for our communities to know just exactly what kind of quality of air they have there for their citizenry. But this does not stop information gathering.
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What we are concerned about is the designation, the mark, the stigma, the scarlet letter that so many people will look at and say that this community as a place to locate a business or even to locate themselves.

The amendment is just good common sense: wait until such time as the Supreme Court rules on this issue. Mr. Chairman, I know a lot of times common sense does not prevail that much here. But I hope it does today.

Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. LINDER).

The CHAIRMAN. The gentleman from Georgia is recognized for 1 1/2 minutes.

Mr. LINDER. I thank my colleague for yielding me this time.

Mr. Chairman, let me just deal with three points. None of us want our constituents to suffer illness because of air. But let us talk about what actually went on in the court. The D.C. Circuit specifically noted that EPA’s arguments on the health effects of changing from the 1-hour rule to the 8-hour rule for the 1997 standard were bizarre. That is the court’s response. Bizarre. The EPA itself argued during the trial that the health effects were irrelevant to the development of the rule, and EPA’s own final rule on the 8-hour standard notes that quantitative risk assessment could not be developed. This is the EPA speaking.

With respect to the transportation issue and the highway funds, in the Clean Air Act a nonattainment designation, which the gentleman from Georgia (Mr. COLLINS) referred to, triggers the conformity process. Under this process, a region can lose all access to its Federal highway funds even if it is in conformity. No EPA enforcement actions are necessary to trigger conformity. Only a nonattainment designation is needed to threaten a region’s highway funding. The Federal DOT directs all enforcement during this process.

Finally, let me say that this is not unprecedented. The gentleman from New York voted for this 2 years ago. In TEA-21, we had a provision that stayed the rule, that stayed the designation process for 1 year; and we had that because we thought the court would be completed within 1 year. All Members who voted for TEA-21 voted for this moratorium. 297 Members strong. Unfortunately, the delay was not long enough. We will just be extending it until the court finally decides.

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

I would just like to congratulate both sides of the debate. I thought the debate was conducted at a high level. Solid points were made on both sides. My view is that we should, when we have a decision to make, make it based on facts; and I think we should err on the side of caution. Caution in the sense of human health would dictate that we oppose the amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. BOEHLERT), who has been a leader and one of the reasons that New York’s air and water are cleaner than ever.

Mr. BOEHLERT. Mr. Chairman, the Collins-Linder amendment is nothing less than an effort to unnecessarily undermine clean air efforts by dragging them out forever. All the designation does is give the public information, information that they need to protect their families. Nothing can go forward until the Supreme Court acts.

Are the sponsors afraid that a simple listing of a nonattainment area will do damage? Are they worried that communities might start planning to clean up their air? Are they afraid the citizens might start agitating for cleaner air? Do they think that pretending that an area has clean air by delaying its listing will citizens breathe easier? We want to equip the American public with the information they need to make intelligent decisions. If all we do is continue to study these problems, we will end up with the best documented environmental disaster in history.

Mr. ALLEN. Mr. Chairman, I rise in opposition to this amendment, which could delay health protections for millions of Americans.

National ozone standards are a key tool in the fight against respiratory disease. Last year the D.C. Circuit court ruled that the new 8-hour ozone standards can not be implemented in their current form. However, it did not question their scientific basis, and it recognized that current law requires EPA to designate non-attainment areas for the new standards.

Because the case is under appeal to the Supreme Court, the EPA cannot impose sanctions or restrictions on non-attainment areas. EPA cannot conduct hearings until the Court has ruled on the appeal, so this amendment will not save any counties or states from paying federal penalties.

This amendment will only prevent us from knowing just how polluted our air really is. . . . And needlessly delay ozone reductions that will improve air quality for every American.

Opponents of tighter standards say that designating non-attainment areas will be too costly. They say that gathering air quality information is not worth our time or money.

But with rising asthma rates and soaring health care costs, delaying tough ozone standards will be far more expensive.

Today 30 million Americans live with lung disease, and their conditions worsen with each breath of unhealthy air.

It costs more than $10 billion a year to treat the 17 million Americans who suffer from asthma.

Asthma rates are growing most quickly among young children, so there is every reason to believe that costs will continue to climb.

But health care costs alone don’t tell the whole story. Unhealthy air hurts everyone’s quality of life. One woman has met challenge as a world class athlete, while the other finds every breath she takes a challenge.

Yet both need only step outside each morning to determine if the air is unhealthy to breathe.

On a bad ozone day, everyone suffers, and this amendment will only delay improvements in air quality that will help us all breathe more freely.

The amendment is unnecessary, it is harm, I urge its defeat.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in support of the Linder/Collins amendment.

Despite a ruling last year from the U.S. Court of Appeals, the Environmental Protection Agency continues to press states to enforce its new air regulation standards. The Appeals Court has declared the new standards unconstitutional delegations of legislative powers. The EPA has now appealed to the Supreme Court, and the Court will hear the case.

In the meantime, however, EPA has notified governors that they have until June 30 to designate areas that will not meet the new air standards or the EPA will do it for them. EPA should not be pushing states to enforce regulations that have been struck down in court and whose future will be decided by the Supreme Court.

Five counties in my district have been put on notice that they will not be in attainment of these new rules. How can these counties become non-attainment areas of a regulation that has been declared invalid by the Appeals Court? The EPA does not know what the outcome of the Supreme Court decision will be, yet it is acting as though the air standards are law, instead of respecting the decision of the Appeals Court.

Edmonson County in my district is a rural area with little industry. Much of the county is home to Mammoth Cave National Park. Yet Edmonson County faces the possibility of becoming an ozone non-attainment area. The area easily meets the current ozone standards. Requiring the state and local government to plan for a possible regulation is a waste of resources. At the same time, the area’s efforts to attract industry to provide more and better paying jobs to its residents will be hampered by EPA’s decision to move forward with null and void standards.

Western parts of my district around Owensboro are facing a similar situation. Local officials are left in limbo, being told they will have to take steps to change ozone levels in their counties but also knowing that without the Supreme Court’s approval, the regulations they are planning for will not take effect. This is not prudent policy making.
Officials in Kentucky stated in media reports that the technology is not available to determine the source of ozone, only its current location. The counties in my district that could become non-compliant will likely become so because of moving ozone. If the science is not available to know where the higher ozone comes from, how are these areas expected to eliminate it?

All of us support clean air. But air standards must have a scientific background, be set according to the law and be evaluated on their costs and benefits. Regulations for regulation's sake, such as these, produce no benefits. EPA's job is to enforce the law, not create it. EPA should enforce the provisions of the Clean Air Act, but it should do so in accordance with the law and scientific standards. EPA has not presented sufficient reasons for regulations beyond the 1990 standards.

Until the Supreme Court has issued its judgment and allowed clear air standards. Citizens cannot be allowed to flout the law and judicial processes and neither should a federal regulatory agency.

Vote yes for the Linder-Collins amendment to VA–HUD Appropriations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. COLLINS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COLLINS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the amendment offered by the gentleman from Georgia (Mr. COLLINS) will be postponed.

AMENDMENT OFFERED BY MR. PASCRELL.

Mr. PASCRELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PASCRELL:
At the end of the bill (page 14, after line 16) insert the following new section:

"SEC. 1. The second dollar amount otherwise provided in title I under the heading "DEPARTMENTAL OPERATING EXPENSE" is hereby reduced by $100,000 and increased by $100,000."

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New Jersey (Mr. PASCRELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I yield myself such time as I may consume. With this amendment I seek to correct the great neglect, Mr. Chairman, with which the Veterans Administration treats many of our Nation's veterans. The neglect to which I refer is the VA's lack of effort in reaching out to our veterans and informing them of what benefits they are entitled to. Too often our Nation's heroes are not adequately informed as to what benefits they are entitled to. The VA has made a commitment to both active duty and retired military personnel to provide certain benefits. Veterans throughout this country deserve these benefits. They have earned these benefits through their patriotism and their courage and their values. It is an absolute outrage that the Government they fought for is not doing a good enough job informing them of what they are entitled to receive.

The CHAIRMAN. The amendment is withdrawn.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike the last word. I thank the gentleman for his hard work in this area. We share his concerns regarding veterans and their ability to know all of their benefits, and that their dependents are entitled to that. This legislation is before the authorizing committee. We would urge them to consider it in a timely manner. I thank the gentleman for withdrawing the amendment.
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The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to administer the Communities for Safer Guns Coalition.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume. In fact, the amendment that would prohibit the Department of Housing and Urban Development from spending any Federal funds on the Communities for Safer Guns Coalition. This unauthorized program implemented by HUD could have adverse consequences on State and local law enforcement. According to HUD’s press releases, coalition members sign a pledge and agree to show buying preferences to gun manufacturers who agree to impose gun control on themselves, their dealers and their customers. In other words, HUD and the communities signing these pledges are willing to sacrifice the requirements of law enforcement in order to coerce manufacturers into gun control agreements that they in turn impose upon their dealers and their customers. But you need not take my word for it. Two major law enforcement groups oppose these preferences.

Let me share with Members a few of their concerns. The Law Enforcement Alliance of America, or LEAA, states this in their opposition to these preferences and I quote: “LEAA disapproves of any attempt by the Clinton administration to strip law enforcement agencies of their right to choose the firearms for their officers. Each individual law enforcement agency is wholly qualified to decide the firearm manufacturers and models that they deem best suited for the needs of their officers. The individual law enforcement agencies are the most qualified to understand their particular needs. They do not need the Federal Government’s partisan politics manipulating this or any other officer safety decisions made at the local level.”

The Fraternal Order of Police states: “The top concern of any law enforcement agency purchasing firearms is officer safety, not adherence to a particular political philosophy. Law enforcement agencies have to stretch every dollar and they need to get the best weapons for their officers that their budget allows. Reducing their choices by imposing a requirement that they buy only from gunmakers who agree to certain HUD stipulations does not help the law enforcement mission.”

We cannot allow those who lay their lives on the line each and every day to go into the field with equipment ill-suited for their mission. We owe it to them to ensure that they have the best equipment they can afford without regard to HUD’s end run around this legislation to legislate by litigation and coercion.

I urge all Members to support my amendment and show their support for law enforcement. Do not allow HUD to overrule officer safety for the purpose of a political agenda. Support the ability of law enforcement to choose the best equipment for themselves. Vote yes on my amendment.

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

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the amendment. The Hostetlter amendment will prevent the Department of Housing and Urban Development from working with the Community for Safer Guns Coalition. The coalition consists of more than 411 State and local governments around the Nation that have signed on to reduce gun violence in their communities. Those governments came together following Smith & Wesson’s agreement with HUD in which the manufacturer agreed to make safer guns and to prevent guns from being sold to criminals. Some communities in the coalition include Syracuse, New York; Bloomington, Indiana; Davenport, Iowa; Los Angeles; Oakland; Wilmington; Peoria; Bowling Green; Anderson, South Carolina; Brink, New Jersey, and many others.

Mr. Chairman, I incline the complete list for the RECORD:

COMMUNITIES FOR SAFER GUNS COALITION

ALABAMA
Mitchell, Quitman, Mayor, Bessemer.
Price, Julian, Mayor, Decatur.
Snow, Willie, Mayor, Ho lson City.
Phillips, Leon, Mayor, Lake View.
Daniel, Edward, Mayor, Marion.
Dow, Michael, Mayor, Mobile.
May, James, Mayor, Uniontown.
ARIZONA
Hayes, Patrick, Mayor, North Little Rock.
ARIZONA
Grijalva, Raul, Board of Supervisors Chair, Pima County.
Wilcox, Mary Rose, Board of Supervisors, Maricopa County.
CALIFORNIA
Chan, Wilma, President of the Board of Super
visors, Alameda County.
Rocha, Mary, Mayor, Antioch.
Shoup, Mark, Mayor, Apple Valley.
Cruz-Madrid, Christina, Mayor, Azusa.
Dean, Shirley, Mayor, Berkeley.
Clegg, LeGrand, City Attorney, Compton.
Wilson, Sharifa, Mayor, East Palo Alto.
Morrison, Gus, Mayor, Fremont.
Cooper, Roberta, Mayor, Hayward.
Van Arsdale, Lori, Mayor, Hemet.
Dorn, Roosevelt, Mayor, Inglewood.
Hahn, James, City Attorney, Los Angeles.
Brown, Jerry, Mayor, Oakland.
Bogaard, Bill, Mayor, Pasadena.
Gardiner, Garth, Mayor, Pico Rivera.
Corbin, Rosemary, Mayor, Richmond.
Yee, Jimmie, Mayor, Sacramento.
Kenne, Louise, City Attorney, San Francisco.
Miller, Harriet, Mayor, Santa Barbara.
Valles, Judith, Mayor, San Bernadino.
Carlson, Brenda, County Supervisor, San Mateo County.
Trindle, Greg, LT, San Mateo County Police Chief.
Andre, Curt, Mayor, Turlock.
Nolan, Robert, Mayor, Upland.
Intintoli, A.J., Mayor, Vallejo.
COLORADO
Richards, Rachel, Mayor, Aspen.
Markalunas, James, Councilman, Aspen Council.
Toor, Will, Mayor, Boulder.
Parsons, Donald, Mayor, Northglenn.
CONNECTICUT
Ganin, Joseph, Mayor, Bridgeport.
Eriquez, Gene, Mayor, Danbury.
Larson, Timothy, Mayor, East Hartford.
Amento, Carl, Mayor, Hamden.
Peters, Michael, Mayor, Hartford.
Mariani, Joseph, Mayor, Meriden.
Destefano, John, Mayor, New Haven.
Malloy, Daniel, Mayor, Stamford.
Blumenthal, Richard, Mr., State of Connecticut.
Borer, Jr., Richard, Mayor, West Haven.
DELAWARE
Sills, James, Mayor, Wilmington.
DISTRICT OF COLUMBIA
Williams, Anthony, Mayor, Washington, DC.
FLORIDA
Aungst, Brian, Mayor, Clearwater.
Hanson, Carol, Mayor, Boca Raton.
Jackson, Robert, Mayor, Largo.
Brown, Samuel, Mayor, Lauderdale Lakes.
Schwartz, Arlene, Mayor, Margate.
Wolland, Frank, Mayor, North Miami.
Foster, E., Mayor, Ocala.
Miller, Alvin, Mayor, Opa-Locka.
Hickson, Linda, Deputy Clerk, Palm Beach County.
Armstrong, Rae, Mayor, Plantation.
Reeder, Dottie, Mayor, Tamarac.
Anthony, Clarence, Mayor, South Bay.
Fischer, David, Mayor, St. Petersburg.
Feren, Joe, Mayor, Sunrise.
Schreiber, Joe, Mayor, Tamarac.
Daves, Joel, Mayor, West Palm Beach.
Penelas, Alexander, Mayor, Miami-Dade County.
GEROGIA
Campbell, William, Mayor, Atlanta.
Albritten, Robert, Mayor, Dawson.
Hillard, Patsy, Mayor, East Point.
Hightower, Michael, County Commissioner, Fulton County.
Gresham, Emma, Mayor Keysville.
Ellis, Jack, Mayor, Macon.
Adams, Floyd, Mayor, Savannah.
Gurris, Chuck, Mayor, Stone Mountain.
Davis, Willie, Mayor, Vienna.
Johnson, BA, Mayor, Wadley.
Carter, James, Mayor, Woodland.
Hawaii
Cayetano, Benjamin, Governor, Hawaii.
Harris, Jeremy, Mayor, City and County of Honolulu.
IOWA
Crews, Jon, Mayor, Cedar Falls.
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Clancy, Lee, Mayor, Cedar Rapids, Iowa.
Kinder, Phil, Mayor, Davenport, Iowa.
Roof, John, Mayor, Waterloo, Iowa.
Koehren, Bernal, Chief, Waterloo Police Department, Iowa.

ILLINOIS

Williams, Carolyn, Mayor, Alorton, Illinois.
Mulder, Arlene, Mayor, Arlington Heights, Illinois.
Robertson, Linda, Mayor, Elgin Heights, Village of.
Powell, Debra, Mayor, East St. Louis, Illinois.
Bennett, Shillerine, Mayor, Ford Heights, Illinois.
Jackson, Linda, Mayor, Glendale Heights, Illinois.
Kolb, Ernest, Mayor, Oak Lawn, Illinois.
Gieves, Lowell, Mayor, Peoria, Illinois.
Box, Charles, Mayor, Rockford, Illinois.
Schmidt, Mark, Mayor, Rock Island, Illinois.
Wade, Jr., Casey, Mayor, Sun River Terrace, Illinois.

INDIANA

Selman, Edwin, Mayor, Angola, Indiana.
Ulrich, Richard, Mayor, Aurora, Indiana.
Apblanpil, Bill, Mayor, Batesville, Indiana.
Fernandez, John, Mayor, Bloomington, Indiana.
Glassley, Ron, Mayor, Columbia City, Indiana.
Johnson, Thomas, Mayor, Dunkirk, Indiana.
Pastrick, Robert, Mayor, East Chicago, Indiana.
King, Scott, Mayor, Gary, Indiana.
Dedeou, Duane, Mayor, Hammond, Indiana.
Buzina, Linda, Mayor, Hobart, Indiana.
McGahen, Larry, Mayor, Kendallville, Indiana.
Dembockwi, Nancy, Mayor, Knox, Indiana.
Heath, Dave, Mayor, Lafayette, Indiana.
Sheriff, Lafayette, Indiana.
Huntington, Albert, Mayor, Madison, Indiana.
Brillon, Sheila, Mayor, Michigan City, Indiana.
Bueutt, Robert, Mayor, Mishawaka, Indiana.
Canaan, Dave, Mayor, Muncie, Indiana.
Overton, Regina, Mayor, New Albany, Indiana.
Redick, Dennis, Mayor, Noblesville, Indiana.
Blair, Richard, Mayor, Peru, Indiana.
Yazell, Jerry, Mayor, Plymouth, Indiana.
Arhood, Herb, Mayor, Rensselaer, Indiana.
Campbell, Douglas, Mayor, Salem, Indiana.
Margerum, Sonya, Mayor, West Lafayette, Indiana.
Bercik, Robert, Mayor, Whiting, Indiana.

KANSAS

Wagon, Joan, Mayor, Topeka, Kansas.
Marinovich, Carol, Mayor, Wyandotte County/Kansas.

KENTUCKY

Renaud, Eldon, Mayor, Bowling Green, Kentucky.

LOUISIANA

Roberson, Joyce, Mayor, Campti, Louisiana.
Washington, Bobby, Mayor, Cullen, Louisiana.
Davis, Willie, Mayor, Farmerville, Louisiana.
Coco, Jean, Mayor, Grand Coteau, Louisiana.
Geyen, Ron, Mayor, Columbia City, Louisiana.
Fernandez, John, Mayor, Bloomington, Louisiana.
Abplanalp, Bill, Mayor, Batesville, Louisiana.

MASSACHUSETTS

Galuccio, Anthony, Mayor, Cambridge, Massachusetts.
Menino, Thomas, Mayor, Boston, Massachusetts.
Yunits, John, Mayor, Brockton, Massachusetts.
Ragucci, David, Mayor, Everett, Massachusetts.
Tovey, Bruce, Mayor, Gloucester, Massachusetts.
Rurak, James, Mayor, Haverhill, Massachusetts.
Sullivan, Michael, Mayor, Holyoke, Massachusetts.
Dowling, Patricia, Mayor, Lawrence, Massachusetts.
McManus, Patrick, Mayor, Lynn, Massachusetts.
Howard, Richard, Mayor, Malden, Massachusetts.
McGlynn, Michael, Mayor, Medford, Massachusetts.
Kalisz, Frederick, Mayor, New Bedford, Massachusetts.
McCormack, Michael, Mayor, Newburyport, Massachusetts.
Barrett, John, Mayor, North Adams, Massachusetts.
Higgins, Mary, Mayor, North Hampton, Massachusetts.
Torigan, Peter, Mayor, Peabody, Massachusetts.
Doyle, Jr., Patrick, Mayor, Pittsfield, Massachusetts.
Sheets, James, Mayor, Quincy, Massachusetts.
Ambrosino, Thomas, Mayor, Revere, Massachusetts.

MARYLAND

Carter, Cynthia, Councilwoman, Annapolis, Maryland.
O'Malley, Martin, Mayor, Baltimore, Maryland.
Dosdium, Vivian, Mayor, Capitol Heights, Maryland.
Simms, Jack, Mayor, District Heights, Maryland.
Williams, Donjuan, Mayor, Glenarden, Maryland.
Beverly, Lilian, Mayor, North Brentwood, Maryland.
Krasnow, Rose, Mayor, Rockville, Maryland.
Kennedy, Eugene, Mayor, Seat Pleasant, Maryland.
Curran, Joseph, State Attorney, State of Maryland.

MAINE

Kane, Thomas, Mayor, Portland, Maine.

MICHIGAN

Guido, Michael, Mayor, Dearborn.
Canfield, Ruth, Mayor, Dearborn Heights, Michigan.
Archer, Dennis, Mayor, Detroit, Michigan.
Stanley, Woodrow, Mayor, Flint, Michigan.
Hampton, Hilliard, Mayor, Inkster, Michigan.
Kirksey, Jack, Mayor, Livonia, Michigan.
Moore, Walter, Mayor, Livonia, Michigan.
Norton, Gary, Mayor, Saginaw, Michigan.
Dumas, Curtis, Mayor, St. Clair Shores, Michigan.
Robson, Richard, Mayor, Sterling Heights, Michigan.
Pitoniak, Gregory, Mayor, Taylor, Michigan.
Thomas, Robert, Mayor, Westland, Michigan.

MINNESOTA

Kautz, Elizabeth, Mayor, Burnsville, Minnesota.
Belton, Sharon, Mayor, Minneapolis, Minnesota.
Anderson, Mary, Minnetonka, Minnesota.
Canfield, Chuck, Mayor, Rochester, Minnesota.

MISSISSIPPI

Scott, Alice, Mayor, Canton, Mississippi.
King, Robert, Mayor, Fayette, Mississippi.
Smith, Eddie, Mayor, Holly Springs, Mississippi.
Johnson, Harvey, Mayor, Jackson, Mississippi.
Phillips, Joe, Mayor, Jonesboro, Mississippi.
Norman, Nerissa, Mayor, Mound Bayou, Mississippi.
Arnold, Amelia, Mayor, Port Gibson, Mississippi.
Ottis, Larry, Mayor, Tupelo, Mississippi.
Walker, Robert, Mayor, Vicksburg, Mississippi.
Leach, Wardell, Mayor, Yazoo, Mississippi.

NEBRASKA

Ryan, Jerry, Mayor, Bellevue, Nebraska.

NEW JERSEY

Tomasko, Paul, Mayor, Alpine, New Jersey.
Russell, Wilbert, City Manager, Asbury Park, New Jersey.
Whelan, James, Mayor, Atlantic City, New Jersey.
Lunn, Scott, Mayor, Bayonne, New Jersey.
Doria, Joseph, Mayor, Bayonne, New Jersey.
Becot, William, Mayor, Belvidere, New Jersey.
Lynch, Richard, Chief of Police, Belmar, New Jersey.
Lowden, Robert, Mayor, Beverly, New Jersey.
Bukowski, John, Mayor, Town of Bloomfield, New Jersey.
Thatcher, David, Mayor, Borough of Laurel Springs, New Jersey.

NEW MEXICO

Sacco, Nicholas, Mayor, North Beren, New Mexico.
Scarpelli, Joseph, Mayor, Township of Brick, New Jersey.
Pirrol, Michael, Mayor, Bridgetown, New Jersey.
Sanders, Edward, Borough Administrator, Caldwell, New Jersey.
Milan, Milton, Honorable, Camden, New Jersey.
Kurzenknebe, George, Chief of Police, Chatham, New Jersey.
Poinseater, Arland, Mayor, Cheshunt, England, New Jersey.
Ellenport, Robert, Mayor, Clark, New Jersey.
Morin, III, Philip, Mayor, Cranford, New Jersey.
Fisher, Douglas, Chair, Cumberland County, New Jersey.

NEW YORK

Maso, Carol, Mayor, Deerfield, New York.
Vittorino, Victor, Mayor, Delanco, New Jersey.
Colasurdo, Lawrence, Mayor, East Hanover, New Jersey.
Bowser, Robert, Mayor, East Orange, New Jersey.
Bollwage, Jr., Mayor, Elizabeth, New Jersey.
Jung, Louis, Mayor, Fanwood, New Jersey.
Chizukula, Upendra, Mayor, Franklin Township, New Jersey.
Seaman, Annette, Mayor, Fredon Township, New Jersey.
De Rienzo, John, Mayor, Haworth, New Jersey.
Russo, Anthony, Mayor, Hoboken, New Jersey.
Best, Sara, Mayor, Irvington, New Jersey.
Delucca, Jr., Frank, Mayor, Linden, New Jersey.
Schneider, Adam, Mayor, Long Branch, New Jersey.
Corradino, Angelo, Mayor, Manville, New Jersey.
Dobies, Ronald, Mayor, Middlesex, New Jersey.
Thompson, Lewis, City Clerk, Administrator, Millville, New Jersey.

NORTH CAROLINA

Delgado, Larry, Mayor, Lena, New Mexico.
Palmer, Douglas, Mayor, Trenton, New Jersey.
Garcia, Raul, Mayor, Union City, New Jersey.
Force, Maria, Mayor, Verona, New Jersey.
Riga, Raymond, Chief of Police, Wayne Township Police Department, Wayne, New Jersey.
Wright, David, Mayor, Winfield, New Jersey.
Grewey, James, Mayor, Woodbridge, New Jersey.
Higgins, Josephine, Mayor, Woodcliff Lake, New Jersey.

NEVADA

Mack, Michael, Mayor, Las Vegas, Nevada.
Griffin, Jeff, Mayor, Reno, Nevada.

NEVADA

Charles, Michael, Mayor, Akron, Erie County, New York.
Jennings, Gerald, Mayor, Albany, New York.
Brelin, Mike, County Executive, Albany, New York.
Duchess, John, Mayor, Amsterdam, New York.
DeAngelis, Christopher, Mayor, Auburn, Cayuga County, New York.
Schaffer, Richard, Mayor, Babylon Township, New York.
Engelbracht, J.C., Mayor, Town Attorney, Baldwinville, Onondaga County, New York.
Hollwedel, John, Mayor, Town Supervisor, Town of Bethany, New York.
Flaia, Anthony, Majority Leader, Binghamton, New York.
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9:00 a.m.

Mr. McARTHUR of New York. Mr. Chairman, officials in the coalition sign a pledge saying they support giving a preference to making purchases from gun manufacturers that have adopted a set of new gun safety and parts are buying from a company except they know that their police departments are buying from a company that they support.
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Mr. HOSTETTLER. Mr. Chairman, I yield 4 minutes to my colleague, the gentleman from Maryland, (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I would first like to note that LEAA is in support of this amendment. They oppose any legislation which would limit the sources from which firearms could be procured.

If this is really gun safety, the police should be the first in the country to want this. I understand that a third of the policemen who are shot are shot with their own gun. When this technology is mature, the police will be the first to support it. The fact that they are not supporting this should send a message to us that we do not need to be supporting planning in this bill which the Secretary of Housing and Urban Development could use to require or influence the purchase of guns only from those companies that have been coerced into a settlement with the government to avoid a long and expensive lawsuit.

When this technology is mature, it will be there. And us passing silly legislation that this amendment would be is not going to hasten the orderly development of that technology. There is nobody that I know of who does not want safe guns, and the police should be the first who would want this, because it would assure their safety.

Furthermore, what this does is to clearly violate longstanding Federal procurement regulations which require that we do not buy purchase is going to be the best value for the dollar, not going to be something that supports a political agenda. What this amendment does is to make sure that the best firearms are going to be procured.

We cannot just legislate safety. Safety has to come from development. And when that development is there, the first people who are going to support this are the law enforcement officials themselves. They are now opposing what is in this legislation. They are supporting this amendment. That should send a clear message to us that the right vote on this amendment is a yes vote.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Massachusetts (Mr. NEAL of Massachusetts).

Mr. NEAL of Massachusetts. Mr. Chairman, I yield 4 minutes to what the previous speaker, the gentleman from Maryland (Mr. BARTLETT), said before I enter into my formal remarks, the gentleman said we cannot legislate safety. We do with automobiles. We decide what kind of seats and pillow cases infants sleep on.

We make sure that all sorts of precautions are taken every day for the youngest among us, to ensure their safety. The argument we somehow can legislate safety is totally false.

Let us be clear about the purpose of this amendment that is offered by the gentleman from Indiana (Mr. HOSTETTLER). His objective is very simple and it is to put Smith & Wesson out of business.

I represent the city where Smith & Wesson is located. They essentially are being punished for doing the right thing. This is sound public policy, not policy that was put upon them. It was negotiated after months of intense conversations back and forth.

What Smith & Wesson said in this historic agreement is this, and I want everybody to listen to this, they want to change the way guns are designed, distributed and marketed.

They want to add locking devices and other safety features, and they wanted to develop landmark smart gun technology. We ask ourselves in this Chamber who could be against all of that? When we look to the other side, I see who could be against this sensible public policy position, for their courage, Smith & Wesson is now being penalized by the gun lobby, House Republicans who adamantly oppose common sense safety legislation, they are a great example that the vast majority of the American people overwhelmingly support. Every year, 30,000 Americans including almost 12 children a day are killed by gun violence.

Why do Members of this House fear the advancement of smart gun technology? Who could be opposed to the meaningful development of a firearm that can only be used by its rightful owner, and who would prevent children from accidentally discharging these weapons? Why are the people on the other side of the aisle in this Chamber trying to thwart the unprecedented agreement between Smith & Wesson and the Clinton administration.

Many times I have found myself on the other side of an initiative that Smith & Wesson would not be comfortable with, but I want to tell my colleagues something, they are a great employer. And that term Smith & Wesson is synonymous over many, many years of American history with a quality product that they, indeed, want to make better to speak to the concerns of the American people.

It is no threat to the second amendment, which we frequently hear in this Chamber, and the Clinton administration has proceeded with wise and warranted public policy that speaks to the concerns of the American people in advancing what most people would believe to be a highly sensible initiative, smart gun technology, trigger locks.

But the idea that Smith & Wesson would enter into protracted negotiations with the administration, come up with a marvelous solution that we would think everybody in this Chamber could come to agreement upon, they find themselves isolated. They find themselves set upon by the gun lobby. They find themselves set upon by an element that wants no sort of gun legislation in this country.

In the end, all of us this evening have an opportunity to vote up or down on what is perhaps the most sensible initiative that has come forth over many years on the whole question of how to deal with guns in this society, and we will have a chance to be recorded later on, and that is the chance that people out to remember in November. Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, I would like to address some comments that have been made by the other side in this argument, and that is that Congress should not micromanage local law enforcement. I would agree with that 100 percent, but neither should HUD, and that is exactly what is happening in this process that is why this Congress is defending the micromanagement of local law enforcement by HUD through this amendment.

Secondly, the argument is made that Congress should not tie the hands of local government, and that is not what this amendment does either. This amendment merely states that Federal taxpayers will not give money to HUD to micromanage local law enforcement. We are not saying, for example, that if local government wishes to deprive their law enforcement personnel of the best equipment and, therefore, compromise the safety of their law enforcement officers and the public safety, they are more than welcome to do so. I just do not think and I think the majority of this House does not believe that the Congress should be a party to that.

Thirdly, the gentleman from Massachusetts (Mr. Neal) just spoke just said that as a result of this amendment, we are going to run Smith & Wesson out of business. It could not be further from the truth. In fact, Smith & Wesson will still be able to continue to compete and potentially win contracts.

We simply do not believe there should be a preference in those contracts; and if Smith & Wesson does indeed have the best product at the best price, we will let the competition win those contracts.

I would say to the gentleman with regard to that issue, if Smith & Wesson is the only company that enters into this type of agreement, which they are at this point and they are the preferred contractor, what incentive will be there for Smith & Wesson to create a better quality product if there is no competition to obtain a higher quality product? Smith & Wesson could quite simply produce a much lower quality product as a result of a political agenda that is being forwarded and not the consideration of law enforcement safety and public safety. Smith & Wesson will get the agreement with the lower quality product.

Mr. Chairman, I think that this is a very common-sense amendment. I think the Law Enforcement Alliance of America believes the same thing. The Fraternal Order of Police believes this is common-sensical, and I would ask the majority of the House to support my amendment.

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

Mrs. McCarthy of New York. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from New Jersey (Mr. Pascrell).

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostettler amendment. To me, this is a very simple amendment. If I have ever seen on this floor. It cuts to the chase. It prohibits the Office of Housing and Urban Development from using funds to administer HUD's Community for Safer Guns Coalition. What does the gentleman from Indiana (Mr. HOSTETTLER) have against the Communities for Safer Guns Coalition? I cannot figure it out.

First the gentleman was against every legislative mandate. The gentleman is against it. Now, we do not have a mandate, what we are saying is we have an agreement between the administration and a company. We did not pass any legislation for the Clinton administration to come to this agreement. This is something the gentleman should support. The gentleman is proactive about it.

The Communities for Safer Guns Coalition keeps guns out of the hands of criminals and children. I know the gentleman supports that. How can the gentleman support this amendment? It closes the gun show loophole. I do not know if the gentleman supports that. It cuts down on straw purchasing. The gentleman supports that. I am not sure? It mandates full background checks for all purchases.

I think these are important steps towards making our streets safer. Does it take one gun away from anybody? One of the program's strengths is that it starts in the community and stays in the community. This is a movement of local and State leaders who have pledged to support giving a preference in firearm purchases to companies who follow a code of responsible conduct.

These advances that you have heard on the other side will only help law enforcement by making guns less attractive to criminals and making it harder for bad apple dealers to supply criminals. After all the ATF reports that just 1.2 percent of dealers account for 57 percent of gun crime traces to active dealers.

There is 411 communities at this point, at this very moment that have signed on. A vote to stop the coalition is a vote to support less responsible gun makers and less responsible dealers.

Mr. Chairman, I urge everyone of us to vote against this ill-conceived amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would respectfully disagree with my colleague from New Jersey (Mr. Pascrell). I guess the gentleman can see the equation from either side. I guess the way that I would see it, and some on this side of the aisle would see it, would be that by prohibiting local law enforcement, we are not saying that any company on the list, the equipment or the gun manufacture of their choice, it seems to me it must be in coercive and it seems to be a case rather than a local choice being made, it is actually a case of being directed from above.

Two, I would say to me this is about the whole fundamental breakdown of government that our Founding Fathers intended with the legislative branch being responsible for one area of government, the executive branch being responsible for another, and the judicial final for another.

What we have here with this agreement is the executive branch going into the business of creation of laws or lawmaking. I would give them to the new Federal programs, the Communities for Safer Guns Coalition and the Oversight Commission, both of which would be created by executive branch activity without the authorization of Congress, without the Hostettler amendment.

I simply rise in support of his amendment. Finally, I would make the point in that they are legitimately different perspectives on this thing, and I come from down South and I guess we have a different take on the whole gun equation down there, but for me, I do not like the idea of smart technology because the idea of an intruder breaking into our house and my fingerprint being the only one that could stop that intruder with a given handgun, to me is not a good idea.

I would like the idea of me being able to hand the gun to my daughter or to my young son or to the neighbor who is visiting to help in stopping that intruder. I think there is a legitimate difference of opinion on this.

Mr. Chairman, I rise in support of the Hostettler amendment.

Mr. NADLER. Mr. Chairman, I ask unanimous consent that the gentleman be granted one additional minute.

Mr. WALSH. We have a very strict time agreement. I have to object.

The CHAIRMAN. Objection is heard.

Mr. PASCRELL. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. Lowey).

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment because this amendment runs counter to what the American people have repeatedly asked Congress to do, make our children and our communities safer.

This amendment just does not make any sense. The Smith & Wesson agreement includes common-sense measures, like internal safety locks, development of smart gun technology to ensure that only a gun owner can discharge the firearm, child safety trigger locks, and
other provisions aimed at reducing the number of accidental shootings and deaths due to gun violence. Smith & Wesson, however, also pleaded that it will actually make a straw purchase and break the law as it stands today.

So this agreement is not going to stop criminals that will break the law anyway. That is why we call them criminals. It will simply create an environment whereby local law enforcement agencies will feel compelled to purchase equipment that may or may not be in their best interests; and as a result of that, they may compromise not only the safety of their personnel, which is heinous enough, but it would also compromise the safety of the public at large.

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

Mrs. McCarthy of New York. Mr. Chairman, one thing I will say, this is all voluntary. The coalition has come forward freely on this; and this, in my opinion, will help and save police officers.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. Nadler).

Mr. Nadler. Mr. Chairman, I am not surprised that the gentleman from Indiana (Mr. Hostettler) is offering amendments to weaken HUD's ability to fight crime in our neighborhoods. The Republican leadership in the House has done everything in its power to promote the NRA agenda. They have killed the common sense gun safety measures that the American people have demanded for over a year. They have blocked trigger locks and failed to close the gun show loophole. They have blatantly ignored the request of the Million Mom March for licensing and regulation of firearms.

Now the Republicans are trying to prevent gun makers from making safer products. The gentleman from Indiana (Mr. Hostettler) wants to prevent Smith & Wesson from developing safer guns with internal trigger locks and safe gun technology. I guess the purpose must be the guns should be as unsafe and dangerous as possible. It is truly unbelievable.

Over 400 communities are participating in HUD's Communities for Safer Guns initiative, working to make our streets a little safer. Because of their actions at local levels, Smith & Wesson agreed to require their dealers to close the gun show loophole, require background checks for all sales, limit the delivery of multiple purchases, limit children's access to weapons, and a few other things to keep guns out of the hands of criminals and children.

We should be doing everything we can to support these communities in the struggle to limit gun violence. The Hostettler amendment is actually worse than anything else the Republican leadership has proposed this year in this respect. In the past, we were fighting for additional protections to save our people from gun violence. Today, we are fighting to preserve a little protection we have managed to achieve already.

This is a dangerous proposal, and I fear the American people will pay for it dearly in communities across the Nation. Secretary Cuomo and HUD should be commended, and this amendment should be defeated.

Mrs. McCarthy of New York. Mr. Chairman, I yield such time as he may choose to my good friend, the gentleman from Massachusetts (Mr. Frank).

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. Frank of Massachusetts. Mr. Chairman, I appreciate the leadership once again of the gentlewoman from New York.

I was surprised by this. We have debated gun regulation, and the arguments have always been we should not interfere with the right of an individual to own a gun. This has got nothing to do with that. What we now see is that what we have got is an animus against trying to improve gun technology.

This does not interfere with anybody's right to own a gun. This is not an amendment; it is a dangling part of the NRA agenda. The arguments have always been we should not interfere with the right of an individual to own a gun. This has got nothing to do with that. What we now see is that what we have got is an animus against trying to improve gun technology.

It is not an accident that two of the previous speakers against this amendment were former mayors of tough urban areas, who understand the importance of law enforcement. This is a cooperative effort, and as my colleague, the gentleman from Massachusetts, said, there is an animus against Smith & Wesson.

The gentleman from Indiana said, "Well, you won't have competition if this happens, because if Smith & Wesson gets a preference for selling smart gun technology, where will the incentive be to improve it?"

I will tell you where it will be, from all of the other manufacturers. That is precisely what we want. We want to encourage a competition for the best smart gun technology. One way you do that, one way to increase that supply, is to increase the demand.

So what this is a cooperative effort, led by HUD but fully voluntary on the part of the companies. One way to increase the demand for smart gun technology, knowing that that will lead to an increase in the supply. I understand people's objections when individuals are
concerned, although I do not agree; but this can only be an objection to the principles of efficiency and equity. The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER:

At the end of title IV (relating to General Provisions), add the following new section:

SEC. 426. The amounts otherwise provided for in this Act are revised by reducing the amount made available for ‘‘INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT’’, and increasing the amount made available for ‘‘DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND (HCF)’’ for use only for incremental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), by $344,000,000.

The CHAIRMAN. Pursuant to the order of the House of Tuesday, June 20, 2000, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

Mr. Chairman, the gentlewoman from Colorado (Ms. DeGETTE) and I are offering this amendment to increase funding to provide for 60,000 new section 8 vouchers to help low-income families afford safe, decent housing. The bill before us provides for zero new section 8 vouchers.

The need for housing assistance remains staggering. The Nation’s robust economy; growth has sent housing prices soaring. Today, a record 5.4 million low-income families pay more than 50 percent of their income for rent, or live in severely substandard housing. Not one of these 5.4 million families receives any Federal housing assistance. Their needs are desperate, and we must not ignore the severity of these needs any longer.

I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. The approximately 3 million families, that is almost 7 million Americans, receive section 8 vouchers. For these families, section 8 is more than a contract or a subsidy, it is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the housing market and choose where they want to live, helping them to escape from the cycle of poverty and creating better income mixes throughout our communities. As was said yesterday, section 8 is a free-market approach pioneered by the radical Nixon administration.

The bill in its current form does a terrible disservice to those most in need. The administration’s request for 120,000 new section 8 vouchers has been ignored, and there is not one dollar in this bill for new vouchers to address the worst case housing needs of our most vulnerable citizens. The bill merely holds out the possibility of 20,000 vouchers, unlikely to be funded since they are outside optimistic levels of section 8 recaptures.

Rather than building on the successful provision of 50,000 or 60,000 50,000, incremental vouchers the past 2 years, this bill would contribute to the growing backlog of families cannot afford decent, safe and sanitary housing, by going from 60,000 new housing vouchers last year to zero this year, this at a time of incredible prosperity and huge budget surpluses.

Let me mention one other point. Some may ask why we ought to provide new housing for vouchers when existing funding is not spent quickly. Why is desperately needed money not spent right away? The answer is that the housing crisis is so severe right now that many families are having real difficulty using vouchers because they cannot find any apartments that are affordable. They are within the limits of the voucher.

The Federal Government should be doing more to provide affordable housing. The bill actually reduces Federal assistance for production of new low-income housing. But that is beyond the scope of this amendment.

Our amendment will allow 60,000 more families to live in safe, affordable, decent housing. It is asking for much. We only ask that we meet 1 percent of the need for affordable housing in our Nation.

The money is there. In fact, 100,000 new section 8 vouchers have been authorized for this coming fiscal year. The bill as currently written reneges on the national commitment to create decent, affordable housing, and fails to fulfill the promise Congress made to poor families in the Housing Act of 1998, which authorized 100,000 new section 8 vouchers for next year.

Mr. Chairman, we must house our people. We ought to fulfill that promise and adopt this amendment.

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

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) claim the time in opposition?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

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

Mr. Chairman, I rise in strong opposition to the gentleman’s amendment, which is a proposed reduction of $344 million, or a 20 percent cut, from the International Space Station budget. That is an astounding cut and would cripple the program.

There are currently two elements of the Space Station in orbit. Most of the remaining elements have been constructed and are in Florida waiting for final testing. In the next few weeks, Russia is going to be launching the third element of the Space Station, which will enable the United States to move forward with launch and assembly of the station.

The reduction proposed by the amendment would severely disrupt the revised assembly schedule and cause significant cost increases to the program. Specifically, the cuts proposed by the amendment would require the following programmatic change: cancellation of the U.S. Propulsion Module program, cancellation of the Crew Return Vehicle Development program, and cancellation of logistics flight hardware support.

On the transfer to section 8, first of all, I am delighted to know that the gentleman from New York (Mr. NADLER) is a fan of Richard Nixon. I was not aware of that, and I am proud of his acknowledgment of that fact. Very few people are willing to acknowledge that today.

Secondly, can we imagine if a Republican President had a housing administration that, in effect, denied 237,000 Americans access to housing vouchers. Can we imagine the outcry from the American people if a Republican President had this terrible record of not providing 237,000 American citizens housing, funds appropriated by the Congress. It would be unbelievable.

The fact of the matter is, we have provided and fully funded the section 8 voucher program. If we put more money into that program with this attack on the Space Station, it will not be spent. Over $1 billion last year was provided to HUD for section 8 vouchers; they did not spend it. The Administration came back, recaptured those funds and spent it somewhere else. We cannot continue to allow HUD to be the bank for the Administration’s priorities, especially at this late point in the process. We cannot steal money from NASA, providing it to HUD, and allow it to go unspent and then God knows where it goes in a reprogramming.

So this is not a wise amendment. We have strongly supported section 8
vouchers. It is a Republican idea. We are proud of that fact. But let us make this program work better to benefit all of those Americans out there who need and deserve good housing.

So, Mr. Chairman, I strongly urge a no vote on this amendment.

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

Mr. NADLER. Mr. Chairman, I yield 4 minutes to the distinguished gentlwoman from Colorado (Ms. DEGETTE), the cosponsor of this amendment.

Ms. DEGETTE. Mr. Chairman, it is a privilege to offer this amendment with the gentleman from New York (Mr. NADLER), my esteemed colleague, who has worked for many years on affordable housing issues.

Mr. Chairman, one of the greatest mistakes we can make during a time of great prosperity is to turn our backs on those who have been left out of the economic mainstream. This country is experiencing an economic boom, the likes of which we have not seen in a generation. But it would be a grave mistake to forget that many people have not been included in this financial good fortune. It is times like this when it is more important than ever to help with issues like this.

The last time the VA-HUD bill was being debated on the floor, I spoke about the critical housing emergency we were facing. Well, Mr. Chairman, it is a year later, and the predicament in this country has increased. One of the lifelines that low-income families count on is the section 8 voucher program, and the bill before us today does not allot one more dollar for new vouchers. This is not acceptable for the harsh reality we are facing today.

During this debate, we will undoubtedly hear the argument, in fact, we just did, that we do not need to fund additional section 8 vouchers. We will hear that renewing expiring vouchers is enough. We might hear, and, in fact, we did, that some fiscal year 2000 vouchers might be recaptured; and we will hear that this is enough.

The truth is, though, and I would ask my colleagues to consider this, there are over 12 million Americans, men, women, children, who are considered to have worst-case housing needs. The average waiting period for either a public housing unit or a voucher is over 2 years. We have all the proof that we need that additional vouchers are desperately needed.

While it is true that there are some cases where there are recaptured vouchers, that is not because there is not a need; it is because there are technical and other side that are now going to be fixed, we hope, within rulemaking in HUD. But the truth is, these families who are waiting over 2 years need section 8 housing vouchers.

Let me talk about my district, the First Congressional District of Colorado, where rents have soared in the past few years, and it is a result of a red hot economy. Between 1995 and 1999, rents in the Denver area rose more than 20 percent, growth matched only by that in the San Francisco Bay area. There is a great irony that the areas that are experiencing the most economic growth are also the ones where working families are priced right out of the housing market.

Affordable housing is not a problem that exists in a vacuum, and it will negatively affect our economy if we do not ensure that all Americans have effective housing. We need more section 8 vouchers, not less.

Now, we have heard how much we need the Space Station; and I always ask my colleagues: Why vote little, in fact, just vote little, earlier this evening, to support the Space Station, unlike many of my colleagues on this side of the aisle.

However, if we have to make the choice between our citizens, our lower-income citizens living in housing and having section 8 vouchers and taking a little money away from the Space Station, the choice is clear to me.

The international Space Station is $2.1 billion, and this offset is $344 million. We do not kill the Space Station with this amendment. Rather, what we say is, we will move it a little bit more slowly so that we can give the millions of low-income Americans that need them section 8 vouchers.

I say to my colleagues, the majority that wrote this bill have put us in this situation of having to make this very real and very tough choice; and the reason is because they put nothing in the bill to fund the section 8 vouchers that are needed.

Mr. Chairman, I urge support of the Nadler-DeGette amendment.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to point out to the gentlewoman that we put $13 billion in this bill for section 8 vouchers.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, the gentleman would, and would mentions that none of the money in the bill is for new section 8 vouchers.

Mr. WALSH. Mr. Chairman, reclaiming my time, we put in 10,000 additional vouchers by using the recapture money from last year.

Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I appreciate the gentleman yielding me the time.

I would like to, in part, associate myself with the remarks of the gentlewoman from Colorado. While I do not agree with her ultimate position, I would suggest that the reason we are in this tough position is because of the budget that the majority has come forward with and the stingy allocation that it results in for not only this subcommittee, but for all appropriation subcommittees.

That is what the distinguished gentlewoman from Wisconsin (Mr. Obey), the ranking member, has spoken to so eloquently throughout this process, the fact that we have a budget agreement supported and written by the majority which is totally unrealistic and totally inadequate when we come over to the other part of the budget process, and that is the appropriation process. That is why we do not have enough money in this bill for vouchers and for NASA and for science research. That is the problem that we are really concerned with; and we all can only hope that as the process moves forward, we will get additional allocation, and money will come; and certainly with the performance of the economy, that is justified.

We do not need to make the distinction that in our committee, given our allocation, I really do want to compliment the chairman for doing the very best job he could; and I know he looks forward to the day that we might get additional allocation.

Mr. Chairman, I do not know how much of my time I have used in speaking to that, but I want to suggest that I have no disagreement with the gentleman's objective of adding funding for incremental section 8 housing vouchers, housing assistance vouchers. I want to say that the gentleman supported that; and hopefully, as time goes forward and we get that additional allocation, we can be more responsive to that.

Unfortunately, my disagreement with the gentleman stems from his proposition to cut the appropriation for human space flight. This is the account that funds the Space Station and the Space Shuttle, and it is hard to see how a cut of this proportion will not have a severe impact on both of these programs.

His offering the amendment and the concerns expressed by the gentlewoman from Colorado are just expressions of the frustration, having in having to deal with a totally unrealistic budget resolution. The inadequacies reflect themselves when we come to the appropriations process.

Unfortunately, I am going to have to rise in opposition to the gentleman's amendment, while still being supportive of the objective of the amendment.
Mr. NADLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. WALSH), although I am about to disagree with his most recent arguments, that none of us have any criticism to make of the very good job he did in a very bad situation. We believe he did the best he could with what he was handed. What he was handed, probably the EPA should not let anyone hand him, but he did not have any choice about that.

Now, the one thing that I disagree with that he said, suppose a Republican President had a Secretary of HUD; can we imagine a Republican President having a Secretary of HUD who handled the program so badly. I do not have to imagine it. I remember Sam Pierce, in the golden days of Ronald Reagan, when Sam Pierce was the Secretary of HUD for 8 years. Ronald Reagan thought he was a mayor, the only time he apparently ever met him; and Sam Pierce was, to use a technical term, disgraceful. He was incompetent, he enabled corruption. More people from that administration went to prison for misuse of HUD. So the notion that somehow we want to get back to the golden days of the Republican administration of HUD is not persuasive.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, the point that I make today was, there should be an outcry today also. As then, there should be now.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I would have to say to the gentleman if that was the point he was trying to make, I do not understand why he made a totally different one.

I was quoting him when he said, if a Republican President did this, we would have an outcry. A Republican President did much worse. In fact, I happen to be a very strong supporter of what Section 8 vouchers do. In fact, I was on the floor recently saying that the provision that allows Section 8 vouchers to be utilized for the purchasing of homes is a very important new feature of this housing program to allow low-income to buy homes.

But I am saddened to rise to oppose this amendment because of the $344 million that is taken out of the International Space Station. It helps us with cures and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the preeminent country for space exploration.

Although this measure is destined to be vetoed in its current form, I believe the $13.7 billion appropriation, $322 million (2%) less than requested by the administration, could have been even more generous.

The Nadler-DeGette amendment seeks to appropriate $344 million for the Space Station, because pretty soon the Space Station will become an independent agency program that has been efficient and consistently doing its job with the monies that have been allocated would be unfair and regretful.

I support the Space Station. I unfortunately have to oppose this amendment. I would ask my colleagues to vote no on this amendment, and let's work together to pass a final VA-HUD bill that puts more money for housing in the Conference Report.

Mr. Chairman, I rise today to oppose the Nadler-DeGette amendment to H.R. 4635, the VA-HUD-Independent Agencies Appropriations Act.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, this is an uncomfortable position when we have to match oranges and apples, and we have to stretch a penny for programs that we advocate for. Let me also acknowledge that this debate on the appropriations bill for VA-HUD has been one of the more civil debates, because there is a lot of agreement on money issues. One is we need more money for needed programs. I happen to be a very strong supporter of what Section 8 vouchers do. In fact, I was on the floor recently saying that the provision that allows Section 8 vouchers to be utilized for the purchasing of homes is a very important new feature of this housing program to allow low-income to buy homes.

But I am saddened to rise to oppose this amendment because of the $344 million that is taken out of the International Space Station. It helps us with cures, and other difficult diseases; and other difficult diseases, so there is a viable role for the Space Station. It helps us with creating work for the 21st century in the research that can be done there.

This $344 million, 20 percent of its budget would literally kill that program. This is not to say that there is not a need for Section 8 vouchers. I do recognize the need for Section 8.

Mr. Chairman, what I would hope is that we will find our way in conference to be able to respond to the needs for affordable housing for Americans. I will support that effort. That should be our commitment of this House. But I also believe, Mr. Chairman, that to gut an independent agency program that has been efficient and consistently doing its job with the monies that have been allocated would be unfair and regretful.

I support the Space Station. I unfortunately have to oppose this amendment. I would ask my colleagues to vote no on this amendment, and let's work together to pass a final VA-HUD bill that puts more money for housing in the Conference Report.

Mr. Chairman, I rise today to oppose the Nadler-DeGette amendment to H.R. 4635, the VA-HUD-Independent Agencies Appropriations Act.

We cannot squander this historic opportunity to invest in America's future; if approved, this amendment to the VA-HUD Appropriations measure risks doing just that.

Despite the shortcomings of the VA-HUD Appropriations bill, there are some commitments that have been secured and need to be preserved. Our ability to reach the stars is an important priority, which will ensure that America remains the preeminent country for space exploration.

Although this measure is destined to be vetoed in its current form, I believe the $13.7 billion appropriation, $322 million (2%) less than requested by the administration, could have been even more generous.

The Nadler-DeGette amendment seeks to appropriate $344 million for 120,000 Section 8 incremental (new) vouchers to provide assistance to additional low-income families. Regrettably, the amendment offsets this appropriation by slashing funding for the international space station by an equal amount. Mr. Chairman, the adoption of such a funding decrease for the international space station would essentially destroy the program.

Although most of us would have clearly preferred to vote on a bill that includes more funding for vouchers to provide assistance to low-income families, the Veterans Administration and
National Science Foundation programs, such increases should not offset the money appropriated for our international space station.

The measure provides $2.1 billion for continued development of the international space station, and $3.2 billion for space shuttle operations. We need to devote additional personnel at NASA's Human Flight Centers to ensure that the high skill and staffing levels are in place to operate the Space Shuttle safely and to launch, as well as assemble the International Space Station.

Mr. Chairman, I am proud the Johnson Space Center and its many accomplishments, and I promise to remain a vocal supporter of NASA and its creative programs. NASA has had a brilliant 40 years, and I see no reason why it could not live another 40 years. It has made a tremendous impact on the business and residential communities of the 18th Congressional District of Texas, and the rest of the nation.

In closing, I hope my colleagues will vote against this amendment and the bill so that we can get back to work on a common sense measure that invests in America's future, makes affordable housing a reality across America, and keeps our vital NASA program strong well into the 21st century.

Mr. NADLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise every enthusiastically to support the Nadler-DeGette amendment to increase funding for incremental Section 8 housing vouchers.

President Clinton requested 120,000 new or incremental Section 8 housing vouchers to alleviate America's housing crisis. The majority's 2001 appropriations bill provides zero funding for new this-year vouchers. Given America's shortage of affordable housing, this bill should provide funding to expand the amount of Section 8 housing assistance available to America's families.

I know that the gentleman from New York and the distinguished ranking member, the gentleman from West Virginia (Mr. MOLLHAN), have both spoken and spoken well the gentleman from New York (Mr. WALSH) did the best he could with what he had.

However, sadly, the budget figures that went into this produced a bad result. As I have said over and over again in this appropriations process, the reason so many great mathematicians come out of MIT is that so many great mathematicians go into MIT. If we have a bad budget allocation that goes into the bill, we can only come out with a bad appropriations bill. That is just most unfortunate.

What is the need for this? This amendment adds 60,000 incremental Section 8 housing vouchers, half of what the President requested, for a total of $944 million. HUD estimates the need of more than 4.3 million Americans who suffer worse-case housing needs, pay more than half their income for rent, or are living in sub-standard housing.

This amendment will assist only a small percentage of those in worst-case households. We should do more. Nonetheless, this amendment is very important and would help low-income renters afford rental housing.

According to HUD's most recent 2000 State of the Cities report, California is experiencing an inequitable economic growth and an inequitable distribution of wealth. As the gentlewoman from Colorado pointed out, we are having problems with our success. As our economy flourishes, our housing costs rise, making problems for those who need affordable housing. This amendment would go a long way to help them.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from New York City (Mr. NADLER).

Mr. NADLER. I yield to the gentleman from New York.

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

Mr. NADLER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would just ask the gentleman rhetorically if he would rather have the Administration use those recaptured funds for Kennedy Space Center as they did last year?

Mr. NADLER. Reclaiming my time, I am not here to defend the Administration, whatever it uses or does not use recaptured funds for. I am simply saying, 60,000 new Section 8 units, even if we could recapture some and get 10,000 more, that is little enough, a piddling sum. We should not be in the position of having to choose between the Space Station and 60,000 new vouchers.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON), and then I will close.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in opposition to this amendment. I understand very well the gentleman's concerns from New York City, but if we take this amount of money out of the Space Station program, we are effectively going to kill it. This program is operating on absolutely no margin. It has been cut repeatedly by this Congress.

We have a load of hardware built and ready to fly. The Russian module was ready to fly. The Russian module was ready to launch next month. The missions are essentially stacked up.
Cutting this amount of money in my opinion is going to be potentially lethal to the program. The gentleman has admitted that the amendment is being voted against the Space Station, so a cutting amendment like this that is going to kill it I am sure is no offense to him.

Might I just add, I understand there are some legitimate issues in housing, but I believe HUD is being passed up $4 billion in this VA-HUD bill that we are taking up today. NASA has been declining for the past 7 years. I would support the chairman on this issue.

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

Mr. Chairman, I would strongly urge we reject this amendment. The Space Station is ready to go. This 20 percent cut in the program would kill the program, and all the science and good will that goes with it.

It is a very important program. As I mentioned earlier, we have young people all over the world who will participate in this. Seeing their parents and their countries cooperating globally to conduct a major science project is an inspiration.

We need to inspire young people today, especially certainly towards idealism and altruism, but also towards math and science, which is what this program is all about.

Lastly, to take the funds out of a program that needs the money and put it into a program that is, for all intents and purposes, fully funded is a mistake. So I would strongly urge that we reject this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today in strong support of the Nadler/DeGette Amendment to increase funding for new Section 8 housing vouchers. HUD estimates 5.4 million low-income renters spend more than half of their incomes on housing or live in severely subsidized housing. This bill would contribute to the growing backlog of families who can’t afford decent, safe and sanitary housing.

In New York City we are experiencing a severe shortage of affordable housing. The need for the Section 8 vouchers is so overwhelming that the New York City Housing Authority closed the waiting list for this program in December of 1994. No other applications have been accepted for 66 months. Yet despite this drastic measure, as of January 1st of this year, there were still 215,385 families on the Section 8 waiting list in New York City.

We are experiencing a housing crisis in our nation’s urban communities. Section 8 vouchers serve as a safety net for thousands of working families. The Nadler/DeGette Amendment ensures that this safety net continues to be available. In a time of unprecedented economic prosperity, it is shameful to continue to ignore the basic needs of our poorest citizens.

I strongly urge all of my colleagues to vote in favor of the Nadler/DeGette Amendment.

Mr. SENSENDRENNER. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from New York. Quite simply, they threaten our long-term future. This amendment will transfer $344 million out of NASA’s Human Space Flight account and put it in HUD’s Section 8 program.

The space program is part of our national science and technology enterprise. We all know that our current economy owes much of its success to forty years of federal investments in science and technology. That federal effort generates the pre-competitive breakthroughs in science and technology that make day-to-day applications possible in the future.

Because that benefit is long-term, most of us will not be in this Chamber to see the benefits of the decisions we make today, just as the Members who nurtured our science and technology program forty years ago have left this body to enjoy the political benefits of their support for the space program. Thus, there’s little political payoff in advocating science and technology.

That’s why science and technology demand statesmanship and long-term vision. Federal investments serve the good of the country and the future of our grandchildren. Fortunately, this Chamber has repeatedly demonstrated the long-term vision needed for our nation’s science and technology programs in space. It did so last year by rejecting similar amendments and preserving funding for the space program. It should do so again this year, by maintaining the space program as a high priority and voting against the Nadler amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Nadler/DeGette Amendment to appropriate $344 million for 60,000 section 8 incremental (new vouchers) to provide housing assistance to low income families.

First of all, Mr. Chairman, we know that the overall appropriation recommended for VA-HUD is too low, which forces us into an either-or situation. Either we shortchange some of the pressing needs which are most immediate or we delay development of new horizons and new opportunities like space exploration; and I tell you Mr. Chairman, I, like countless others want to see us is space as much, as often and in as many ways as possible.

But, Mr. Chairman, I also recognize that there are thousands of people in my district alone who live in dilapidated buildings with vermin, termites, and hopelessness all around them. I know that there are more than 165,000 people in my district who live at, or below the poverty level and I know, I know Mr. Chairman that they need relief; they need help, they need a chance to live decently and they need it now. I met last week with a group of residents at Boulevard Commons on the Southside of Chicago.

Boulevard is a project based section 8 program where the building is going to be vacated because of need for repair. They are frustrated, filled with uncertainty, and not sure about what their future will be. I am also working with a group of senior citizens on the near Northside of Chicago Commons where they are being told that they no longer have section 8, one can imagine the consternation being experienced by this group.

And so, Mr. Chairman, I urge passage of this Amendment to add 120,000 new section 8 vouchers for low-income families.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).
February of 1999, “The era of big government may be over, but the era of regulation through litigation has just begun.”

Let me give a few examples of this new regulation, or, more properly defined as legislation, contained in this agreement. Keep in mind that this body did not agree to these provisions, and in some cases we have rejected similar provisions.

Also keep in mind that in the agreement, Smith & Wesson agrees to bind all those dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales, regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on any purchaser who wants to buy more than one firearm; again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes are covered. Did Congress authorize this restriction?

Three, the agreement authorizes the Bureau of Alcohol, Tobacco and Firearms to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

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Four, this agreement requires the BATF or an agreed upon proofing entity to test firearms. Did we do this in this Congress?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, not immediately, 36 months to incorporate this technology in all new firearm designs.

I would say as an aside, with regard to the debate that happened concerning my previous amendment, some speaker said that this would happen immediately. But, in fact, the agreement says that 36 months from now this must happen.

It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate? I could go on and on, but time prevents me from doing so.

What is the result of this legislation through litigation tactic employed by HUD? Well, a few days ago, Smith & Wesson announced that it would shut down two of its plants for a month, leaving 500 workers with an unscheduled vacation. But is this not really what HUD wants? We should not allow HUD to legislate through litigation.

I ask my colleagues to support my amendment, to take the power of legislation out of HUD’s hands, and return it where the Constitution requires, the Congress.

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

The CHAIRMAN. Does the gentlewoman from New York (Mrs. McCarthy) claim the time in opposition to the amendment?

Ms. McCarthy of New York. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from New York (Mrs. McCarthy) is recognized for 15 minutes.

Mrs. McCarthy of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. Blumenauer).

Mr. Blumenauer. Mr. Chairman, the gentleman from Indiana (Mr. Hostettler) references the problems that Smith & Wesson is facing as a result of, not HUD’s activity, but retaliation against an industry leader that has been willing to be courageous in being part of a long overdue effort to reduce gun violence in America. A part of that safe solution is that the retaliation is here on the floor today.

For far too long, we have drug our feet in simple common sense steps to make gun safety a part of an overall strategy. Things like trigger locks, gun lockboxes, smart weapon technology, making a better gun is a prudent thing to do.

One out of six of our law enforcement officers who die in the line of duty are killed with their own service revolver. But it is not good enough for the gentleman from Indiana. He wants to try and gut the amendment to make real progress towards eliminating this problem. This is using the private sector to produce safer weapons, have a code of conduct, and to incorporate this technology in all new firearm designs.

I would say as an aside, with regard to the debate that happened concerning my previous amendment, some speaker said that this would happen immediately. But, in fact, the agreement says that 36 months from now this must happen.

This amendment is a disgrace. I have in the foyer of my office a picture of Kevin Imel, a young child of a friend of mine, who was killed by a classmate in an angry moment. It is time for us to put faces on the million Americans who have been killed by gun violence since I started my public service career. It is time for us to stand up to the tyranny of the gun lobby and the people who would pander to them, and we can start by rejecting this amendment tonight.

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

Mr. Chairman, I would simply say, if there is retaliation that is going on as a result of the agreement that Smith & Wesson has taken place, if the gentleman from Oregon (Mr. Blumenauer) would talk to his constituents, he would find out who it is doing that, and then the gun owners, gun purchasers, or his constituents who do not want Smith & Wesson to bring in more gun control through the back door by legislating through the executive branch.

I would say with regard to the comments of the gentleman from Oregon about law enforcement, having the ability to use proper guns, I think the gentleman has probably seen the news clip of Governor Glendening’s attempt to try to get a firearm to become unlocked so that the Governor could use it. The Governor was unable to do so. I am afraid it was very possible that a police officer would likewise run into similar situations on the job.

Likewise, the gentleman from Oregon said that there is no set amount for a squirt gun than for the purchase of a real gun. Well, that is intriguing. My 3-year-old recently purchased a squirt gun. I should say his mother did. It was not a straw purchase. His mother purchased a squirt gun for him. In doing so, my 3-year-old son did not have to fill out paperwork asking if he had committed a crime or if he was an alien of the United States of America. So I am not quite sure that that is accurate.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Dolittle).

Mr. Dolittle. Mr. Chairman, I commend the gentleman from Indiana (Mr. Hostettler). He is highly principled and has the courage to do what I think is clearly right by the people of the United States in offering this amendment. The points that he has made I agree with completely.

The gentleman from Oregon and the liberals could not get through the Congress what they wanted to, so they tried to do it through a settlement using the power of the Government, suing the gun manufacturer, and then securing a whole raft of restrictions entered into supposedly voluntarily as part of the settlement. It affects the gun rights of everyone. I just think it is terribly misplaced.

I hope we approve the amendment of the gentleman from Indiana that will, in essence, gut the settlement, because it deserves to be set aside. If we are going to enact legislation or policies of this type, then bring them here to the Congress of the United States. Let us debate them and let the people’s representatives make the decision about this rather than simply having this done off to the side in the secrecy of settlement agreements that are entered into.

The thing that bothers me the most, though, Mr. Chairman, is this constant focus of liberals on the gun, the instrumentality, rather than on the people who are misusing the instrumentality. I mean, we have seen this time and
time and time again. It is just a diversionary tactic because it is covering up the fact that under the Clinton administration, federal prosecution of gun crimes has dropped precipitously.

When we had a great program that we knew worked, like Project Exile in the Commonwealth of Virginia, and we tried to expand that to the rest of the country, the administration would not do it. Only this year under extreme pressure did they finally have to relent and start that program in other parts of the country where we have seen dramatic reductions in gun violence because the Federal Government, through the U.S. attorney in cooperation with local law enforcement, is prosecuting vigorously and to the fullest extent of the law the misuse of a firearm.

That is the direction we ought to be heading in, punishing the misuse of the firearm, not trying to achieve through stealth, in my judgment, what cannot be done by getting a majority of the House and Senate to go along with these very same policies when they are put to a vote here.

The gentleman from Indiana (Mr. HOSTETTLER) has a great amendment. I hope people support it.

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

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time, and I thank her for her leadership.

Mr. Chairman, it seems to be a little extreme to suggest that the Clinton administration that spear-headed the passage of the Brady bill that has caused thousands of criminals not to have guns in their hands and the passage of the ban on assault weapons.

But I rise in opposition to this amendment, because I do not believe the gentleman from Indiana (Mr. HOSTETTLER) understands the premise of what he intends to do. The Housing and Urban Development had every right to make a freestanding contract with Smith & Wesson, and that is what they did.

The retaliation comes from the underlying advocacy and opposition to the agreement by the National Rifle Association. But to encourage a gun manufacturer to have trigger locks and to be able to adhere to a code of conduct that would help close gun show loopholes so that children 6 years old do not kill children and that a distraught young man does not kill his teacher, I think HUNTER should be applauded. Smith & Wesson should be applauded.

This amendment should be voted down. We should go on with the business of saving lives in America.

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

Mr. Chairman, I respond to the gentlewoman from Texas (Ms. JACKSON-LEE) in her assertion that I do not understand what I am doing. I think I understand what I am doing perfectly well, and that is reasserting the Congress' authority under Article I, Section I of the Constitution; and that simply states that all legislative powers shall be vested in a Congress.

When HUD entered into the settlement agreement with Smith & Wesson, creating all these gun control measures that not only affect Smith & Wesson's relationship to its dealers and to its customers, but the relationship of all gun manufacturers, all retailers, all customers in every transaction, that it takes place in an authorized dealer of Smith & Wesson, they did take a back door to the legislative process.

It is my desire, through this amendment, to once again reassert the legislative prerogative of this body; and that is to have the people's House determine what the legislation should be, what the direction of course should be in this policy-making arena, and not to allow unelected bureaucrats to do that.

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

Mrs. McCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentlewoman very much for yielding me this time.

Mr. Chairman, it is most unfortunate and unwise to sit here on the floor and hear all of the rhetoric from the proponents of this amendment try to align its substance as being anti-Clinton and anti-liberals. When children pick up guns, they are not political. They do not know who manufactures a gun. They do not know whether or not it has a trigger lock on it. They just know they pull the trigger.

I think it is most unfortunate, given the outbreak of violence around this country where innocent people have died at the hands of an innocent person until they pull the trigger, it would be most unfortunate if we supported this amendment.

I want to applaud Smith & Wesson, even though I am not a gun owner and a gun user, for exerting corporate responsibility. That is what it is.

If my colleagues adopt the Hostettler amendment, with all deference to the gentleman from Indiana, if my colleagues adopt his amendment, however, it would have a chilling effect on other companies who are willing to take steps in the right direction in promoting gun safety.

We talk about the bureaucracy in the Clinton administration and Big Brother government; but as I recall, even before I got here, we talked a lot about public safety, air bags in automobiles, safety belts in cars, to keep people from dying accidently.

I want to talk about the training on people when people have to be trained to even get their license to drive an automobile, which if used recklessly and wantonly, will kill people.

We require airline pilots who take the gentleman from Indiana (Mr. HOSTETTLER) and I have talked to Indiana on a weekly basis, to have a certain amount of training. I would hate for us to get on an airline with an untrained pilot. We both would be in trouble regardless whether we are Democrat or Republican or conservative or liberal.

Mr. Chairman, I urge a defeat, respectfully, of the amendment of the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in very strong support today of the Hostettler amendments, both this one and the one that we debated earlier.

I want to just stop for a minute and take a look at our country. Every single day, there are men and women in our country that get up, most of the time they are in uniform, fire fighters, police officers, men and women in the military, and they get up, they button their uniform on, and when they do that, they are saying to us, today I will die if I need to to protect your freedom.

Well, we owe those people something. If the Communities for Safer Guns Coalition gets everything that they want, then what they are doing is they are taking the maximum security that those people could have away from them.

We would never in this body attempt to do that. If the fire fighters might be able to use while they do their job to try to save their life. We would never ask for lower quality guns and ammunition or tanks for our military people just because it was the political action of the day or the political discussion of the day.

So why should we, why should we take the right of chiefs of police in local communities away from them to get the equipment that they think gives their force the greatest possibility of survival, God forbid they should come into a situation where they needed to use that equipment, where they needed to use those weapons.

That is unthinkable. And that is really what the Communities for Safer Guns Coalition is about. It is about diminishing the safety of those people who say they will die for us if they have to do that. It is not about saving lives.

Let me talk about the other issue, of whether or not we should be spending...
Federal funds to implement and enforce the agreement with Smith & Wesson. As my colleagues know, I represent the State of Wyoming. I am a gun owner. I have a permit to carry a concealed weapon in the State of Wyoming, and I do. I am trained in the use of this gun. I am trained in the use of rifles. My husband and I together teach our children. We took them hunting. We took them target practicing. We taught them to respect what a gun is and to respect the way to handle it. And we also taught them to respect the law and that if they did not respect the law and obey the law, there would be consequences to pay.

Well, what this administration needs to do with their time and with their money is to enforce the laws that we have and make sure that people who break them, that folks in the BATF, they have guns, I want to have a gun, to be able to defend myself or defend my family. But most of all I want to defend the Constitution of the United States of America. I want to defend the second amendment, but also I ask my colleagues to vote in favor of the Hostettler amendment so that we can do that.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. First of all, in response to my friend from Wyoming, the number of arrests and prosecutions are up significantly since 1992. They are obviously not adequate enough. Mr. Chairman, I ask my colleagues to vote in favor of the Hostettler amendment so that we can do that.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Ms. MALONEY).

Ms. MALONEY. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her extraordinary leadership. Mr. Chairman, I rise in opposition. Why are we attacking companies trying to do the right thing? This amendment would defund the settlement reached between Smith & Wesson and HUD to reduce handgun violence. Smith & Wesson agreed to develop safer handguns, install child safety locks, and to sell only to vendors who require background checks. All reasonable, common sense gun safety actions. I urge, Mr. Chairman, over 13 young people dying each day due to gun violence. We have children killing children. I guess protecting children is still enough, but I agree, Ms. Pelosi, we do not have the legislative branch to maintain its prerogative to do just that, and that is to legislate.

What this amendment will do is simply stop the legislative activity on the part of the administration in this one small particular area so that the gentleman from Virginia, the gentlewoman from New York, everyone else involved in this debate can have that passionate debate; and they can have what I call ‘open debate’ free of the understanding of the Constitution, public safety, and all other things, separation of powers, Federalism and all that, according to what the legislation should be and what their elected representatives should do.

These people in HUD, the BATF, they are there to faithfully execute the laws of the United States. They are not there to faithfully create the laws of the United States. That is what they did in the past.

Mr. Chairman, I simply ask for Congress to once again assert our legislative prerogative. Defund this agreement. And if the other side wants to create another debate about gun control, they can do that. But that should happen in the halls of this building, not behind closed doors in the bureaucracy.

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

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I would like to take my time, this 1 minute, to commend the gentlewoman from New York for her extraordinary leadership and her extraordinary courage. She has become the personification in this country of gun safety, and to the mothers and families of America she is a leader and a source of hope and inspiration.

It seems the least we can do here, out of respect for the concerns that parents in America have about gun safety, is to defeat the Hostettler amendment. This amendment, and the one that preceded it earlier regarding this coalition, are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

This code of conduct really should be serving as a model; and, instead, this House of Representatives is considering eliminating it, taking a step backward. Who can oppose the idea of HUD engaging in an agreement for a code of conduct for gun safety? HUD should be commended, the gentlewoman from New York should be commended, and we should defeat the Hostettler amendment.

Mrs. McCARTHY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her extraordinary leadership. Mr. Chairman, I rise in opposition. Why are we attacking companies trying to do the right thing? This amendment would defund the settlement reached between Smith & Wesson and HUD to reduce handgun violence. Smith & Wesson agreed to develop safer handguns, install child safety locks, and to sell only to vendors who require background checks. All reasonable, common sense gun safety actions. I urge, Mr. Chairman, over 13 young people dying each day due to gun violence. We have children killing children. I guess protecting children is just too much to ask. This amendment prevents Smith & Wesson and other responsible companies from working to make our communities safer. This amendment will do nothing but appease the NRA and some members of the gun industry. I urge a ‘no’ vote, Mr. Chairman.
Ms. DeLAURO. Mr. Chairman, the Hostettler amendment is another example of how far out of step the Republican leadership is with the American people. They refuse to move ahead with gun safety legislation, and now they have gone out of their way to punish Smith & Wesson simply because Smith & Wesson wants to include a child safety lock on their handgun. It is mind-boggling.

Further, they would gut the Communities for Safer Guns Coalition. This is 411 cities and towns across the country who have agreed to purchase handguns for their police officers from gun makers that agree to include child safety locks with the guns they sell and to keep a close eye on the gun dealers that sell to criminals.

Let me tell my colleagues that if they vote for this amendment, if they support it, they turn their backs on the values of this country and on the American people. This is the people’s House. Overwhelmingly this country wants to see gun safety legislation. And what is more, those who vote for this amendment will be living up to the old saying that “no good deed goes unpunished.” They will be telling people that they not only oppose mandatory child safety locks but they are going to punish companies who voluntarily include child safety locks with their guns.

What is next? Shall we punish car manufacturers who make safe cars, pharmaceutical companies that put child safety locks on aspirin bottles? Smith & Wesson, my colleagues, have done the right thing. They have agreed to include child safety locks with the guns they sell and to keep a close eye on the gun dealers that sell to criminals.

So I would urge that Members vote against this amendment. It really is not, in my mind, germane to this bill; and for that reason, I would urge a “no” vote.

Mrs. McCARTHY of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, obviously, I stand against this amendment for many reasons. Unfortunately, we have heard an awful lot, in my opinion, on not understanding exactly what the agreement was. We have heard Members talking about gun control. This is not gun control. It is not even near gun control. What we are talking about is child safety, safety and guns. And our police officers across this Nation certainly have the opportunity to either reject or not accept this agreement when they buy their guns.

Let me say something to my colleagues. Across this Nation all of our communities, all of our cities are trying to figure out how to reduce gun violence in this country. Secretary Cuomo, with HUD, has come up with an agreement with Smith & Wesson, which has taken on the responsibility of trying to make safer guns. Not eliminate guns, make safer guns. And our police officers across this Nation certainly have the opportunity to either reject or not accept this agreement when they buy their guns.

Yes, they want background checks. Well, I think almost everyone should agree that we do not want to sell guns to criminals, so people should go for background checks. Smith & Wesson has agreed to do this. Guns cannot be marketed to children.

Wow, that is some sort of gun control, is it not? Guns cannot be marketed to children. The smart guns again.

We talk about using taxpayers’ money. My colleague from New York (Mr. Walsh), the chairman, has said no monies have been appropriated for this. But let me tell my colleagues what we spend on health care in this country every single year because of gun injuries in this country. It is over $2 billion a year.

If our communities and certainly the housing that we are putting people in can be made safer, that is what we should be doing. This is not a Republican issue. This is not a Democratic issue. As far as I am concerned, this is part of a health care issue. Smith & Wesson, certainly Secretary Cuomo of HUD, have tried to do something to try to make this country safer. I applaud him for this.

I wish we could get past this thing of gun control. There is not one person, one person in this Congress that is trying to take away the right of someone owning a gun. That is something everyone should start to remember. I am tired of hearing that. I will never try to take away the right of someone owning a gun. That is not what I am here for. But I am certainly trying to keep health care costs down. I am certainly trying to save lives.

I think that Smith & Wesson has done the right job, and I say let us support them for a change.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. Hostettler).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 525, further proceedings on the amendment offered by the gentleman from Indiana (Mr. Hostettler) will be postponed.

The CHAIRMAN. Pursuant to House Resolution 525, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 23 offered by the gentleman from New York (Mr. Hinchey); amendment No. 35, as modified, offered by the gentleman from New York (Mr. Hinchey); the amendment offered by the gentleman from Georgia (Mr. Collins); amendment No. 24 offered by the gentleman from Indiana (Mr. Hostettler); amendment No. 4 offered by the gentleman from New York (Mr. Nadler); amendment No. 25 offered by the gentleman from Indiana (Mr. Hostettler).

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

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 23 offered by the gentleman from New York (Mr. Hinchey) on which further proceedings were postponed and on which the noes prevailed by the voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.
The vote was taken by electronic device, and there were—ayes 145, noes 277, not voting 12, as follows:

[Roll No. 303]

AYES—145

Mrs. CUBIN, Mr. SMITH of Texas, Mrs. CLAYTON, Messrs. REGULA, BROWN of Ohio, WATKINS, DIXON, MORAN of Virginia, VISCOSLY, RAHAL, and RAMSTAD changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 525, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

Congressional Record—House

June 21, 2000

Amendment No. 35 offered by Mr. HINCHNEY, as modified

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHNEY), as modified, on which further proceedings were postponed on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignates the amendment.

Recorded Vote

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 216, not voting 10, as follows:

[Roll No. 303] AYES—208

This page contains a list of members of the U.S. House of Representatives, along with voting information for a particular vote. The vote was on a demand for a recorded vote, and the result was reported. The Chair announced that they would reduce the time for electronic voting to a minimum of 5 minutes. The Chair also noted that further proceedings on a particular amendment would be postponed. The amendment was redesignated and a recorded vote was ordered. The vote was taken and recorded, with 208 ayes, 216 noes, and 10 not voting. The vote was announced as above recorded. The Chair made an announcement regarding the reduction of the time for electronic voting. The page includes a table listing the members of the House, along with their voting information. The page contains text that is not easily transcribed into plain text due to the nature of the content.
The result of the vote was announced by the Sergeant at Arms. The Clerk redesignated the amendment. A recorded vote was ordered. 

Not voting 9, as follows:

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Amendment offered by Mr. Collins

AMENDMENT OFFERED BY MR. COLLINS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. COLLINS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk redesignated the amendment. A recorded vote was ordered.

The vote was taken by electronic device and there were—aye 226, noes 199, not voting 9, as follows:

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<td>YEA—226</td>
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<td>NO—199</td>
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Mr. PEASE and Mr. BARR of Georgia, changed their vote from "aye" to "no". So the amendment was rejected.

The result of the vote was announced as above recorded.
So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment. The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered. The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayeS 218, noes 207, not voting 9, as follows: [Roll No. 306]

AYES—218


Skelton  Smith (MI)  Smith (TX)  Souder  Stenholm  Strickland  Stump  Summey  Taft  Turner  Vitter

Abercrombie  Ackerman  Allen  Andrews  Baird  Baldacci  Bentsen  Benz  Berkley  Berman  Bilirakis  Blagojevich  Blumenauer  Bono  Boren  Boulton  Buck  Burr  Buxbaum  Buxton  Byrd  Buss  Canfield  Capito  Caputo  Carter  Castle  Cahumin  Cayetano  Calderon  Callahan  Calvert  Campbell  Canniff  Chabot  Chambliss  Coffman  Coburn  Collins  Combest  Crapo  Cox  Cranston  Cubin  Cunningham  Davis  DeFazio  DeLauro  Dingell  Doolittle

Mr. WELLER changed his vote from "aye" to "no."
Mr. GEJDENSON and Mr. KLINK changed their vote from "aye" to "no." Mr. BERMAN changed his vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is a demand for a record on the amendment offered by the gentlelmen from Indiana (Mr. Hostettler) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

THE CHAIRMAN. A record vote has been demanded.

The Clerk redesignates the amendment.

RECORDED VOTE

The CHAIRMAN. A record vote has been demanded.

The vote was taken by electronic device, and there were—aye 206, noes 219, not voting 9, as follows:

[Roll No. 308]  
AYES—206

[LIST OF VOTERS]

NOES—219

[LIST OF VOTERS]
The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003.

Mr. MOORE. Mr. Chairman, I rise to express my grave concern with the bill before us today. This bill critically underfunds important national priorities that are too numerous to mention.

Many members of this House have expressed their concern about the federal government's chronic failure to meet its commitment to special needs kids. Yet, this bill provides just $6.6 billion in funding for special education, $514 million over last year’s funding but far short of the $16 billion-plus we need to fulfill this longstanding commitment to our most vulnerable children.

Mr. Speaker, I have a school in my district where exposed wires dangle from the ceiling, and rainwater seeps over those wires, but this bill provides no funds to repair collapsing schools. Never mind that more than 200 of my colleagues have heeded the call of their school districts, who are begging for assistance repairing schools.

53.2 million kids—a national enrollment record—started school in 1999 and 2.2 million teachers will be needed in the coming years to teach them what they need to know. The teacher shortage is an imminent national crisis, yet this bill includes no funds to continue the class size reduction initiative that is putting 100,000 new teachers in our schools.

Mr. Chairman, we know that quality early childhood programs for low-income children can increase the likelihood that children will be literate, employed, and educated, and less likely to be school dropouts, dependent on welfare, or arrested for criminal activity. This bill, however, cuts the President’s request for Head Start by $600 million, which denies 53,000 low-income children the opportunity to benefit from this comprehensive child development program.

Tragically, our country has become desensitized to school violence accustomed to reports of shootings in schools. School shootings are no longer front page news! Yet, this bill eliminates assistance for elementary school counselors that serve more than 100,000 children in 60 high-need school districts that could intervene and identify troubled kids before they harm themselves, their classmates or their teachers.

Earlier this week, I supported a bill to relieve the estate tax with great reservation I have long been a supporter of responsible estate tax relief that maintains our national commitments—paying down the national debt, protecting Social Security and Medicare, and supporting important domestic priorities such as the ones I have listed here. The leadership of this House, however, gave us one vehicle for estate tax relief, and I supported it with the hope that the Senate and the conference committee will craft a fiscally responsible compromise.

Today, however, I am faced with this bill that turns its back on our nation’s number one priority—our kids. The leadership of this House expects a veto of this irresponsible bill. I am voting against this bill today and I ask my colleagues to do the same. We can return to the drawing board and craft a fiscally responsible bill that reflects our priorities as a nation.

Mr. POMEROY. Mr. Chairman, I rise today to express my support for the increase in funding included in this measure for many veteran’s programs. One of my most important duties as a Member of Congress, and one of which I am most proud, is to honor the men and women who have served our Nation in uniform. I remain committed to the interests of our Nation’s veterans and their families. I believe that Congress bears a special responsibility to protect those programs which serve our veterans’ health and welfare. Our veterans have given so much to our Nation; we can only hope to give them something in return. I am pleased to note, therefore, that this measure includes an increase for veterans’ medical care, service-connected compensation benefits, and pensions, and readjustment benefits.

While there are some shortcomings in the alterations for other veterans’ programs, I am confident that my colleagues will address these provisions in conference committee. As the appropriations process moves forward, I will continue to fight for healthy funding levels for all veterans programs.

Unfortunately, while the bill provides important increases in funding for veterans’ programs, it falls far short in meeting one of our most basic needs—housing. The bill before us today is $2.5 billion less than the Administration’s request for housing and other community development programs. This is unacceptable.

I would like to take a moment to focus on funding for the Community Development Block Grant (CDBG). As many of my colleagues can recall, CDBG funds were used to assist the city of Grand Forks in rebuilding after the devastating flood in 1997. The funds provided the city with needed flexibility to address both urgent and long-term needs. The successful recovery of Grand Forks was due in large part to the assistance from HUD. Under this bill, however, funding for CDBG is cut by $295 million from last year’s funding level.

Additionally, the bill does not provide any funding for Round II Empowerment Zones. In my State of North Dakota, the Griggs/Steele Empowerment Zone was designated as such in 1999. At that time, a commitment was made by the Federal Government to assist this area and others in creating jobs and economic opportunity. That commitment, however, goes unfulfilled in this legislation.

Mr. Chairman, at a time of unprecedented economic prosperity, we should not be turning our backs on those who need help the most, the poor and homeless, our Nation’s most vulnerable citizens. While I stand in strong support of our Nation’s veterans, as a result of these cuts in the housing program, I will be voting against this bill.

Mr. HOLT. Mr. Chairman, I rise today to speak on behalf of the health and safety of our children, our families and our communities. I rise today to call for increased funding for our environment.

H.R. 4635 funds the Environmental Protection Agency at $199 million or nearly ten percent below the Administration’s request for basic environmental and public health protection. These programs are considered the backbone of the Agency’s work.

A cut of this magnitude would seriously affect EPA’s ability to provide American communities with cleaner water, cleaner air, and an improved quality of life. Toxic air emissions (e.g., benzene, formaldehyde) from industrial plants, cars and trucks will not be reduced. This will expose approximately 80% of the American people to greater risks of developing cancer and other serious health problems (birth defects, reproductive disorders, and damage to the nervous system).

By delaying implementation of new standards for high-risk chemicals such as arsenic, radon, and radionuclides, public health and safety will be jeopardized for 240 million Americans who get their drinking water from public water systems.

Fish kills and hazardous algal blooms in the Nation’s rivers, lakes, and estuaries will increase as our ability to develop national criteria to control excessive nutrients (nitrogen and phosphorus) will be significantly delayed.

The reduction in EPA’s funding will hinder successful voluntary partnerships with private companies to reduce emissions of greenhouse gases and other air pollutants, such as nitrogen oxides (NOX).

As a result of this cut, over the next decade 335 million tons of greenhouse gas pollution will unnecessarily be emitted into the atmosphere and 850 thousand tons of nitrogen oxide will be emitted into the atmosphere. Finally, as we enter the summer, millions of American’s visiting beaches will be at increased risk because there will be significant challenges for the Agency’s ability to monitor and collect adequate information about beach contamination.

I urge my colleagues to protect their communities and reject this anti-environment bill.

Mr. UDALL of Colorado. Mr. Chairman, the Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Bill simply does not do enough. The Majority has delivered a bill that shortchanges valuable programs. Not only is the core bill itself underfunded, but today’s amendment process has forced Members to vote on amendments that simply shift already-limited resources from one important program to another. This “robbing Peter to pay Paul” approach doesn’t satisfy the real needs of these programs or the needs of the citizens of this country.

This bill does not make adequate strides to ensure that affordable housing can be a reality in our country and the dream of first-time homeownership is attainable. This bill fails to fund the Administration’s request for 120,000 incremental rental assistance vouchers, including 10,000 vouchers for housing production of the first new affordable housing for families since 1996.

The bill slashes HUD’s Community Development Block Grant (CDBG) program by $395 billion, severely underfunding important community development programs for low-income children, families, and elderly citizens, including Head Start and CDBG.
The Space Station are already in orbit and operational, and additional elements of the Space Station are awaiting launch from Cape Kennedy. If the current schedule is met, this will start the permanent occupation of the Space Station this fall, and the U.S. Laboratory will be fully functional early next year.

Members who would cut Space Station funding argue that this funding should be redirected to other underfunded accounts in this bill. Their argument is based on the justifiable frustration with the Majority's Budget Resolution, which set unrealistic—and ultimately untenable—caps on the various appropriations accounts. The solution is not to ask Members to make false choices among programs—it is to seek to increase the overall allocation for the VA/HUD-independent agencies subcommittee so that all of the worthwhile activities can be funded at reasonable levels.

Mr. Chairman, the overall funding shortfall is the key problem in this bill, and I cannot support it in its current form.

Mr. Wu. Mr. Chairman, I rise in opposition to the VA/HUD Appropriations bill for Fiscal Year 2001.

The bill cuts the President's proposed $675 million increase in the NSF budget by $508 million. This will jeopardize the Nation's investment in the future. The bill undermines priority investments in advanced technologies, including information technology, nanotechnology and geosciences.

Earlier this year, the House passed a bipartisan bill, H.R. 2086, the Networking and Information Technology Research and Development Act, which calls for major increases in Information Technology research and development, with a large portion of the increase designated to the NSF. This bill will significantly reduce funding for the Information Technology R&D program.

Approximately 81 percent ($2,149.9 million) of NSF's FY 1999 funding in research and development budget was awarded to U.S. colleges and universities. This bill would seriously undermine priorities in cutting-edge research, and eliminate funding for almost 18,000 researchers and science and mathematics educators—many of whom live and work in my district in Colorado.

The bill before us also leaves NASA programs $322 million below the budget request. It eliminates almost all of the funding for the Small Advantage System and the Aviation Capacity programs, both of which are intended to make use of NASA's technological capabilities to reduce air traffic congestion. It eliminates all of the funding for NASA's Space Launch Initiative, a program to help maintain American leadership in space transportation. And it eliminates all the money for NASA's efforts to better forecast "solar storms" that, if undetected, can damage the nation's communications and national security satellites. This "Living with a Star" program is especially important to the University of Colorado at Boulder and other colleges and universities in my district, public, private, and federal laboratories in my district.

Investing in NASA is a wise decision. The advancement of science and space should concern us all. Yet this bill doesn't fund science and space programs at levels that would indicate this concern. On the contrary—many Members were forced to seek offsets in NASA programs in order to increase funding for other worthwhile programs. For example, cutting funds for the International Space Station—a traditional target for offsets—makes even less sense this year, as we're finally in a position to reap the return on our past investments in that program. NASA estimates that the U.S. portion of the Space Station development program is over 90 percent complete. The first segments of the Space Station are already in orbit and operational, and additional elements of the Space Station are awaiting launch from Cape Kennedy. If the current schedule is met, this will start the permanent occupation of the Space Station this fall, and the U.S. Laboratory will be fully functional early next year.
home ownership and revitalize our poorest communities. These programs are a key incentive to development in my community in Montgomery County, Pennsylvania. Accords to local officials who have contacted me about these critical programs, these reductions mean that much needed development work may be delayed or canceled.

Other objectionable provisions in this bill include the anti-environmental riders, no new funding for additional Section 8 vouchers, and no funding for the President's National Service program. Overall spending for the bill is more than $2 billion below the President's request.

I will vote against this legislation in the hope that the conference committee will improve on the work of the House.

Mr. BLUMENAUER. Mr. Chairman, the United States is facing an affordable housing crisis. While the American dream has always included homeownership, the price of the average home has surpassed the income levels and of many Americans, with housing values even outpacing the national inflation rate. This VA-HUD bill disregards the current state of critical housing needs that our nation is experiencing.

Despite an unprecedented era of national economic prosperity, the gap between available, affordable housing and accessibility for both homeowners and renters is widening. Families who have worst-case housing needs as defined by HUD are those who receive no government housing assistance, have incomes less than 50 percent of local area family income, and pay more than half their income for rent or mortgage and utilities. Based on this criteria, the number of families faced with worst-case housing needs has reached an all-time high of 5.4 million families, an increase of 12 percent since 1991. This constitutes a staggering figure—it means that one out of every seven American families is experiencing a critical housing situation.

In the past, the United States maintained a housing surplus. In 1970, a market of 6.5 million low-cost rental units was available for 6.2 million renters. By 1995, the surplus disappeared and 10.5 million low-income renters had to vie for 6.1 million available low-cost rental units on the market.

This housing crisis is not just an inner-city problem. In the suburbs throughout the last decade, we saw a decline in the number of units affordable to low-income families. Today, over one-third of households facing worst-case needs are in the suburbs.

Affordable housing is an essential component of a livable community. Communities that support the development of the local real estate and housing choices for housing are sustainable. These communities support a diverse body of workers, both service-oriented and professional, that responds to the employment needs of the local economy.

This bill before us cuts $303,000 funding for my district from the Administration's request level. The reductions are in a number of HUD programs—among them Community Development Block Grants, Homeless Assistance, public housing operating subsidies, and Housing Opportunities for Persons with AIDS.

Last year, the House passed H.R. 202, "Preserving Affordable Housing for Seniors in the 21st Century" by a margin of 405–5. It included provisions that would have added additional funding for service coordinators, assisted living, congregate housing services, and capital improvements. No funding for this legislation has included in the VA-HUD bill. This means the needs will go unmet for services that will enable many of our seniors to age in place rather than face homelessness or premature institutionalization. And the Housing Authority of Portland tells me that without this funding it will find it extremely difficult to meet its needs for basic repairs such as roofs, sprinklers and heating and cooling systems.

Section 8 is the federal government's primary mechanism for meeting the housing needs of low-income households. One strength of this program is that it allows the recipient a choice of community in which to live. This approach is different from public housing in that it disperses recipients into economically diverse communities and avoids the undesirable social effects of clustering of low-income families. Funding for the Section 8 program needs to be strengthened. Not a single additional person is given Section 8 assistance with this bill; the "increases" proponents claim are merely budget gimmicks.

The budget for low-income affordable housing programs, particularly Section 8 vouchers and Public Housing, needs to be increased. Housing authority waiting lists are longer than at any time in the past. Approximately 25,000 households in Oregon are waiting for housing assistance. These people are elderly, disabled, or have a single parent with children.

So I ask my colleagues to consider these items as we each return tonight to the comfort of our homes. Think of the Americans who are honest and hard-working, yet still are having difficulty providing adequate shelter for their families. Help make the American dream obtainable for them. We need to increase funding for federal housing programs.

The CHAIRMAN. Are there further amendments?

There being no further amendments, under the rule, the Committee rises.

The Speaker pro tempore. Under the rule, the Committee of the Whole will be in order.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote on final passage of House Joint Resolution 90 immediately hereafter will be by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 256, nays 169, not voting 9, as follows:

[Roll No. 309]
CONGRESSIONAL RECORD—HOUSE

Mr. INSLEE and Mr. DOOLEY of California changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WITHDRAWING APPROVAL OF UNITED STATES FROM AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of the passage of the joint resolution, H.J. Res. 90, on which further proceedings were postponed earlier today.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the joint resolution on which yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 56, nays 363, answered “present” 3, not voting 12, as follows:

[Roll No. 310]

<table>
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<th>YEAS—56</th>
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- Mr. Peterson (MN)
- Mr. Bilbray
- Mr. Rohrabacher
- Mr. Sanders
- Mr. Bonosbrook
- Mr. Schaffter
- Mr. Sensenbrenner
- Mr. Smith (NJ)
- Mr. Kennedy
- Mr. Chabot
- Mr. Stupak
- Mr. Baugh
- Mr. Thompson
- Mr. Brooks
- Mr. Doggett
- Mr. Cole
- Mr. Fresh
- Mr. Cobb
- Mr. Collins
- Mr. Coburn
- Mr. Law
- Mr. Davis (FL)
- Mr. Young (AK)

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<th>NAYS—363</th>
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- Mr. Castle
- Mr. Falat
- Mr. Fincher
- Mr. Ford
- Mr. Frank (MA)
- Mr. Proest
- Mr. Gejedson
- Mr. Gephardt
- Mr. Gonzales
- Mr. Gonzales

NOT VOTING—9

- Mr. Campbell
- Mr. Cook
- Mr. DeLa Payre
- Mr. Millender
- Mr. Miller
- Mr. Miller, George
- Mr. Mickey
- Mr. Gejedson
- Mr. Gephardt
- Mr. Gonzales

Mr. RADANOVIČ and Mr. OWENS changed their vote from “yea” to “nay.”

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.