

SENATE—Thursday, June 29, 2000

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

PRAYER

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

Gracious God, You are never reluctant to bless us with exactly what we need for each day's challenges and opportunities. Sometimes we are stingy receivers who find it difficult to open our tight-fisted grip on circumstances and receive the blessing that You have prepared. You know our needs before we ask You, but You wait to bless us until we ask for help. We come to You now honestly to confess our needs. Lord, we need Your inspiration for our thinking, Your love for our emotions. Your guidance for our wills, and Your strength for our bodies. We have learned that true peace and lasting serenity results from knowing that You have an abundant supply of resources to help us meet any trying situation, difficult person, or disturbing complexity, and so we say with the psalmist, "Blessed be the Lord, who daily loads us with benefits."—Psalm 68:19. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SLADE GORTON, a Senator from the State of Washington, led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, on behalf of the leader, I have been asked to announce that we will resume consideration of H.R. 4762. Under the previous order, there will be closing remarks on the bill with a vote on final passage to occur at approximately 9:40 a.m. and following that vote, a vote on or in relation to the Frist amendment, which is the Frist amendment to the Labor, HHS, and Education appropriations bill, will occur.

I have been asked to announce that it is the leader's intention to finish this bill by midafternoon and then to proceed to the Interior appropriations bill. I note a smile by our distinguished Presiding Officer. He has the Interior bill. But that is what the script says. We will be pushing as hard as we can to accomplish that and get that done. Our distinguished leader was in a persevering, strong mood last night, and I assume he will be this morning as well. We want people who have amendments to come to the floor. We will work out a schedule and work out time agreements so we can meet that demanding schedule.

I thank the Chair and yield the floor.

INTERNAL REVENUE CODE OF 1986 AMENDMENT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4762, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4762) to amend the Internal Revenue Code for 1986 to require 527 organizations to disclose their political activities.

The PRESIDING OFFICER. Under the previous order, there will now be 7 minutes for closing remarks, with 5 minutes of that time to be under the control of the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield 2 minutes of my 5 minutes to the Senator from Wisconsin, Mr. FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, despite the claims in the press by some opponents of this measure, this bill is fair and evenhanded. It affects groups on both sides of the political spectrum. It is not aimed at any particular group or players in the elections. It is aimed at getting rid of secrecy. It is not an attempt to silence anyone. It is an attempt to give the American people information. They are entitled to have this information about the groups who flood the airwaves with negative ads during an election campaign.

I thank all my colleagues who supported the McCain-Feingold-Lieberman amendment on the Department of Defense bill. They can be proud of what they did. With that vote, they have started in motion a process that has brought us to this day, when we will quickly pass and send to the President for his signature a good, fair, bipartisan bill that does the right thing for the American people.

Mr. ROTH. Mr. President, I believe in full disclosure of who is funding polit-

ical campaigns. The public has a right to know who is paying for the political advertisements and direct mail that they see. While I think this bill may not go far enough in requiring disclosure of these groups, it is a first step and that is why I support H.R. 4762.

H.R. 4762 requires disclosure for political organizations which are tax exempt under section 527 of the Internal Revenue Code. 527 organizations which directly advocate the election or defeat of a particular candidate for federal office are subject to federal election campaign law disclosure obligations. However, 527 organizations that do not directly advocate for the election or defeat of a particular candidate are not subject to these federal election campaign laws and are not obligated to disclose the names of their contributors nor how they send the contributions they receive. This bill correctly adds disclosure requirements to these 527 organizations so that the activities performed and identity of contributors to these previously undisclosed will be available for public scrutiny, much like those 527 organizations that have to disclose under the federal election laws.

I am also glad that this bill follows the constitutional requirement that revenue measures originate in the House of Representatives. If the revenue measure did not originate in the House, then any member could subject the bill to a "blue slip," thereby voiding the entire bill, not just the part of the bill that is a revenue measure. I opposed an amendment similar to this bill a few weeks ago when it was offered as an amendment to the Defense Authorization bill because adoption of that amendment would have subjected the Defense Authorization bill to such a "blue slip" challenge. Since we are taking up a House-originated revenue measure, I do not have the concerns which forced me to vote against the previous amendment.

However, I do have some concerns with this bill. First, this bill is a tax measure and tax measures should first be addressed by this committee of jurisdiction, the Finance Committee. This we have not done. In fact, the Finance Committee was scheduled to have a hearing on July 12, 2000 to review this and other similar legislation dealing with disclosure of political activity by tax-exempt and other organizations. This hearing will not happen now and we will not be able to have the Finance Committee review how effective this legislation will be.

My second concern is that this bill may not do enough. By only focusing

on disclosure in one type of tax-exempt organization and not on others, we leave open the use of the other type of tax-exempt organizations by those who want to hide their contributions and activity behind the cloak of anonymity that these tax-exempt organizations provide. This view is shared by the staff of the Joint Committee on Taxation.

Finally, I am concerned that this legislation requires the Internal Revenue Service to do things that it is not prepared to do with regard to disclosure. For example, under the bill reported out of the Ways and Means Committee, the IRS could partner with another agency—most likely the Federal Election Commission—to provide that the results of the 527 disclosure to the public. Unfortunately, this and other technical matters that were addressed in the Ways and Means Committee bill were not incorporated in this bill. I fear that we will have to address these technical issues in the future in order to make the disclosure provisions work to effectively provide this information to the public.

Because this bill is a first step and that some disclosure is better than no disclosure, I will vote for H.R. 4762.

Mr. President, I ask unanimous consent that a letter from the Brennan Center for Justice expressing the view that this bill requiring disclosure by 527 organizations is constitutionally sound be printed in the RECORD.

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

BRENNAN CENTER FOR JUSTICE,
New York, NY, June 28, 2000.

DEAR SENATOR: I am writing to express the views of the Brennan Center for Justice at New York University School of Law on the constitutional validity of attempts to seek disclosure from organizations covered by Section 527 of the Internal Revenue Code, as contained in the Lieberman-Levin-Daschle-McCain Bills (S.B. 2582 and 2583).

Senate Bill 2582 seeks to completely close the current Section 527 loophole, under which some organizations are claiming that they exist for the purpose of influencing electoral outcomes for income tax purposes, but that they are not "political committees" for purposes of federal election law. Senate Bill 2582 clarifies that tax exemption under Section 527 is available only to organizations that are "political committees" under FECA. Senate Bill 2583 is a more limited bill, which requires Section 527 organizations to disclose their existence to the IRS, to file publicly available tax returns, and to file with the IRS and make public reports disclosing large contributors and expenditures.

Both of these bills are constitutionally sound. *Buckley v. Valeo*, 424 U.S. 1 (1976), clearly established that groups whose major purpose is influencing elections—the operative test under both the Federal Election Campaign Act (FECA) and under Section 527 of the Internal Revenue Code—are appropriately subject to federal disclosure laws. A close textual analysis of *Buckley* reveals that the Supreme Court explicitly recognized the legitimacy of mandatory disclosure laws for organizations whose major purpose is influencing elections.

UNDERSTANDING BUCKLEY'S DISCLOSURE
LIMITATIONS

In *Buckley v. Valeo*, the Supreme Court considered the constitutional validity of, among other things, various disclosure provisions that Congress had enacted on federal political activity. In general, the Court found mandatory disclosure requirements to be the least restrictive means for achieving the government's compelling interests in the campaign finance arena. However, the Court believed that, while it was constitutionally permissible to require advocacy groups that "expressly advocate" for or against particular federal candidates to comply with federal disclosure laws, advocacy groups that engage in a mere discussion of political issues (so-called "issue advocacy") cannot be subjected to public disclosure.

The Supreme Court was concerned that FECA could become a trap for unwary political speakers. Advocacy groups or individuals that participate in the national debate about important policy issues might discover that they had run afoul of federal campaign finance law restrictions simply by virtue of their having mentioned a federal candidate in connection with a pressing public issue. The Court found that FECA's disclosure provisions, as written, raised potential problems both of vagueness and overbreadth.

Under First Amendment "void for vagueness" jurisprudence, the government cannot punish someone without providing a sufficiently precise description of what conduct is legal and what is illegal. A vague or imprecise definition of regulated political advocacy might serve to "chill" some political speakers who, although they desire to engage in pure "issue advocacy," may be afraid that their speech will be construed as regulable "express advocacy." Similarly, the overbreadth doctrine in First Amendment jurisprudence is concerned with a regulation that, however precise, sweeps too broadly and reaches constitutionally protected speech. Thus, a regulation that is clearly drafted, but covers both "issue advocacy" and "express advocacy" may be overbroad as applied to certain speakers.

The Court's vagueness and overbreadth analysis centered on two provisions in FECA—section 608(e), which adopted limits on independent expenditures, and section 434(e), which adopted reporting requirements for individuals and groups. For these two provisions, the Supreme Court overcame the vagueness and overbreadth issues by adopting a narrow construction of the statute that limited its applicability to "express advocacy." However, the Court made it absolutely clear that the "express advocacy" limiting construction that it was adopting for these sections *did not apply* to expenditures by either candidates or political committees. According to the Court, the activities of candidates and political committees are "by definition, campaign related." *Buckley*, 424 U.S. at 79.

The "express advocacy" limitation was intended by the Court to give protection to speakers that are not primarily engaged in influencing federal elections. However, because candidates and political committees have as their major purpose the influencing of elections, they are not entitled to the benefit of the "express advocacy" limiting construction. The Supreme Court never suggested, as no rational court would, that political candidates, political parties, or political committees can avoid all of FECA's requirements by simply eschewing the use of "express advocacy" in their communications. As discussed above, the Supreme Court

wanted to avoid trapping the unwary political speaker in the web of FECA regulation. However, for political parties, political candidates, and political committees, which have influencing electoral outcomes as their central mission, there is no fear that they will be unwittingly or improperly subject to regulation.

* * * * *

The *Buckley* Court's first invocation of the "express advocacy" standard appears in its discussion of the mandatory limitations imposed by FECA section 608(e) on independent expenditures. Section 608(e)(1) limited individual and group expenditures "relative to a clearly identified candidate" to \$1,000 per year. The Court, in analyzing the constitutional validity of the \$1,000 limit to independent expenditures by groups and individuals, focused first on the issue of unconstitutional vagueness. The Court noted that although the terms "expenditure," "clearly identified," and "candidate" were all defined in the statute, the term "relative to" a candidate was not defined. *Buckley*, 424 U.S. at 41. The Court found this undefined term to be impermissibly vague. *Id.* at 41. Due to the vagueness problem, the Court construed the phrase "relative to" a candidate to mean "advocating the election or defeat of" a candidate. *Id.* at 42.

Significantly, the Court did not adopt a limiting construction of the term "expenditure," which appears in a definitional section of the statute at section 591(f). Rather, the Court narrowly construed only section 608(e). *Id.* at 44 ("in order to reserve the provision against invalidation on vagueness grounds, §608(e)(1) must be construed to apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office."). The limitations under section 608(e) apply only to individuals and groups. *Id.* at 39-40. Political parties and federal candidates have separate expenditure limits that did not use the "relative to a clearly identified candidate" language, see §§608(c) & (f), which was found to be problematic in section 608(e)(1).

The Court, having solved the statute's vagueness problem, next turned to the question of whether section 608(e)(1), as narrowly construed by the Court, nevertheless continued to impermissibly burden the speaker's constitutional right of free expression. The Court found the government's interest in preventing corruption and the appearance of corruption, although adequate to justify contribution limits, was nevertheless inadequate to justify the independent expenditure limits. Therefore, the Court held section 608(e)(1)'s limitation on independent expenditures unconstitutional, even as narrowly construed.

In sum, in this portion of its opinion, the *Buckley* Court did not adopt a new definition of the term "expenditure" for all of FECA. Rather, the Court held that the limits on independent expenditures imposed on individuals and groups should be narrowly construed to apply only to "express advocacy," and that these limits were nevertheless unconstitutional even as so limited. Because the limits on independent expenditures in section 608(e) were ultimately struck down by the Court, the narrowing construction of that section became, in a practical sense, irrelevant.

The only other portion of the *Buckley* decision that raises the "express advocacy" narrowing construction is the Court's discussion of reporting and disclosure requirements under FECA section 434(e). It is here that the

Court makes it absolutely clear, in unambiguous language, that *political committees and candidates are not entitled to the benefit of the narrowing "express advocacy" construction* earlier discussed in section 608(e).

The Court begins its discussion of reporting and disclosure requirements, by noting that such requirements, "as a general matter, directly serve substantial governmental interests." *Buckley*, 424 U.S. at 68. After concluding that minor parties and independents are not entitled to a blanket exemption from FECA's reporting and disclosure requirements, the Court moved on to a general discussion of section 434(e).

As introduced by the Court, "Section 434(e) requires [e]very person (other than a political committee or candidate) who makes contributions or expenditures aggregating over \$100 in a calendar year 'other than by contribution to a political committee or candidate' to file a statement with the Commission." *Id.* 74-75 (emphasis added). The Court noted that this provision does not require the disclosure of membership or contribution lists; rather, it requires disclosure only of what a person or group actually spends or contributes. *Id.* at 75.

The *Buckley* Court noted that the Court of Appeals had upheld section 434(e) as necessary to enforce the independent expenditure ceiling discussed above—section 608(e). *Id.* at 75. The Supreme Court, having just struck down these independent expenditure limits, concluded that the appellate court's rationale would no longer suffice. *Id.* at 76. However, the *Buckley* Court concluded that section 434(e) was "not so intimately tied" to section 608(e) that it could not stand on its own. *Id.* at 76. Section 434(e), which predated the enactment of section 608(e) by several years, was an independent effort by Congress to obtain "total disclosure" of "every kind of political activity." *Id.* at 76.

The Court concluded that Congress, in its effort to be all-inclusive, had drafted the disclosure statute in a manner that raised vagueness problems. *Id.* at 76. Section 434(e) required the reporting of "contributions" and "expenditures." These terms were defined in parallel FECA provisions in sections 431 (e) and (f) as using money or other valuable assets "for the purpose of . . . influencing" the nomination or election of candidates for federal office. *Id.* at 77. The Court found that the phrase "for the purpose of . . . influencing" created ambiguity that posed constitutional problems. *Id.* at 77.

In order to eliminate this vagueness problem, the Court then went back to its earlier discussions of "contributions" and "expenditures." The Court construed the term "contribution" in section 434(e) in the same manner as it had done when it upheld FECA's contribution limits. *Id.* at 78. It next considered whether to adopt the same limiting construction of "expenditure" that it had adopted when construing section 608(e)'s limits on independent expenditures by individuals and groups.

"When we attempt to define 'expenditure' in a similarly narrow way we encounter line-drawing problems of the sort we faced in 18 U.S.C. §608(e)(1) (1970 ed., Supp. IV). Although the phrase, 'for the purpose of . . . influencing' an election or nomination, differs from the language used in §608(e)(1), it shares the same potential for encompassing both issue discussion and advocacy of a political result. The general requirement that 'political committees' and candidates disclose their expenditures could raise similar vagueness problems, for 'political committee' is defined only in terms of amount

of annual "contributions" and "expenditures," and could be interpreted to reach groups engaged purely in issue discussion. The lower courts have construed the words "political committee" more narrowly. To fulfill the purposes of the Act they need only encompass organizations that are under the control of a candidate or the major purpose of which is the nomination or election of a candidate. Expenditures of candidates and of "political committees" so construed can be assumed to fall within the core area sought to be addressed by Congress. They are, by definition, campaign related.

"But when the maker of the expenditures is not within these categories—when it is an individual other than a candidate or a group other than a political committee—the relation of the information sought to the purposes of the Act may be too remote. To insure that the reach of §434(e) is not impermissibly broad, we construe "expenditure" for purposes of that section in the same way we construed the terms of §608(e)—to reach only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate". *Id.* at 79-80 (footnotes omitted) (emphasis added).

The Court in *Buckley* could not have been more clear. When applied to a speaker that is neither a political candidate nor a political committee, the term "expenditure" in section 434(e) must be narrowly construed under the "express advocacy" standard. However, when applied to organizations that have as a major purpose the nomination or election of a candidate, the "express advocacy" limiting construction simply does not apply. The activities of these groups are, by definition, campaign related, and legitimately subject to regulation under FECA.

This, of course, is the only sensible reading of FECA. To suggest that political candidates, political parties, or political committees can escape FECA's regulatory reach by merely eschewing the use of express words of advocacy, reduces the law to meaninglessness. It may be necessary, as the Court held, to give advocacy groups that are not primarily engaged in campaign-related activity a bright-line test that will enable them to avoid regulatory scrutiny. But organizations whose very purpose is to influence federal elections need no such safety net, and have not been given one.

IMPLICATIONS FOR REGULATION OF SECTION 527 ORGANIZATIONS

FECA's definition of a "political committee" mirrors the Internal Revenue Service's definition of a Section 527 "political organization." Under FECA, a "political committee" is, among other things, "any committee, club, association, or other group of persons which . . . makes expenditures aggregating in excess of \$1,000 during a calendar year." 2 U.S.C. §431(4)(A). The term "expenditures" includes, among other things, "any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §431(9)(A)(i) (emphasis added).

Under the Internal Revenue Code, a Section 527 political organization is defined as "a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function." 26 U.S.C. §527(e)(1) (emphasis added). An "exempt function" within the meaning of section 527 "means the function of influencing or attempt-

ing to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office of office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed." 26 U.S.C. §527(e)(2) (emphasis added).

Thus, any organization that is a Section 527 organization is, by definition, organized and operated primarily for the purpose of "influencing or attempting to influence the selection, nomination, election, or appointment of any individual" to public office. See 26 U.S.C. §527(e)(2). Such an organization satisfies the "major purpose" standard established by the Supreme Court in *Buckley*, and may therefore be subject to reasonable public disclosure of its sources of funding for its political activities. *Buckley* offered protection to issue-oriented speakers and groups that are not organized for the explicit purpose of influencing election outcomes. Section 527 organizations, however, are subject to reasonable mandatory public disclosure requirements by virtue of their central mission.

CONCLUSION

There is no question that the Supreme Court in *Buckley* was concerned with protecting the rights of advocacy groups and individuals to engage in constitutionally protected "issue advocacy." The Court was particularly concerned that the Federal Election Campaign Act, as written, would become a trap for unwary or unsophisticated political speakers. However, the Court also recognized that there are some groups of speakers—political candidates, political parties, and political committees—whose major purpose is engaging in electoral politics. For these speakers, there is no danger of trapping the unwary, and thus, the Court provided them with no special constitutional protection. The actions of political candidates, political parties, and political committees are assumed to be campaign-related, and they are therefore appropriately subject to federal disclosure laws.

In order to qualify for tax exempt status under Section 527 of the Internal Revenue Code, an organization's primary purpose must be to influence election outcomes. Because a Section 527 organization is, by definition, primarily engaged in political activity, it satisfies the "major purpose" test promulgated in *Buckley*. Thus, there is no constitutional impediment to subjecting Section 527 Committees to reasonable disclosure laws. The "express advocacy" protections that the Supreme Court promulgated in order to protect unwary political speaker, as the Court itself explicitly recognized, have no applicability in the context of an organization whose primary purpose is engaging in electoral politics. Senate Bill 2582, which clarifies that tax exemption under Section 527 is available only to organizations regulated as "political committees" under FECA, as well as the more limited Senate Bill 2583, which simply requires public disclosure from Section 527 organizations, will both withstand constitutional scrutiny.

Very truly yours,

E. JOSHUA ROSENKRANZ,

President.

Mr. MOYNIHAN. Mr. President, while I support the objectives of this legislation, I regret that the Senate has chosen to rush ahead with a vote on this matter without following the customary Senate procedure. This bill

should have been referred to its committee of jurisdiction, the Committee on Finance, and that committee ought to have had the opportunity to consider all its implications.

In fact, Chairman ROTH and I agreed to schedule a hearing on this matter for July 12. We contacted election and tax law experts to ask their opinions regarding fundamental questions surrounding Section 527 organizations.

As we thought, there are constitutional questions, and the possibility of unintended consequences that might result from this or similar legislation. The careful examination that Senator ROTH and I had planned is going to be cut short by our actions today. Without that careful examination, we can only hope that our conduct will withstand judicial scrutiny and not create additional problems.

Mr. LEVIN. Mr. President, I am pleased to join my colleagues Senators MCCAIN, FEINGOLD and LIEBERMAN in voting to send to the President H.R. 4762, a bill that hopefully will lead to closing one of the gaping loopholes in our Federal campaign finance laws. I use the words "lead to" because we aren't closing the so-called 527 loophole here today—we are forcing the disclosure of the contributors who use the loophole. Just as the disclosure of soft money hasn't yet ended the soft money loophole, this disclosure won't automatically close the 527 loophole. Most of our reform work lies ahead. But, our action today will hopefully give us momentum toward ending both the Section 527 loophole and the soft money loophole.

Having been in the Senate over 20 years, now, I've witnessed how slow and frustrating the legislative process can be, and I've also witnessed how we as an institution can come together quickly and directly when we see a compelling need to do so. Senators LIEBERMAN, DASCHLE, MCCAIN, FEINGOLD and I introduced legislation in the Senate, similar to H.R. 4762, in April of this year. With the upcoming November elections we were ever aware of the explosion in sham issue ad campaigns by anonymous contributors across the country that the public was going to experience this year without Section 527 reform. We wanted to beat the clock and get this legislation in place in time to have an effect on this year's campaigns.

With the leadership of a committed group in the House, and a significant bipartisan majority supporting such reform in the Senate, we have been able to do that. I commend the many dedicated House members and Senators who worked to bring this vote about over the past few weeks. The reforms we are passing today will have a meaningful effect on the campaigns being run this year.

The Section 527 loophole allows undisclosed, unlimited contributions.

These are stealth contributions—tens of millions of dollars of stealth contributions that are off the campaign finance radar screen. How does that happen—that an organization that claims—on its own—to exist for the purpose of influencing an election can receive unlimited contributions and kept them secret? Well, it happens because these organizations seeking a tax exemption under Section 527 of the Internal Revenue Service Code say one thing to the IRS to get the tax exemption and say the opposite to the Federal Election Commission to avoid having to register as a political committee.

The Internal Revenue Service Code defines an organization subject to a tax exemption under Section 527 as an organization, "influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State or local public office . . ." The Federal Election Campaign Act defines a political committee which is subject to regulation by the FEC and that means disclosure as an organization that spends or receives money "for the purpose of influencing any election for Federal office." So people creating these organizations are claiming, with a straight face, that they are trying to influence an election in order to get the benefits of one agency while representing they are not trying to influence an election in order to avoid the requirements of another. We often say, "You can't have it both ways," but persons forming these organizations, Mr. President, turn that saying on its head. They are, so far, having it both ways, and our campaign finance system and the respect and trust of the American people in our elections and government are paying the price.

Section 527 was created by Congress in the 1970's to provide a category of tax exempt organizations for political parties and political committees. While contributions to a political party or political committee are not tax deductible, Congress did provide for a tax exemption for money contributed and spent on political activities by an organization created for the purpose of influencing elections. At the time Congress established the tax exemption, it assumed that such organizations would be filing with the FEC under the campaign finance laws for the obvious reason that the language for both coverage by the IRS and coverage by the FEC were the same—"influencing an election." Consequently it was assumed that Section 527 didn't need to require disclosure with the IRS, since the FEC disclosure was considerably more complete.

The legislation before us would require Section 527 organizations to file a tax return, something they are not required to do now, and disclose the basic information about their organization as well as their contributors over \$200.

As good and important as this bill is, however, it does not stop the unlimited aspect of these secret contributions, nor the unlimited contributions permitted through the soft money loophole. This victory today is but one battle in the overall campaign to enact the McCain-Feingold bill, and I look forward to continuing to work with my colleagues to make that happen.

Mr. MCCAIN. Mr. President, I would like to address an issue of importance with respect to the 527 disclosure debate, and that is the constitutionality of H.R. 4762. I assert that the 527 disclosure legislation is Constitutional.

Among other things, the legislation requires 527 organizations claiming tax exempt status to disclose their members who make significant contributions to support the 527's political advocacy. Some opponents maintain that the legislation runs afoul of the Supreme Court ruling in NAACP v. Alabama, where as most of you know, the NAACP was protected from having to disclose its membership list to the Alabama government.

The 527 disclosure legislation complies with the Constitution's protection of freedom of association upheld in NAACP v. Alabama. It does not require the disclosure of membership rosters, per se, just the members who are making politically related donations. More important, it does not constitute a significant restraint on members' rights to associate freely.

It is important to note that the circumstances are different here than those that surrounded the Alabama government's treatment of the NAACP during the 1950's and 1960's. The Supreme Court recognized that the members of the NAACP had every right to be concerned for their own and their families' safety if their identities were publicly disclosed. The prospect of public identification would have significantly discouraged people of color from joining the NAACP. While political contributors to 527 organizations may prefer to avoid public scrutiny, they have no need to fear for their lives as a result of that scrutiny.

That said, public safety is by no means the principal standard by which the 527 disclosure legislation will be judged. In the NAACP v. Alabama decision, the Supreme Court acknowledges that a valid governmental purpose must be weighed against the tendency for the disclosure requirement to abridge an individual's freedom of association. The decision emphasized that the governmental purpose for disclosure—in this case to prevent corruption of the American political system—must be achieved in the most narrow manner possible.

Like our Congressional leaders, I believe the more disclosure the better—as long as the associated requirements are constitutional. Focusing narrowly on 527 organizations is one thing that sets

H.R. 4762 apart from the Smith-McConnell legislation, to ensure that the legislation survives a constitutional test. I would like to submit a copy of the Smith-McConnell legislation, the Tax-Exempt Political Disclosure Act, into the record.

The Smith-McConnell legislation sweeps in business and labor organizations. As I said, disclosing their political activities is a laudable goal. I have advocated a similar approach, but one that would include bright line tests to determine precisely when contributions and expenditures would have to be disclosed. Those bright line tests, such as limiting the disclosure requirement to a time period close to an election, are lacking in the Smith-McConnell bill.

Unlike business and labor organizations, which engage in activities completely unrelated to elections, 527's are clearly political organizations. 527 organizations by law must have the function of influencing or attempting to influence elections. The Supreme Court in the Buckley decision upheld federal disclosure laws for these types of organizations. When it comes to disclosure laws for business and labor organizations, concerns about vagueness and overbreadth come into play.

527 organizations proliferated during the primary campaign season. Many had obscure names that made it hard to guess even the types of members funding political advocacy on behalf of each 527, much less their identities. Contrary to the 527's, most labor and business organizations have established identities, and clear-cut positions and purposes that go beyond funding issue ads. Since we have no window into the world of 527's, a disclosure requirement is more valid when compared with a disclosure requirement affecting labor and business organizations.

Unlike most, if not all, labor and business organizations, there is no way to determine how many members there are in a 527. In the example I often cite, there were only two contributors, each funneling what appears to be at least one million dollars into the accounts to be used for campaign advocacy. While we may have no idea how many contributors there are in a 527, or how much each contributed, you can bet their favored candidates know.

In a press conference announcing introduction of his bill, Senator MCCONNELL admits the "dubious constitutionally" of his proposal. In order to regain the American public's trust, it is important that we support a proposal we feel confident will withstand the Court's scrutiny. Thank you, Mr. President.

Ms. SNOWE. Mr. President, I rise today in support of the legislation sent to us by the House concerning disclosure for so-called "Section 527 organizations".

I want to thank the efforts of those involved in making this day a reality,

and that includes a bipartisan group from both sides of the aisle and both sides of the Hill who have taken a leadership role in working toward restoring Americans' faith in its election system. Senator MCCAIN's herculean efforts and leadership on this issue have made today's vote possible. In addition, Senator FEINGOLD's leadership has been invaluable, and Senators LIEBERMAN and JEFFORDS and Congressmen SHAYS, MEEHAN, and CASTLE, have worked very hard to ensure that this legislation was both considered and passed.

I believe that disclosure of campaign activities is the most fundamental component of campaign finance reform. On the one hand, proponents of measures like the McCain-Feingold bill point to greater disclosure as part and parcel of additional reforms. On the other hand, opponents have argued that, rather than more comprehensive reforms, what we really need is simply more disclosure on what we already have. So disclosure should be common ground where we can all come together, a point proved by the overwhelming support for disclosure of 527 organizations in the House on a vote of 385-39.

As we know, these organizations have incorporated under the 527 section of the tax code to get tax exempt status to influence federal elections, but then they argue to the Federal Elections Commission that for their purposes these organizations aren't influencing federal elections, simply because they don't expressly advocate for the election or defeat of a particular candidate.

Right now, they don't have to disclose any of their activity—who they are, where they get their funding, and where they spend their money. Under this legislation, they will have to disclose on all their activities, and because political activities are all they do, that is as it should be.

It has also been expressed that if we are to target 527's, we should also have increased disclosure for other organizations that engage in political activities. And I couldn't agree more. Because the American people ought to know who these groups are, their major sources of funding, and where they are spending their money if they are working to influence a federal election. It's that simple.

Prior to this vote on 527's, we were working on legislation that would do just that—a bipartisan, bicameral measure that would satisfy the concerns that have also been raised about the scope of disclosure—that it not be so broad as to cover all manner of activities that have nothing to do with elections.

So we crafted a bill that was neither overly broad or vague. We narrowly and clearly defined political activities as those that mention a candidate for office, targeted specifically to the can-

didate's electorate, within a time frame near an election. And we only targeted large-scale communications so grassroots organizations will not be affected.

Our framework for this expanded disclosure drew from an amendment that Senator JEFFORDS and I, along with Senators MCCAIN, FEINGOLD, LIEBERMAN, and others, developed and introduced in early 1998. Based on a proposal developed and advanced by constitutional scholars, our measure was designed to withstand constitutional scrutiny, address some of the most egregious campaign abuses, and focus on areas where we know the Supreme Court has already allowed us to go—like disclosure.

We've already been to the Senate floor twice with this language, and I'm proud to say that the constitutional arguments made against our provision quite simply didn't hold water. And a majority of the Senate went on record in support of our provision.

In short, the three major provisions of the bill we were working on could be summed up as follows—disclosure, disclosure, and, finally, disclosure. That's what we're talking about here—sunlight, not censorship. Not speech rationing, but information.

I cannot emphasize enough that our effort would not have prevented anyone from making any kind of communication at any time saying anything they want. All we said is, if you're attempting to influence a federal election, we ought to know who you are, your major sources of funding, and where you're spending your money.

As the Brennan Center for Justice stated to me in a letter I had included in the RECORD in our first debate on Snowe-Jeffords, and I quote, "As the Supreme Court has observed, disclosure rules do not restrict speech significantly. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending." So if the Congress is truly serious about increased disclosure, there is no reason why they should be able to support our approach.

The fact is, we all have to disclose as candidates, and we should. Is it unreasonable when we know groups running ads or sending out mass mailings to the public are influencing federal elections to ask them to disclose as well?

We know, for instance, that in the 1995-1996 election cycle, the Annenberg Public Policy Center estimates that between \$135 to \$150 million was spent by outside groups not associated with candidates on television ads. In the last cycle, that number jumped to between \$275 to \$350 million—more than double. But what we don't know is how much is being spent on efforts like mass mailings or phone banks, or who is funding them, and this legislation is designed to tell us.

As for those so-called issue ads, if any doubt remains about the real intent of many of the broadcast ads we see, the Brennan Center recently released a report on television advertising in the 1998 congressional elections. What did they find? When all the ads were evaluated in terms of how many within two months of the general election were actually political ads and how many were simply discussing issues or legislation, 82 percent were seen as campaign ads. Eighty-two percent. There's no question what these ads are attempting to do—yet, under current law, they fly right under the radar screen.

So, in short, our bipartisan approach got at the largest abuses while answering the critics who say that what's good for the 527 organizations are good for other groups and unions and corporations as well. Unfortunately, we did not reach agreement with the House on such an approach this year—but our work generated momentum for consideration and passage of this 527 bill. And we must look at this as a significant first step. Hopefully, we will have the opportunity to build on this legislation with the broader approach of Snowe-Jeffords.

The passage of this bill should also make it that much more difficult for those who supported it to now go back and say we shouldn't have greater disclosure for other groups engaging in political activities when Snowe-Jeffords is introduced next year. In other words, what we have done with this legislation is to throw a boulder in what has until this point been the still and brackish pond of the campaign finance status quo, and the ripple effect will continue expanding ever outward.

Again, I want to thank everyone involved in this great victory and I hope we will move forward to expand our efforts on campaign finance reform in the next Congress.

INTERNAL REVENUE SERVICE

Mr. MOYNIHAN. I understand that this legislation would allow the Secretary of the Treasury to partner with other Federal agencies, principally the Federal Election Commission, in a manner similar to that contemplated under the bill reported by the Ways and Means Committee. Is that understanding correct?

Mr. FEINGOLD. That is correct. We want to allow the Internal Revenue Service to enforce these disclosure rules with the assistance and cooperation of the Federal Election Commission.

Mr. MCCAIN. Mr. President, as sponsor, I would like to make the final comments.

Mr. MCCONNELL. Mr. President, this debate has come a long way from the days of trying to regulate the speech of politicians and other major players on the American political scene. Just a few years ago, folks on the other side

of the aisle were trying to get taxpayer funding for elections, spending limits for campaigns, and regulation of any group that mentioned a candidate in an ad two months before an election day. As recently as last year, there were measures being debated in the Senate that would have devastated the Republican Party in trying to compete with the Democrats and with well-funded outside groups who are almost wholly and completely affiliated with the Democrats—groups such as the labor unions, the plaintiffs' lawyers, the Sierra Club, and the League of Conservation Voters.

This particular bill before us will not put Republicans at a disadvantage in this fall election. And, of course, it will not put Democrats at any disadvantage because it doesn't affect their political affiliates, the unions and the trial lawyers. In fact, it's hard to tell exactly who will be put at a disadvantage by this bill because there are so few groups that will actually be impacted. So, in many respects, it is a relatively benign and harmless bill.

But, let me be clear, there is an important constitutional principle at stake here—even though it may only affect a handful of groups in this country. This bill takes us down the constitutionally dubious path of disclosure related to issue advocacy, which the Supreme Court has said, falls outside of the boundaries of government regulation. In fact, the federal courts following *Buckley v. Valeo* have routinely struck down attempts to regulate speech that does not expressly advocate the election or defeat of a federal candidate. Just two weeks ago, the Second Circuit Court of Appeals struck down the latest attempt to regulate issue advocacy as a clear violation of the First Amendment. Nevertheless, I say to my Republican colleagues, particularly those who are up for election this year, that is a pretty hard argument to explain in a political campaign. The constitutional distinction between issue advocacy and express advocacy is complex and does not get reduced to a campaign commercial very easily.

So in light of the limited impact of this relatively benign bill, I recommend to my Republican colleagues that they vote for this bill. I will not be voting for it because I do think the constitutional law in this area is rather clear. But, ultimately, this is not a spear worth falling on 4 months in advance of an election. This vote will insulate them against absurd charges that they are in favor of secret campaign contributions or Chinese money or mafia money.

With regard to the few groups who may be in the 527 area, they will have a choice to make, either to no longer be organized under section 527 or to go to court. And, these groups will have to weigh the costs and make that choice.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, today, indeed, marks a seminal day in the battle to reform our electoral system and restore the faith of the American citizenry that ours is a government of and for the people. This is a vote for campaign finance reform. If the Senate approves this legislation, it will be the first campaign finance reform bill to become law in 21 long years. It will be action that is long overdue.

Whether we want to admit the fact or not, perception has an unfortunate tendency to become reality. And the American people perceive the Congress as controlled by the monied special interests. If we are to ensure the public's faith in its Government, we must obliterate that perception. This bill, although admittedly a very small step, is a step towards ending that perception. This is a step we should be proud to take.

This bill will not solve what is wrong with our campaign finance system. It will not do away with the millions of soft money dollars that are polluting our elections. We must yet undertake the task of doing away with soft money and make our Government more accountable to the people we represent.

It will give the public information regarding one especially pernicious weapon that is being used in modern campaigns. It is an egregious and outrageous insult to the very principles of how democracies function.

The bill is fair. It affects both parties. It affects interests on both sides of the aisle. It stifles no speech. It curbs no individual's rights, and it is clearly constitutional. If the Senate approves it today, it will become law, and the American people will be well served.

Before I close, I again thank the many who were involved with this issue. Many in the House courageously fought to pass this legislation. I thank and note again Congressmen CHRIS SHAYS, MARTY MEEHAN, MIKE CASTLE, LINDSEY GRAHAM, and AMO HOUGHTON who all worked tirelessly on this legislation. If it were not for their courage and tenacity, we would not have this legislation before the Senate today.

In the Senate, a bipartisan coalition of those who believe in reform refused to relent on this matter: Senators SNOWE and LEVIN played key roles in ensuring we move forward. Of course, I must pay special note of all the work done by Senators LIEBERMAN and FEINGOLD. I am proud not only to call them friends but partners in this crusade to return the Government to the people. I could be in no better company.

As I noted last night to all those who believe in reform, today is only the first step, but it is a great first step

and it is, indeed, a great day for democracy and a Government that is accountable to the governed. I urge my colleagues to support this legislation.

Mr. President, I yield my remaining time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut has 25 seconds remaining.

Mr. McCAIN. I ask unanimous consent that the Senator from Connecticut be allowed to speak for 2 minutes.

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

Mr. LIEBERMAN. Mr. President, I thank my distinguished colleague from Arizona whom I have come to call our commanding officer in the war for campaign finance reform. I am proud to serve under him.

In this long struggle to cleanse our campaign finance system, we are about to achieve a victory. In a campaign finance system that is wildly and dangerously out of control today, we are about to draw a line. We are about to establish some controls based on the best of America's national principles.

The campaign finance reform adopted after the Watergate scandal had two fundamental principles: that contributions to political campaigns be limited, and that they be fully disclosed.

These so-called 527 organizations totally violate and undermine both of those principles. Individuals, corporations, and associations can give unlimited amounts to 527 organizations, and those contributions are absolutely secret, unknown to the public. The contributors then audaciously enjoy a tax benefit for those contributions. Today, we say no more of that. Unfortunately, contributions will continue to be unlimited to 527 organizations, but at least now the public will know.

As Senator McCAIN indicated, this is not the end of the effort to reform our campaign finance system. It is only the beginning, but it is a significant beginning. I urge my colleagues across the aisle to support it. I thank the Chair.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill, H.R. 4762, pass? The clerk will call the roll. The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

(Rollcall Vote No. 160 Leg.)

YEAS—92

Abraham	Edwards	Lugar
Akaka	Enzi	McCain
Allard	Feingold	Mikulski
Ashcroft	Feinstein	Moynihan
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Gorton	Reed
Biden	Graham	Reid
Bingaman	Gramm	Robb
Bond	Grams	Roberts
Boxer	Grassley	Rockefeller
Breaux	Hagel	Roth
Brownback	Harkin	Santorum
Bryan	Hatch	Sarbanes
Bunning	Hollings	Schumer
Burns	Hutchinson	Sessions
Byrd	Hutchison	Shelby
Campbell	Jeffords	Smith (NH)
Chafee, L.	Johnson	Smith (OR)
Cleland	Kennedy	Snowe
Cochran	Kerrey	Specter
Collins	Kerry	Stevens
Conrad	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Voinovich
Dodd	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lincoln	Wyden
Durbin	Lott	

NAYS—6

Coverdell	Inhofe	McConnell
Helms	Mack	Nickles

NOT VOTING—2

Gregg	Inouye
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The bill (H.R. 4762) was passed.

Mr. REED. Mr. President, first, I commend my colleagues on both sides of the aisle for their persistence in negotiating a Section 527 disclosure bill that has passed both chambers of Congress. The overwhelming vote in both the House and Senate in support of H.R. 4762, a bill mirroring a successful amendment we made to the Defense Authorization bill several weeks ago, is an important step in fixing our broken campaign finance reform system.

Both parties have now acknowledged that some change in our campaign finance laws is warranted, the first such legislative consensus on this issue since technical changes were made in 1979 to the Federal Election Campaign Act of 1974.

A majority has agreed that Section 527 organizations need to both follow federal campaign law and to file tax returns. H.R. 4762, like our amendment to the Defense Authorization bill, requires Section 527s to disclose any contributors who give more than \$200, and report any expenditures of more than \$500. Unlike our original amendment, it requires a Section 527 organization that fails to disclose contributions and expenditures to the IRS to pay a penalty tax on the amounts it failed to disclose. The amendment we made to the Defense Authorization bill would have removed a Section 527's tax exempt status for the same violation. Although not as severe a penalty, I believe that this change in the House version of this legislation does reflect the spirit of the original Senate amendment.

Although disclosure is only part of the solution, the passage of H.R. 4762 ensures that the public understands what these committees are, who gives them their money, and how they spend that money to impact election outcomes. This law, once signed by the President, will close a major loophole and stop these stealth PACs from skirting campaign finance requirements, and I was pleased to vote in support of it. However, we still have much to do.

We cannot, and must not, rest with this vote today. Our campaign finance system still needs major overhaul if we are going to reduce the influence of almost unlimited amounts of campaign cash on our electoral system. Until a majority of our citizens believe again that our government is "by and for" the people, we cannot stop our battle to reform this process. We need to pass a ban on soft money, reduce skyrocketing campaign expectations, and return our electoral process to the people, where it belongs. The power in our country should rest with the vote, not with the purse.

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

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4577, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4577) making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Frist modified amendment No. 3654, to increase the amount appropriated for the Interagency Education Research Initiative.

The PRESIDING OFFICER. Under the previous order, there are now 7 minutes of debate prior to a vote on the Frist amendment, with 5 minutes under the control of Senator FRIST.

The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, my amendment fully funds the Department of Education's share of the Interagency Education Research Initiative, IERI, which is a collaborative joint research and development education effort between the Department of Education and the National Science Foundation and the National Institute of Child Health and Human Development.

Quality education depends on quality research. We need to know the answers, if our goal is accountability and student achievement, on what works and what does not work. As we all know, advances in education, as in other fields, depend on knowing what works and what doesn't. If you look at our past investments in research in the

field of education, pre-K through 12, our efforts have been woefully inadequate in terms of dollars and in the quality of the research that has been produced in the past.

This is a joint collaborative effort, where we link three agencies together and demand accountability, credibility, good science, and the exactness of science in determining what works and what does not work. The primary objective of this joint program is to support the research and development and the wide dissemination of research-proven educational strategies that improve student achievement from pre-K all the way through 12 in the key areas of reading, mathematics, and science.

I urge my colleagues to support this very worthwhile investment in our children's education.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I commend the Senator from Tennessee for this amendment. It is a worthwhile amendment. It is a relatively small sum of money. We are prepared to accept it, as we have accepted a number of amendments where the funds are not too high, and where we can offset it against administrative costs. I believe this one can be held in conference. I can't make an absolute commitment because we are going to have to balance this along with many others on the administrative cost line. But I think it is meritorious. We are trying to meet the leader's deadline of final passage by midafternoon, and in the interest of time and the value of the amendment, we are prepared to accept it.

Mr. FRIST. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—98

Abraham	Breaux	Conrad
Akaka	Brownback	Coverdell
Allard	Bryan	Craig
Ashcroft	Bunning	Crapo
Baucus	Burns	Daschle
Bayh	Byrd	DeWine
Bennett	Campbell	Dodd
Biden	Chafee, L.	Domenici
Bingaman	Cleland	Dorgan
Bond	Cochran	Durbin
Boxer	Collins	Edwards

Enzi	Kerry	Roberts
Feingold	Kohl	Rockefeller
Feinstein	Kyl	Roth
Fitzgerald	Landrieu	Santorum
Frist	Lautenberg	Sarbanes
Gorton	Leahy	Schumer
Graham	Levin	Sessions
Gramm	Lieberman	Shelby
Grams	Lincoln	Smith (NH)
Grassley	Lott	Smith (OR)
Hagel	Lugar	Snowe
Harkin	Mack	Specter
Hatch	McCain	Stevens
Helms	McConnell	Thomas
Hollings	Mikulski	Thompson
Hutchinson	Moynihan	Thurmond
Hutchison	Murkowski	Torricelli
Inhofe	Murray	Voinovich
Jeffords	Nickles	Warner
Johnson	Reed	Wellstone
Kennedy	Reid	Wyden
Kerrey	Robb	

NOT VOTING—2

Gregg	Inouye
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The amendment (No. 3654) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that a Helms amendment regarding school facilities be included in the amendment sequence following the Dorgan amendment.

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

The Senator from Iowa.

AMENDMENT NO. 3688

(Purpose: To prohibit health insurance companies from using genetic information to discriminate against enrollees, and to prohibit employers from using such information to discriminate in the workplace)

Mr. HARKIN. Mr. President, I call up amendment No. 3688 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DASCHLE, for himself, Mr. KENNEDY, Mr. HARKIN, and Mr. DODD, proposes an amendment numbered 3688.

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

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

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

Mr. COVERDELL. Mr. President, we just received the amendment. I am going to suggest the absence of a quorum for the moment so we can look at it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, we have just had a discussion, and it may be that someone on our side of the aisle will want to offer a second-degree amendment. We are prepared, and have taken the quorum call off, on the assurance that that opportunity will be present.

I ask unanimous consent at this time there be 30 minutes of debate equally divided, and that at the end of 30 minutes someone on our side will have an opportunity, if he or she chooses, to offer a second-degree amendment.

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

The minority leader.

Mr. DASCHLE. Mr. President, I yield myself such time as I may require.

Mr. President, this week, we got our first glimpse of the first rough draft of the human genetic code.

The public-private partnership known as the Human Genome Project is the genetic equivalent of putting man on the moon.

By decoding our genetic makeup, researchers may soon discover how to cure and even prevent heart disease, cancer, birth defects, and other serious medical conditions.

We have every reason to be hopeful about this breakthrough. But we also have some reason to be concerned, because genetic information—used improperly—can also cause great harm.

Improvements in genetic testing can determine whether a person has an increased chance of developing breast cancer, or colon cancer, or some other serious illness—years before symptoms even appear.

In the right hands, that information could save your life. In the wrong hands, that same information could be used to deny you insurance, a mortgage, or even a job.

We need to make sure this new research—which has been funded largely by American taxpayers—is used to help America's families, not hurt them. That is the goal of this amendment.

Francis Collins probably knows more about the potential of genetic testing than anyone in the world. He is the head of the international research team that makes up the Human Genome Project.

Listen to what Dr. Collins said on Monday, the day the results of the first phase of the Human Genome Project were unveiled:

Genetic discrimination in insurance and the workplace is wrong and it ought to be prevented by effective federal legislation.

He added:

If we needed a wake-up call to say that it's time to do this, isn't today the wake-up call?

Dr. Collins is right. It would be an absolute travesty if a test that could save your life ends up costing you your job or your financial security.

Genetic discrimination isn't just a theoretical possibility. It isn't just

something that might happen in the future. It is already happening—even without the information the human genome promises to uncover.

It is already happening to people like Terri Sargent.

Terri was a model employee who was moving up the corporate ladder—until the day a test revealed that she carried a gene that might—here I emphasize “might”—make her more susceptible to a potentially fatal pulmonary condition.

Before her employers saw those test results, they used to give Terri glowing job performance reviews. But after they saw the results, they asked her to resign. She did, because she had no choice, because genetic discrimination is not clearly prohibited—in the workplace, or anywhere else.

The solution is obvious. Dr. Collins is right. Our laws must keep pace with advances in science and technology. No one should suffer discrimination solely because of his or her genetic makeup.

Last year, the President signed an executive order outlawing genetic discrimination in the workplace for Federal employees. It is now time to expand these important protections to all Americans.

That is why I am offering, along with my colleagues—Senators KENNEDY, DODD, and HARKIN—the Genetic Non-discrimination in Health Insurance and Employment Act as an amendment to this bill.

Our bill has three major components:

First, it forbids employers from discriminating in hiring, or in the terms and conditions of employment, on the basis of genetic information;

Second, it forbids health insurers from discriminating against individuals on the basis of genetic information; and

Third, it prevents the disclosure of genetic information to health insurers, health insurance data banks, employers, and anyone else who has no legitimate need for information of this kind.

Discrimination based on genetic factors is just as unacceptable as that based on race, national origin, religion, sex or disability. In each case, people are treated unfairly, not because of their inherent abilities but solely because of irrelevant characteristics.

Genetic discrimination, like other forms of discrimination, hurts us all. It hurts our economy by keeping talented people out of the workforce and diminishes us as a people. We cannot take one step forward in science but two steps back in civil rights.

And we will all pay the price in increased health care costs if we allow employers or insurers to use genetic information to discriminate. If fear of discrimination stops people from getting genetic tests, early diagnosis and preventative treatments, they may suffer much more serious and more expensive health problems in the long run.

And we all have to pay for that, as well.

Finally, genetic discrimination undercuts the Human Genome Project's fundamental purpose of promoting public health. Investing resources in the Human Genome Project is justified by the benefits of identifying, preventing and developing effective treatments for disease. But if fear of discrimination deters people from genetic diagnosis, our understanding of the humane genome will be in vain.

A CNN/Time Poll released earlier this week, found that a full 80 percent of the respondents said genetic information should not be available to insurance companies.

And almost half of all Americans believe there will be negative consequences from the Human Genome Project. I think we ought to prove today that they are wrong.

Let us make sure that Americans are not afraid to take advantage of breakthroughs in genetic testing. Dramatic scientific advances should not have negative consequences for our health care.

We have an historic opportunity to preempt this problem. Today, Congress should expand the scope of its anti-discrimination laws to include a ban on genetic discrimination. I hope that my colleagues will join me in supporting this important amendment.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. AL-LARD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, earlier this week, as the leader has pointed out, scientists announced the completion of a task that once seemed unimaginable; and that is, the deciphering of the entire DNA sequence of the human genetic code. This amazing accomplishment is likely to affect the 21st century as profoundly as the invention of the computer or the splitting of the atom affected the 20th century. I believe that the 21st century will be the century of life sciences, and nothing makes that point more clearly than this momentous discovery. It will revolutionize medicine as we know it today.

Already, genetic tests can be used to identify and help those who are at risk for disease, and those who are already diagnosed. Scientists are using new knowledge gained from the genetic code to design better treatments for cancer, AIDS, depression, and many other conditions and diseases.

Tragically, the vast potential of genetic knowledge to improve health care will go unfulfilled if patients fear that information about their genetic characteristics will be used as the basis for job discrimination or other prejudices. To realize the unprecedented opportunities presented by these new discoveries, we must guarantee that pri-

vate medical information remains private and that genetic information cannot be used for improper purposes.

I commend our leader, Senator DASCHLE, for offering this important amendment that would do just that. It would give the American people the protections against genetic discrimination they need and deserve.

The amendment would prohibit health insurers and employers from using predictive genetic information to discriminate in the health care system and the workplace. It would bar insurance companies from raising premiums or denying patients health care coverage based on the results of genetic tests, and prohibit insurers from requiring such tests as a condition of coverage. In the workplace, the amendment would outlaw the use of predictive genetic information for hiring, advancement, salary, or other workplace rights and privileges. And, because a right without a remedy is no right at all, this important measure would provide persons who have suffered genetic discrimination in either arena with the right to seek redress through legal action.

In too many cases, the hopeful promise of genetic discoveries is squandered, because patients rightly fear that information about their genes will be used against them in the workplace or the health system. That fear is clearly well-founded. Today, employers and insurers can and do use this information to deny health coverage, refuse a promotion, or reject a job applicant—all in the absence of any symptoms of disease.

Although many genetic discoveries and technologies are new, the problems they raise with respect to discrimination in insurance and in employment have been with us for decades.

It was clear in 1973 that new developments in genetics had the potential for enormous good, as well as significant harm. That's why I worked with the scientific community to bring together legal scholars, medical professionals, and scientists at the Asilomar Conference Center to assess the risks and benefits of genetics. That conference formed the basis for laws and established procedures for the use of genetic technology that helped create today's thriving biotechnology industry.

It was clear in 1993 and 1996 that genetic tests and information had the potential not only to help patients, but also to harm them. That's why we included protections against genetic discrimination in the Health Security Act of 1993 and the Kassebaum-Kennedy Act of 1996. While the Health Security Act did not become law, Kassebaum-Kennedy did. Its protections were an important step forward, but were far from complete. Insurers can still use genetic information to outright deny coverage or charge outrageous rates to individuals who are currently healthy,

but may have a genetic pre-disposition to a particular disease or condition.

And, with this week's announcement, it is more clear than ever before that in the year 2000 the American people need strong federal laws to protect them against the malicious misuse of genetic data. The century may have changed, but the problem of discrimination hasn't—and neither has my commitment to protect the American people from discrimination in all its ugly forms. Discrimination is discrimination whether it's done at the ballot box, on a job application, or in the office of an insurance underwriter who denies an otherwise healthy patient the health care they need based solely on the result of a genetic test or medical history of a family member.

This is the same form of discrimination that would be evident on the question of race. Individuals have virtually no kind of control over their genetic makeup. What we are saying now is, without these kinds of protections, it will be permissible for insurance companies or for employers to say: I am not going to hire that person because of the genetic makeup they have, because it may mean they are going to get sicker over time and cost me in the workplace. Therefore, I am going to deny that person. On the other hand, it will require workers to take the test as a condition for employment. And then if they find that their genetic makeup demonstrates some kind of proclivity to acquire this kind of disease, they won't hire them. That is what is happening. They are going to find out that the workers are not going to take the test, which is increasingly the case, because they don't want to risk not being hired in a particular employment situation.

What happens is, they put themselves at greater risk of getting the disease because they deny themselves all the preventive health care that could keep them healthy and avoid getting sick and being more useful and valuable citizens in the community.

Fear of genetic discrimination causes patients to go without needed medical tests. The Journal of the American Medical Association reported that 57 percent of women at risk for breast or ovarian cancer had refused to take a genetic test that could have identified their risk for cancer and assisted them in receiving medical treatment to prevent the onset of these diseases because they feared reprisals for doing so.

As the potential for discrimination increases, more and more Americans are becoming concerned about the danger that employers and insurers will misuse and abuse genetic information. Just this week, in the aftermath of the historic completion of the genome sequencing project, a new CNN-Time magazine survey found that 46 percent of Americans believe that sequencing the genome would have harmful results.

Surely, using genetic information as a basis for discrimination would be one of the most harmful consequences of this remarkable scientific accomplishment. Experts in genetics are virtually unanimous in calling for strong protections to prevent such a misuse of science. Secretary Shalala's advisory panel on genetic testing—consisting of experts in the fields of law, science, medicine, and business—has recommended unambiguously that “Federal legislation should be enacted to prohibit discrimination in employment and health insurance based on genetic information.”

Dr. Craig Venter, the president of the company that led the privately-financed genome sequencing effort, has testified before the Joint Economic Committee that genetic discrimination is “the biggest barrier against having a real medical revolution based on this tremendous new scientific information.”

Without strong protections, the health and welfare of large numbers of our fellow citizens will be unfairly at risk. Last week, I was proud to stand with Terri Seargeant, a woman who carries a genetic trait that can—if untreated—lead to a lung disease often called “Alpha-1 deficiency.” Let me emphasize that this trait only carries the potential to develop the lung disease. If persons at risk for the disorder take a simple genetic test and are appropriately treated, they can prevent development of the disease.

Terri Seargent is such a person. She received a genetic test that revealed her risk for this disease, and took the preventive measures needed to avoid the onset of symptoms. She worked hard at her job and received consistently positive performance reviews and salary increases. Nonetheless, her employer—who had access to her medical files and the records of her genetic tests—decided to terminate this hard-working, healthy employee. What are we to conclude except that she had been fired on the basis of her genetic potential for disease?

And for every Terri Seargent, who has suffered actual discrimination, there are millions of men and women across the nation who are either at risk of genetic discrimination or fear getting tested because of possible reprisals in the workplace or health system.

National Human Genome Research Institute, “Already, with but a handful of genetic tests in common use, people have lost their jobs, lost their health insurance, and lost their economic well being because of the misuse of genetic information.”

Make no mistake: The potential for genetic discrimination is growing. Already DNA “chips” are available that can determine a person's genetic traits in only a few minutes. In the near future, genetic tests will become even

cheaper and more widely available than they are today. If we do not pass legislation to ban genetic discrimination, it may become commonplace for an employer to require such tests, and to use the results of these tests to decide which employees to hire or promote and which to deny such advancement, based in whole or in part on their perceived risk for disease.

Even now, some employers require information about a person's genetic inheritance as a condition of employment or part of the job application process. A recent American Management Association survey of more than 2,000 companies showed that more than 18 percent of companies require genetic tests or family medical history data from employees or job applicants. According to the same survey, more than 26 percent of the companies that require this information use it in hiring decisions.

President Clinton recognized the need for employees to be protected from the dangers of genetic discrimination. In an action of great vision and wisdom, President Clinton signed an Executive order on February 8 of this year to ban any use of predictive genetic information as a basis for hiring, firing, promotion or any other condition of employment in the federal workplace. With the stroke of a pen, the President instituted for federal workers the types of protections that this amendment would provide for all workers and all patients.

Our amendment is strongly supported by leading patient groups, medical professional societies, and scientists. The need for these kinds of protections has been clearly and repeatedly endorsed by the two leaders of the genome sequencing project and by experts in law, medicine, and science. A host of editorial boards have written in favor of congressional action to protect people in this area.

In many respects, people's genetic composition is essentially a blueprint of their medical past and a crystal ball of the possibilities for their medical future. It is difficult to imagine more personal and more private information. This powerful information should be shared between patients and their doctors—not their employer and their coworkers.

The threat of genetic discrimination faces every American, because every American carries unique genetic characteristics that indicate risk of disease. This is not about Terri Seargent. This is about each and every one of us, and everyone we know.

The vote cast today in this Chamber will help determine whether the secrets of our DNA will be used for beneficial or for harmful purposes. Congress should give the American people the strong and comprehensive protection from genetic discrimination that they need and deserve. I urge my colleagues to vote for this amendment.

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

Mr. KENNEDY. Mr. President, as I understand, it is the purpose of the Senator from Pennsylvania now to send a second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, has time expired for the other side?

The PRESIDING OFFICER. It has.

Mr. SPECTER. Mr. President, we have asked people on our side who have worked on this in the HELP Committee to come over. We believe this amendment addresses important considerations and the objectives are very valid: to stop discrimination in employment and in health coverage.

What we would like to do is have an opportunity to propose a second-degree amendment and then to arrange an orderly debate and have the votes. That is going to take a few minutes for us to accomplish. In the interim, it is our hope that we can move along and get a short time agreement on the Ashcroft amendment, to present that and conclude it. By that time, our people will be in a position to present the second-degree amendment. We can figure out a time agreement and move ahead.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Pennsylvania is absolutely right. We need to move on with this issue. However, there are a number of people who have come to the floor. We believe it is appropriate they be allowed to complete their statements. It may take a little bit of time. Senator DASCHLE has agreed at the appropriate time to move on this and to go to something else. But Senator KENNEDY would like to finish his statement. There are others who want to speak on this issue. We would like to stay on this issue for a while.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, might I inquire of the Senator from Nevada how long he would like to stay on it—for 15 more minutes?

Mr. REID. I think it will take a little more time than that.

Mr. KENNEDY. I could just take 2 more minutes to conclude.

Mr. REID. The Senator from Connecticut.

Mr. SPECTER. What I would like to do would be to establish a parameter. This is the kind of subject which we could usefully debate for several days. I would like to see what our amendment is on this side. We can compare them. Then we are in a position to have a discussion as to how long we ought to spend. If we are to finish this bill this afternoon or even today, we are going to have to move through this amendment. We have other complicated amendments coming up.

Mr. REID. That is very appropriate. The Senator from Massachusetts desires another 5 minutes; the Senator from Connecticut, 15 minutes; the Senator from North Dakota, 10 minutes. Senator HARKIN also wishes to speak.

Mr. SPECTER. We just had an offer of 10 minutes.

Mr. REID. Senator KENNEDY, 5; the Senator from Connecticut.

Mr. SPECTER. Did my colleague say 5 for Senator DORGAN?

Mr. REID. Senator DORGAN wishes 7 minutes.

Mr. SPECTER. So we have a total of 22 minutes—10, 7, and 5.

Mr. REID. Yes, with the understanding that we will come back for further debate on this issue at a subsequent time.

Mr. SPECTER. Mr. President, I ask unanimous consent that there be an additional 22 minutes, at which point we will return to the Ashcroft amendment. After that, we will present a second-degree amendment and work through the time sequence.

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

Mr. KENNEDY. Mr. President, as I understand it, CBO says the cost impact of this proposal on business is negligible but a destructive impact on individuals and society of the failure to act will be immense.

On the part of this proposal that deals with employment, without this kind of amendment, those who have been responsible for the breakthrough in terms of the sequencing of the gene understand very well, and have stated repeatedly, we are going to have a new form of discrimination in employment. We want to avoid that. Two, from a health point of view, if people don't believe they are going to be secure either in employment or in getting health insurance, they are not going to take the tests and they are going to, therefore, deny themselves the kind of treatment that is going to be available to them in order to remain healthy. So we ought to take these steps that this amendment includes; it is essential.

We already know from what is happening today that a number of people aren't taking these genetic tests because they fear genetic discrimination. This is one of the most important health issues we are going to face in this century. It has been identified by those on the cutting edge of progress in terms of the sequencing of the gene. We should take their advice and counsel and accept the Daschle amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I want to address this amendment, but first I want to speak to another issue. I know people are meeting on the conference report on the emergency supplemental. One of the provisions being considered is whether to add the Nethercutt language in the House supplemental.

I care deeply about a lot of provisions in the supplemental, including the Colombian aid package, but I want to let my colleagues know I will use whatever parliamentary procedure is available to me if that language comes over on the emergency supplemental. I know we all want to get out of here in the next few days. I care about the bill, but I also care about that language. I think it is wrong for it to be included in the bill. I want people to know I am serious about this. I will use whatever procedures are available to me when it comes to the supplemental if the Nethercutt language is included. I am going to meet with members of the conference shortly and express that view there as well.

I strongly support what Senator DASCHLE is proposing in his amendment on genetic discrimination. The world received wonderful news this past week that the genetic code had been deciphered. This discovery is breathtaking in scope, and I suspect over the next 50 years we are going to see it change the nature of medicine in this country. So it is really a remarkable occurrence, one that has been heralded, and properly so, for giving us the ability to understand ourselves better. I applaud the remarkable work done by the NIH and Celera.

Why is it important to offer this amendment today in the context of this bill? As we have seen with all the advances in technology, generally—and it has been a remarkable decade in that sense, with the Internet and communications technology—there is a great unease in the country about how much information people have about us as individuals.

We pride ourselves, I suppose, on the notion that we protect privacy in this country. It goes back to the founding days of our Republic. The right of privacy is as deeply rooted in the American conscience as almost any other principle I can think of. Yet, there is this uneasy sense that with the explosion of technology, too many people have too much information about us that they ought not to have—at least without our permission. The idea that people can peer into our financial records and our medicine cabinets and that information can be disseminated to broad audiences, violating our sense of privacy, is of great concern. And the genome breakthrough raises similar issues.

Let me share with you one anecdote. Last year I visited Yale University to hear about some of the genetics research that is being conducted there. One of the studies is attempting to determine the likelihood of certain women developing breast cancer by studying twin girls. They are getting to the point where they can determine almost at the birth, the possibility of individuals contracting breast cancer as adults. It is incredible information

to have. Imagine parents of a newborn baby knowing, because of the genetic makeup of that child, that the baby has a possibility of contracting breast cancer. All of a sudden, diets change and lifestyles change. Prevention measures can be taken. These are the kinds of things the deciphering of the genome is going to be able to do for us.

It is wonderful to be able to have that kind of information. But imagine just that the information Yale Medical School is uncovering becomes available, as that child gets older, to an employer or to an insurance company—not information that the person has contracted the disease—but just that they might possibly do so. Just that predisposition for a certain illness can have a devastating impact on whether than individual gets insurance or keeps their job.

This amendment says that when it comes to that information—the propensity for acquiring these problems—we ought to be able to protect people in their jobs and in their ability to receive or get health insurance.

This need not be a partisan issue. Senator DOMENICI and I, 3 years ago, introduced legislation similar to this bill. We thought it was critical to bring up and address both insurance and employment discrimination. Two years ago, many colleagues joined our colleague from Maine, Senator SNOWE, who also offered strong legislation protecting patients from genetic discrimination in insurance. We have an opportunity today, with the breakthroughs announced on Monday of this week, to really say as a body—Republicans and Democrats across the board—this is an area where we are going to, early on, establish some ground rules when it comes to the use of genetic information.

I see that time has expired in terms of my few minutes.

I want our colleagues to know how important this amendment is, and I urge them to support it when the vote occurs.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I to be recognized for 7 minutes? Is that the order?

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 7 minutes.

Mr. DORGAN. Mr. President, I had intended to speak about this amendment. But I am compelled to speak about the point that the Senator from Connecticut discussed at the start of his comments because it is so important, and it is timely.

At this moment, I understand there are meetings going on right now somewhere in this building by a small group of people who are dealing with a piece of legislation that was cobbled together around 3 o'clock in the morning a couple of days ago dealing with the

issue of imposing sanctions on food and medicine around the world, and whether that will be added to the supplemental bill that will be considered perhaps later today or tomorrow. If that is added, in my judgment, it is going to cause significant trouble.

Here is why: The House leaders have done what I am reminded of as the "Moon walk". You know the Moon walk Michael Jackson used to do. It looked like he was walking forward, but he was actually going backward. That is what they have done with respect to this issue of sanctions.

Senator DODD from Connecticut, myself, and others are saying we ought to end the use of sanctions on food and medicine anywhere in the world where it exists. This country has imposed sanctions on the shipment of food and medicine. It is wrong. When we take aim at dictators, we hit poor people and hungry people and sick people. It is not the best of what America stands for.

We ought to end all sanctions on food and medicine. Yet what was done in the House of Representatives 2 days ago, in my judgment, comes up far short. In fact, in some areas, it loses ground.

I want to point out an article in the Washington Post. I will come later with the legislation itself. But the Washington Post describes this legislator from Florida who opposes eliminating sanctions. She said the agreement will make it as difficult as possible for such sales to take place with respect to Cuba. Why? Because they prohibit private financing of the sale of food to Cuba. What is that about? It has nothing to do with good or common sense. They are not trying to get rid of sanctions. It has everything to do with the irrational notion about Cuba, and that if we can somehow restrict the food and medicine going to Cuba, we will enhance America's foreign policy. It is crazy. It doesn't make any sense at all.

Here is where we have sanctions: Cuba, Iran, Iraq, Libya, North Korea, and Sudan. These countries are countries that our Government has decided are not behaving properly. I support slapping them with economic sanctions. I do not support including food and medicine in those sanctions.

I do not support using food as a weapon. We are trying very hard to get rid of this practice of using food as a weapon. Seventy Senators voted last year to stop using food as a weapon.

We have a provision in the Senate agriculture appropriations committee bill that will come to the floor of the Senate within several weeks that includes an approach that will eliminate the use of food and medicine as part of our sanctions.

I think we ought not give up here. We ought to fight on behalf of our family farmers and others to say that we want

to abolish the use of sanctions that include food and medicine.

The proposition that was cobbled together over in the House at 2 o'clock or 3 o'clock in the morning by some people who really do not want to do this, have made it seem as if they have made progress in this area. But, in fact, they have lost ground in a couple of cases, and especially with respect to Cuba in a couple of other circumstances. There will be no U.S. sales of food to Cuba. Canadian farmers can sell to Cuba. European farmers can sell to Cuba. Venezuelan farmers can sell to Cuba.

Seventy Members of the Senate said we ought to get rid of sanctions on the shipment of food and medicine—yes, to all countries, including Cuba. But now we have cobbled together a deal sometime early in the morning by a group of people who are going to apparently put it on a supplemental bill so we will have a circumstance where we don't solve this problem. The proposal that fails to solve this problem was not debated in the House. It was not debated in the Senate. But it was concocted at 3 a.m. in the morning and apparently was stuck on a supplemental appropriations bill. It is the wrong way to do it.

I just talked to a farm group that supports this. When I asked them a question about it, they admitted they had not read the language. They read the paper, I guess. The implication was that I was impeding the efforts to remove sanctions.

Another major farm group has just come out in opposition to it, saying this doesn't solve the problem; let's fight to solve the problem. The problem is that we include medicine and food as part of our sanctions.

The solution is that this country should not include food and medicine in sanctions that we impose on these countries. We should not use food as a weapon.

It is a very simple proposition. Seventy Senators have already weighed in in the Senate saying let's stop it. If they would allow a vote in the House, they would get 70 percent in the House of Representatives as well.

I hope we will not decide to cave in on this issue. Let's not make the perfect the enemy of the good. But let us at least continue to fight. We have some more months in this legislative session. We have a provision coming to the floor of the Senate in about 3 weeks that includes a real effort to stop using food and medicine as part of our sanctions. Let's fight for that. Let's not let a couple of people who run the other body decide for us at 3 a.m. in the morning what we were going to do in this circumstance.

Let's stand up and fight for family farmers, and let's fight for the moral principles that this country ought to hold dear. We should not use food and medicine as a weapon any longer. This

is not about Republicans and Democrats.

Both administrations in recent years have used this approach, and they were wrong.

The Senate was right last year with 70 votes that said let us stop it.

And what was put together over in the House is now billed as some sort of a compromise. It is not a compromise at all. It falls far short of what we ought to expect. Those of us who are clearheaded enough believe we should not use food and medicine as part of economic sanctions in this country.

Mr. DODD. Mr. President, will my colleague yield?

Mr. DORGAN. Yes.

Mr. DODD. I urge people to read the bill. Unfortunately, a lot of people do not read the legislation. But if you read this legislation, section 808 imposes a prohibition on financing U.S. assistance. One part of this says no more sanctions. Then it says no more sanctions, except—"Notwithstanding any of the provisions of this law, the export of agricultural commodities, medicine, and medical devices to the government of a country"—as of June 1, 2000.

These are the countries that have been termed by the Secretary of State to be "terrorist states." Those are the very countries. The only countries that we have sanctions against are those countries. The very countries we say we have sanctions against are these countries. If you are on the list on June 1, 2000, none of this law applies.

Second, it says on financial assistance that you can't have any Government support for Libya, Iran, North Korea, and Sudan. And then, on private financing, it says no financing on the part of the U.S. Government, any State or local government, private person, or entity—including, I suspect, even foreign financing.

This says if sanctions are coming off, then we eliminate all means of financing it—both public and private—and we continue with the same list that was in effect June 1, 2000, which lists only countries on whom we have unilateral sanctions.

This is a bill that needs more work. The Senate Agriculture Appropriations Subcommittee bill is vastly superior to this. It is a bipartisan bill that colleagues cosponsored, and it deserves the consideration of this body.

For those reasons, I will strenuously object to the sanctions being included as part of a supplemental.

Mrs. MURRAY. Mr. President, I rise in strong support of the Daschle amendment to prohibit genetic discrimination in employment. I commend the Senator for his leadership in this area, and I thank him for bringing this amendment to the floor.

The issue of genetic discrimination is a timely debate in light of the recent announcement that science has con-

quered the genetic code. This is a major milestone that brings us closer to finding cure for cancer, heart disease, diabetes, Parkinsons, M.S., and a whole host of other tragic diseases.

The science is moving ahead rapidly, and our standards for the use of that science must not lag behind. We must ensure that genetic information is not used in discriminatory ways. If we do not take a stand prohibiting discrimination based on one's genetic make up, we could jeopardize the benefits offered by science. We must ensure that our genetic finger print is used only for good, and not as a tool to discriminate.

I've talked to many women in my state who are concerned about breast cancer. They know they should undergo genetic testing to find out if they are predisposed to breast cancer, but they don't. They avoid getting tested because they are afraid that the results could be used against them and could adversely affect their employment or insurance coverage.

They are concerned that if they use the science, it will be used against them. Enacting a tough federal ban on genetic discrimination will give these women, along with thousands of other people across the country, the peace of mind that they can take advantage of the latest tools of medicine without being taken advantage of in the process.

I urge my colleagues to support this amendment now. We have made a significant investment in genetic research. Let's make sure that we all benefit from this investment. If we act now, we will ensure this information is used to treat patients and not to penalize them.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri, Mr. ASHCROFT, is recognized to offer an amendment.

AMENDMENT NO. 3689

(Purpose: To protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms)

Mr. ASHCROFT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Missouri (Mr. ASHCROFT), for himself and Mr. VOINOVICH, Mr. ALLARD, Mr. GRAMS, and Mr. ABRAHAM, proposes an amendment numbered 3689.

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

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

The amendment is as follows:

At the end, insert the following:

On page ____, after line ____, insert the following:

SEC. ____ SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 2000.

(a) **SHORT TITLE.**—This section may be cited as the "Social Security and Medicare Safe Deposit Box Act of 2000".

(b) **PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.**—

(1) **MEDICARE SURPLUSES OFF-BUDGET.**—Notwithstanding any other provision of law, the net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget; or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) **POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.**—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(g) **POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.**—

"(1) **CONCURRENT RESOLUTIONS ON THE BUDGET.**—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

"(2) **SUBSEQUENT LEGISLATION.**—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year.

"(3) **DEFINITION.**—For purposes of this section, the term 'on-budget deficit', when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year."

(3) **SUPER MAJORITY REQUIREMENT.**—

(A) **POINT OF ORDER.**—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2)."

(B) **WAIVER.**—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2)."

(c) **PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.**—

(1) **IN GENERAL.**—Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

"§ 1100. Protection of social security and medicare surpluses

"The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget."

(2) **CHAPTER ANALYSIS.**—The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting before the item for section 1101 the following:

"1100. Protection of social security and medicare surpluses."

(d) **EFFECTIVE DATE.**—This section shall take effect upon the date of its enactment and the amendments made by this section shall apply to fiscal year 2001 and subsequent fiscal years.

AMENDMENT NO. 3690

(Purpose: To establish an off-budget lockbox to strengthen Social Security and Medicare)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for Mr. CONRAD and Mr. LAUTENBERG, proposes an amendment numbered 3690.

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

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

The amendment is as follows:

Strike all after the first word and insert the following:

TITLE —SOCIAL SECURITY AND MEDICARE OFF-BUDGET LOCKBOX ACT OF 2000

SEC. 1. SHORT TITLE.

This title may be cited as the "Social Security and Medicare Off-Budget Lockbox Act of 2000".

SEC. 2. STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

"(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990."

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2)."

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2)."

(c) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(1) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking "for the fiscal year" through the period and inserting "for each fiscal year covered by the resolution"; and

(2) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with "for the first fiscal year" through the period and insert the following: "for any of the fiscal years covered by the concurrent resolution."

SEC. 3. MEDICARE TRUST FUND OFF-BUDGET.

(a) IN GENERAL.—

(1) GENERAL EXCLUSION FROM ALL BUDGETS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS

"SEC. 316. (a) EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Hospital Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

"(1) the budget of the United States Government as submitted by the President;

"(2) the congressional budget; or

"(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

"(b) STRENGTHENING MEDICARE POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report

thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend this section."

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "316," after "313."

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "316," after "313."

(b) EXCLUSION OF MEDICARE TRUST FUND FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the Federal Hospital Insurance Trust Fund in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title."

(c) BUDGET TOTALS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by inserting after paragraph (7) the following:

"(8) For purposes of Senate enforcement under this title, revenues and outlays of the Federal Hospital Insurance Trust Fund for each fiscal year covered by the budget resolution."

(d) BUDGET RESOLUTIONS.—Section 301(i) of the Congressional Budget Act of 1974 (2 U.S.C. 632(i)) is amended by—

(1) striking "SOCIAL SECURITY POINT OF ORDER.—It shall" and inserting "SOCIAL SECURITY AND MEDICARE POINTS OF ORDER.—

"(1) SOCIAL SECURITY.—It shall"; and

(2) inserting at the end the following:

"(2) MEDICARE.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of the Federal Hospital Insurance Trust Fund revenues over Federal Hospital Insurance Trust Fund outlays in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph."

(e) MEDICARE FIREWALL.—Section 311(a) of the Congressional Budget Act of 1974 (2 U.S.C. 642(a)) is amended by adding after paragraph (3), the following:

"(4) ENFORCEMENT OF MEDICARE LEVELS IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in surpluses or an increase in deficits of the Federal Hospital Insurance Trust Fund in any year relative to the levels set forth in the applicable resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph."

(f) BASELINE TO EXCLUDE HOSPITAL INSURANCE TRUST FUND.—Section 257(b)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "shall be included in all" and inserting "shall not be included in any."

(g) MEDICARE TRUST FUND EXEMPT FROM SEQUESTERS.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"Medicare as funded through the Federal Hospital Insurance Trust Fund."

(h) BUDGETARY TREATMENT OF HOSPITAL INSURANCE TRUST FUND.—Section 710(a) of the Social Security Act (42 U.S.C. 911(a)) is amended—

(1) by striking "and" the second place it appears and inserting a comma; and

(2) by inserting after "Federal Disability Insurance Trust Fund" the following: "Federal Hospital Insurance Trust Fund".

SEC. 4. PREVENTING ON-BUDGET DEFICITS.

(a) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

"(h) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would cause or increase an on-budget deficit for any fiscal year.

"(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(A) the enactment of that bill or resolution as reported;

"(B) the adoption and enactment of that amendment; or

"(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year."

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g)."

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(h)," after "312(g)."

AMENDMENTS NOS. 3689 AND 3690

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to address the amendment which I sent to the desk because for decades, in a business-as-usual context, Washington has constantly invaded various trust funds to spend for a variety of purposes and programs. One of those trust funds was the Social Security trust fund. We spent a lot of time and energy finding a way to protect the Social Security trust fund.

Having developed at least a budget rule to protect the Social Security trust fund, I think it is important for us to look to the protection of other trust funds that are important to the well-being of the people of this country and to protect them as well.

One of the other trust funds which remarkably has been invaded over and over and over again as a source for spending money for a variety of Government programs has been the Medicare trust fund. For over 30 years, working people have been contributing to the country's welfare by paying the taxes they owe, paying their debts, saving for the future. Those values were rejected inside the beltway when we went into the trust funds in order to meet our spending desires.

Washington tried to impose its own rules and values on the rest of the country. These misdirected rules—spending beyond our means, making promises we did not keep, misleading the American people about how their money is being spent—for too long these rules were allowed to continue. We have taken some very strong steps in the right direction.

Last year, this Congress took the first step toward stopping this raid on the Social Security trust fund by enacting the Social Security lockbox rule on the budget resolution. That creates a point of order against any budget for spending money out of what would be called the Social Security surplus. The Social Security surplus is pretty easy to understand. It is defined in our accounting as the amount of money that comes into Social Security because of Social Security taxes that aren't required in that year to meet the obligations in that year of Social Security.

Obviously, because we have a lot of young people working now, we have far more money coming in than we have going out with the relatively small group of older Americans consuming. In the years ahead, though, when this bulge of young people now contributing to the fund become consumers of the fund, we will need a lot of the money they are sending in. That money they are sending in is called the Social Security surplus. For years we spent that. I worked very hard to stop that spending. I worked to get included in the budget resolution a measure that would make it out of order for the Congress to spend money on other things that was sent in by taxpayers for Social Security purposes. That is the protection of the Social Security surplus.

In addition, last year Senator DOMENICI, Senator ABRAHAM, and I tried several times to enact a law, not just a budget rule which we did get put in place, but a law which would protect Social Security proceeds as a statutory measure. Obviously, the President would have to sign it for it to become a law. The President said he wanted a Social Security lockbox, but, unfortunately, despite all the words of support for saving the Social Security surplus and locking away the surplus, the Senate was unable to end the filibuster by Members of the Senate who opposed us and their President on the issue.

Despite that opposition, Congress was able to change how business in Washington was done on the Social Security surplus. We are far better off as a result.

Last year, for the first time since 1957, not one penny of the Social Security surplus was spent. Again this year, we passed a budget resolution that will not touch the off-budget or Social Security surplus, the Social Security trust fund. It will also provide tax relief for married couples and dedicate over \$40 billion over the next 5 years to

provide prescription drug coverage for needy, older Americans who receive Medicare.

When I saw what we accomplished last year, I knew we could, as well, protect Part A of the Medicare surplus. Part A of Medicare is the only Medicare provision of which there is a trust fund. It is not funded out of the general revenue. It is something people pay specifically their taxes for, with an anticipation that those resources will be available.

On November 18 of last year, I introduced S. 1962, the Social Security and Medicare Safe Deposit Box Act. I did this because Social Security is not the only trust fund that has been raised over the recent years, over decades. Over the next 5 years, taxpayers will pay in an estimated \$179 billion more into the Medicare Part A trust fund than will be required to sustain the purpose of that trust fund, which is patient hospital care in Medicare.

The amendment I offer today will add the Social Security and Medicare Safe Deposit Box Act to this pending bill. The Social Security and Medicare Safe Deposit Box Act takes the Medicare Part A trust fund off budget and creates a permanent 60-vote point of order in the Senate and a majority point of order in the House against any budget resolution or subsequent bill that uses Medicare Part A or Social Security surpluses to finance on-budget deficits. This amendment protects the Medicare Part A surplus in the same way we protect the Social Security surplus. It says that Congress and the President cannot consider the Medicare surplus as part of the on-budget surplus. They can't look to this fund for ordinary spending. Therefore, Congress and the President should be unable to spend the Medicare surplus for additional spending or for additional tax cuts.

This lockbox protects the Medicare trust fund from the raids of the past. This is a historic time. I hope this will be a historic day. In this, an election year, we have an unusual bipartisan opportunity to support this measure. It is not surprising that this is the right policy. It is the right thing to do. The House of Representatives has already taken this step to protect the Medicare trust fund from invasion of spending for other Government programs. Last week, the House passed their version, a little different version, of the Medicare lockbox legislation, by a vote of 420-2. The House bill was offered by Representative Wally Herger and opposed by only two House Members.

Now, there are a lot of Members of this body who will want to protect, I believe, the Medicare trust fund sustaining the capacity of our Government to provide the hospitalization we have promised to individuals who are eligible for Medicare. I am pleased there are Members of this body who join me in cosponsoring this amend-

ment, one of whom is Senator ABRAHAM from Michigan. He has been active in the lockbox movement to protect Social Security, to make sure that Social Security is not invaded for other spending, and much of the success we have had in protecting every dime of Social Security in the trust fund this year should flow to Senator ABRAHAM of Michigan. I am pleased he has endorsed this and is a cosponsor of this measure with me in the Senate.

It is just not several Senators who endorse this. Both the Vice President and the President of the United States have endorsed enactment of a Medicare lockbox such as the one I introduced last November. Earlier this month Vice President GORE announced his support for this kind of proposal. On June 13, GORE announced he would "place Medicare in a lockbox so its surpluses could only be used to pay down the national debt and to strengthen Medicare, not for pork barrel spending or tax cuts."

I am pleased that the Vice President has endorsed this Medicare lockbox. I welcome that support. Obviously, when he says "so its surpluses," he is referring to the kind of thing we are talking about—dedicated tax resources designed to support the program that are in excess of the needs of the program in any current year.

As we have already recounted this morning, there are 175 billion of anticipated such surplus that would be directed toward the Medicare trust fund for Medicare Part A, which is the only Medicare trust fund we have. I am pleased he would endorse this concept. I think it is a concept that is bipartisan that deserves our support.

Two days ago, the President of the United States called for protecting Medicare Part A surpluses through a lockbox. Allow me to quote from the President's announcement. This is from a text provided by the administration:

President Clinton is proposing to take Medicare off budget. This would mean that, like the Social Security surplus, the projected \$403 billion Medicare surplus would not count toward on-budget surplus and therefore could no longer be diverted for other purposes. Taking the Medicare surplus off-budget would ensure that Medicare is protected for paying down the debt to help strengthen the life of the Medicare Program.

So the President has recognized there are funds specifically paid in, and that they are in surplus of what is needed immediately to be paid out. He has indicated that for those surpluses, we should be safeguarding them with a Medicare lockbox.

Let me quote further from the White House release, because I believe the President has described the Medicare lockbox proposal in my amendment, which I proposed last November, in a very simple, understandable manner:

What taking Medicare off budget means, the administration, speaking of itself says, is:

The Administration projects that if current policies are continued, Medicare Part A, which covers hospital expenses, will run a surplus of \$403 billion from [the year] 2001 through [the year] 2010. This surplus is the excess of Medicare income, principally from the 2.9 percent payroll tax, combined employer and employee, over benefit payments and administrative costs. The Medicare surplus has grown from \$4 billion in 1993 to \$24 billion in the year 2000.

I am still quoting the President and the statement of the White House here:

Under previous budget accounting conventions, this Medicare surplus was treated as part of the total on-budget surplus and was thus available for new spending on other programs or tax cuts.

By taking Medicare Part A off budget, the President proposes to make it unavailable for other spending or tax cuts.

That is exactly what I proposed last November. I quote again from the White House:

Instead, the projected baseline Medicare surplus would be used to pay down the debt.

Mr. SPECTER. Mr. President, if I might interrupt the distinguished Senator from Missouri for a moment?

Mr. ASHCROFT. I will be happy to yield with the understanding that at the conclusion of this interruption I continue to have the floor for my remarks.

The PRESIDING OFFICER. The Senator from Pennsylvania, without objection.

Mr. SPECTER. Mr. President, I thank the Senator from Missouri. We were conferring about the last amendment so I was unable to be on the floor when this debate started. We are interested in a time agreement. I have just discussed the matter with the Senator from North Dakota, who has the second-degree amendment. It would be in the managers' interest to see if we could limit debate to 1 hour equally divided on the first-degree and second-degree amendment, and then have votes on both amendments.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object, I do not want to object, but I want to clarify. How much time have I consumed already with my explanation? Maybe I should ask, is the hour in addition to what I have already used?

Mr. SPECTER. If it is acceptable to the Senator from North Dakota. I hadn't discussed that with him earlier.

Mr. ASHCROFT. What I want to do is protect the right of my colleague, Senator ABRAHAM from Michigan, to make remarks. I don't want to have consumed all the time. That is what I am interested in doing. So if we can work something out with that in mind, I am willing.

Mr. SPECTER. I ask the Senator from Missouri, would 15 additional minutes satisfy you on your side?

Mr. ASHCROFT. Let's say we would take 20 additional minutes?

Mr. SPECTER. I suppose we then have 30 minutes. I discussed 1 hour equally divided with the Senator from North Dakota, so you would have 30 minutes and 20 minutes on the other side?

Mr. CONRAD. That will be acceptable if the understanding is this is "on or in relation to," any votes ordered for that period?

Mr. SPECTER. We would have two votes then on the two competing amendments: One on the Ashcroft amendment, and one on the Conrad amendment.

Mr. CONRAD. That would be on or in relation?

Mr. SPECTER. On or in relation.

Mr. ASHCROFT. Mr. President, I object and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent that the Conrad amendment and the Ashcroft amendment each be considered amendments in the first degree; that there be 30 minutes for Senator CONRAD, 20 minutes for Senator ASHCROFT, and that there be votes on both of their amendments with no point of order being permitted, and that the time of the votes be determined later in the day by agreement of the leaders.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

Mr. SPECTER. The Conrad amendment will be voted on first.

Mr. REID. I was talking to Senator CONRAD. I apologize.

Mr. SPECTER. The unanimous consent agreement provides that each amendment, the Conrad amendment and the Ashcroft amendment, be considered as amendments in the first degree; that the Conrad amendment be voted on first, that there be no points of order raised, that Senator CONRAD will have 30 minutes, and Senator ASHCROFT 20 minutes, and the time of the votes will be determined later in the day by agreement of the leaders.

Mr. REID. Mr. President, if the Senator will allow us to go into a quorum call for a minute, Senator CONRAD and I have a couple of things about which we want to talk. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, just so nobody will get nervous, I want to talk about the schedule. I am working with Senator REID on a couple unanimous consent requests that we may offer later. But I wanted to talk about the progress being made and what our hopes are.

I realize this is a very big, very important bill—the Department of Labor, Health and Human Services, and Education Appropriations bill. It is important we get it done, and it is important we have a few minutes to think through critical amendments that are offered. We are in that process. I thank the managers for what they have been doing. I urge them to keep pushing forward. The number of amendments has been substantially reduced. The ones still pending are not easy amendments. But I think if we can keep focused, we can complete this very important appropriations bill at a reasonable hour today.

I urge my colleagues, when they have an amendment, when there is an amendment on both sides, that we find a way to accept them both or get a vote on both of them and let the Senate speak its will and then move on. I think that would be the best way to do it.

What I really want to comment on today about this bill, and others, is that there are Senators thinking we are going to finish tonight and there won't be votes tomorrow. Senator DASCHLE and I have been indicating for quite some time now that that is not going to happen. We have to complete this bill. I still would like to go to the Interior appropriations bill. But we also have a very important military construction appropriations bill with a title II that involves emergencies. That has to be completed and considered by the House Rules Committee, the House has to vote, and then it comes over here. That could be late this afternoon or tonight or tomorrow or later. If there are complications, it could take more time than that.

I assure everybody that we are going to be in session and voting tomorrow. I think that hoping we can wave a magic wand and miraculously complete this bill and the other measures by a reasonable time tonight is just not likely.

I wanted to say that now. Those who have planes booked for 10 o'clock tonight or 10 o'clock in the morning, you better start making other arrangements, unless you are willing to miss votes. Quite often, some Senators think that if enough of us leave, there won't be votes. That is not going to be the case this time. This work is too important. I urge my colleagues to help us get this very important work done in this critical week.

Mr. REID. If the Senator will yield, I say to my colleagues that I was here

last night about 7 o'clock when the majority leader came to the floor. To say that he was upset is an understatement. I heard him clearly that there will be no more windows for the end of this session.

I also say to the leader that it would be a big help to those of us on the floor if we could shorten the time of the votes. We wasted tremendous time yesterday. We wasted at least 2½ hours on votes when people weren't here. We waited 20, 30 minutes for Senators on both sides. I believe that if a vote is completed within 15 or 18 minutes, we should go on to something else. If people miss a vote or two, everybody's record will be down a little bit, and it will be the same for everybody.

Mr. LOTT. Obviously, the Senator from Nevada is correct. We do allow these votes to drag on too long, and we should be prepared to cut them off after the 15 minutes and the 5-minute overtime. On both sides we try to be understanding, but the more we are understanding, the more it is abused by our colleagues. So, for today, I will work with Democrats and Republicans and be prepared to cut these votes off. It could save us a lot of time.

Let me say to the Senator from Nevada, we would not be making the progress we have made on this and other bills without his diligence, his presence on the floor, and the hard work he does. I appreciate that. Last night, even though I was disturbed about the timing because of commitments that have been made, we worked that out and we got a lot of good work done last night. I thank those who were involved.

UNANIMOUS CONSENT REQUEST—
S. 2340

Mr. LOTT. I have a unanimous consent request I would like to propound now. I believe the Senators involved in this are on the floor. I ask unanimous consent that the Senate turn to the consideration of the NCAA gambling bill, S. 2340, and following the reporting of the bill by the clerk, the committee amendments be immediately agreed to.

I further ask consent that there be 4 hours of debate on the bill, to be equally divided in the usual form, and only relevant amendments be in order during the pendency of the bill.

Finally, I ask consent that following the conclusion of the time and the disposition of any amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

I know Senator REID will want to make some comments. This is an issue that has been pending for some time. We have tried to find a way to have it as an amendment on other bills. I know Senator BROWNBACK has been diligent and also very much interested in this

matter, as are other Senators, including Senator McCAIN.

Senator REID has indicated he would like to work with us on it. But I will let him speak for himself.

Part of what I am doing here is this: I made a commitment to the sponsors to try to find a way to consider this on some bill, or freestanding at some point. In order to complete work on the Department of Defense authorization bill, now that we have worked through the disclosure issue, this issue is one we also need to find a way to address. That is why I am asking for this consent.

Mr. President, I submit that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I know the deepness of feeling of the Senator from Kansas, Mr. BROWNBACK. I have spoken to him personally. I understand how he feels about this issue. I also feel very strongly about this issue.

I am willing to work with the Republican leadership and my leader to try to work out some kind of freestanding bill so this matter can be fully debated. This is not an appropriate time to do it. I say respectfully to the Senator from Kansas and the majority leader that we simply can't do this now.

I have been here since Thursday on the Labor-HHS bill that is before us. I arrived home late last night, as everyone else did. We are trying to carve out amendments. This is just not an appropriate time to do it.

I say to my friend from Kansas that I respect how he feels about this. There are strong feelings on this issue. This is an issue which should be debated. At an appropriate time, we will do that. Therefore, I object.

Mr. KENNEDY. Mr. President, will the Senator from Nevada yield?

Mr. REID. I would be happy to yield. The PRESIDING OFFICER. Objection is heard.

The majority leader has the floor.

Mr. LOTT. Mr. President, will the Senator withhold his objection?

Mr. REID. I would be happy to withhold. I withdraw my objection.

I also say this: Seeing the Senator from Massachusetts here floods my mind with the work that needs to be done in this Chamber. We need to introduce the minimum wage bill. We have the Patients' Bill of Rights and prescription drugs. We have things to do on education. In addition to my personal situation, I know the Senator from Massachusetts is concerned about those bills.

Mr. KENNEDY. Mr. President, if the Senator will yield for just a brief observation, as I understand the request of the majority leader, this does not include any request to bring back the reauthorization of the Elementary and Secondary Education Act. Did the Sen-

ator from Nevada hear that clearly? I did not hear that clearly.

Mr. REID. That is true.

Mr. KENNEDY. That is not to be included.

Mr. LOTT. Mr. President, I did not include that. But I would be happy to work up an agreement where we could bring that back and have germane amendments on the Elementary and Secondary Education Act, have an agreed-to list of amendments that are germane, so we can deal with that important issue. I will be glad to work with Senator KENNEDY or anybody else to try to get that agreement.

Mr. BROWNBACK. Mr. President, if the majority leader will be willing to yield for a moment, I appreciate his offering this unanimous consent request. I note that we have considered a number of items on various bills—whether it has been items on prescription drugs or different items that have come forward.

This is one that has cleared through the committee by a strong vote of 13-2 with wide bipartisan support. The bill itself has broad bipartisan support across the country. It is an important issue. We are having a lot of difficulty with regard to our student athletes being involved in gambling themselves and referees in sporting events being involved in gambling. The NCAA and many of the sporting groups are saying this is a problem.

Bigger than all of that, the lead gateway for college students getting into addictive gambling is through sports wagering. What we are trying to deal with is the one place in the country where this remains a problem and where it remains legal.

I think we need to have a bill up and a vote.

I ask my colleague from Nevada—he has been so persistent on a number of different issues to bring up to the floor—when can we get this one up so we can have a set timeframe for debate? If the Senator from Nevada would like to have a long period of time, that is fine. I am willing to go as short as an hour equally divided. But can we get some idea of when we could do this?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under the reservation, I will not reply to the substance of the statement made by my friend from Kansas, but there are merits on both sides of this legislation. I would be happy to work with leadership to find a time to bring this bill to the floor.

In the meantime, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2001—Continued

Mr. SPECTER. Mr. President, I think we are now prepared to go ahead with the Ashcroft amendment and the Conrad amendment.

We propounded a unanimous consent before, but I will repeat it.

There will be two votes on amendments, each treated as a first-degree amendment. The first vote will be on the Conrad amendment in regular order. The second vote will be on the Ashcroft amendment. There will be no points of order raised. Senator ASHCROFT will have 20 minutes because he already had time to speak. Senator CONRAD will have 30 minutes to speak.

I ask unanimous consent.

Mr. REID. Mr. President, reserving the right to object, the only addition I would like is that the two votes occur at 2 o'clock. We would be happy to have other amendments. Can we finish the debate on this? I know Senator LAUTENBERG, our ranking member of the Budget Committee, wishes to speak. Senator CONRAD wishes to speak on this matter. There are other Members who want to speak. I think it would be appropriate to lock in the time on this.

Mr. SPECTER. Mr. President, if I might respond, we want to come back to the Daschle amendment with the second-degree amendment. We want to come back to the Dorgan amendment. We have a Helms amendment. I urge that we defer these votes until later when we can have 10-minute votes. Perhaps we can get the majority leader to crack the whip, and, as the Senator from Nevada suggested, stay on the floor and limit them to 10 minutes, if we are going to finish this bill by mid-afternoon.

Mr. REID. There is no problem with that. I hope we do not vote before 2 o'clock on these matters.

Mr. SPECTER. We will not vote before 2 o'clock.

May we proceed, Mr. President?

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. Mr. President, reserving the right to object, I want to clarify: How much time will be available on the Ashcroft amendment?

Mr. SPECTER. Twenty minutes is requested.

Mr. ABRAHAM. I would only indicate that I know Senator DOMENICI wishes to speak on this issue as well.

Mr. SPECTER. Would the Senator like 30 minutes?

Mr. ABRAHAM. I think at least that much time.

Mr. SPECTER. We will take 30 minutes. It will save time in the long run.

Mr. REID. Now we have others who wish to speak. How long does Senator CONRAD wish to speak?

Mr. CONRAD. As long as it takes to persuade my colleagues to vote for it.

Mr. REID. As articulate as the Senator is, that should only take 10 minutes.

Mr. CONRAD. I need about 20 minutes.

Mr. REID. We should reserve 10 minutes for Senator LAUTENBERG.

Mr. BAUCUS. Mr. President, I would like to be able to speak about 5 minutes, if possible.

Mr. SPECTER. Now we are up to 35 minutes.

Mr. President, the unanimous consent request is modified to 35 minutes.

Mr. REID. Now we are up to 55.

Mr. NICKLES. We want equal time. I insist on equal time.

Mr. SPECTER. We have already had a considerable amount of time.

Mr. NICKLES. I would be happy to yield it back if we don't need it. I want equal time.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent we proceed with 45 minutes on each side to get this moving.

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

The Senator from Missouri.

Mr. ASHCROFT. I yield myself 5 minutes.

Mr. President, I previously spent some substantial time in talking about the need for a Medicare lockbox. I spent time indicating that as Social Security is off budget, I think it would be good to protect Medicare with a lockbox. In addition to talking about the common sense of not taking trust funds and spending them for things other than that for which they were paid into the trust fund, I indicated there were a broad group of people who supported this concept, including the Vice President, who has endorsed the concept of a Medicare lockbox, and the President of the United States, who very recently has endorsed the concept of a Medicare lockbox.

I was in the midst of reading an extensive set of points that had been made available by the White House supporting the concept. I believe the concept is worthy of our support.

I think it is important that we do it with integrity, that we don't leave any gaping holes or opportunities for the lockbox to be invaded or otherwise dispersed. It is important we not have a lockbox that appears to be a lockbox that doesn't satisfy the idea of a lockbox.

I hope Senators will join with me and with an almost unanimous House of Representatives and join the President and the Vice President of the United States, who have all voiced support for this concept of a Medicare lockbox.

When I came to Washington 5 years ago, people said it would be impossible to balance the budget, but we did it. They said we could not and would not balance the budget without using the Social Security trust fund. We have done it. And there are those who say we cannot and will not balance the budget and protect Medicare Part A surpluses. But we can and we will. We are more than halfway to this point. The House has voted. The President has expressed himself in support of a lockbox, as has the Vice President. Now it is the Senate's turn.

I believe the Senate will sign a Medicare lockbox measure. That would send a powerful message. A lockbox amendment also requires the President to protect Medicare and Social Security by submitting a budget that does not spend either surplus. We make these changes. They are beneficial changes for the people. I call upon the Members of this body to enact a Medicare lockbox that is durable and strong and real—not one with loopholes but one that will protect Part A Medicare surpluses for expenditure for their intended purpose.

It is with that in mind I ask my colleagues to vote in favor of the amendment I proposed.

I ask unanimous consent the Senator from Michigan, Mr. ABRAHAM, and the Senator from Wisconsin, Mr. FEINGOLD, be included as a cosponsors.

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

Mr. ASHCROFT. I yield the floor and I reserve the remainder of my time.

AMENDMENT NO. 3690

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise today to offer a lockbox amendment with Senator LAUTENBERG and Senator REID designed to protect Social Security and Medicare.

This amendment is simple but important.

First, it says we must protect Social Security surpluses each and every year. The budget has finally been balanced without counting Social Security, and we must make sure it stays balanced without counting Social Security and Medicare.

Second, my amendment takes the Medicare hospital insurance trust fund surpluses off budget to prevent those surpluses from being raided for anything but Medicare.

According to the Office of Management and Budget, the Medicare trust fund will run a surplus of over \$400 billion from the year 2001 to 2010. Taking these surpluses off budget and locking them away will ensure that they are

used only for Medicare and to pay down the debt. Taking the Medicare trust fund off budget, as in Social Security off budget, will ensure that these payroll taxes that workers pay will be used to meet the future demographic challenges Medicare and Social Security face.

We have reached a bipartisan agreement that Social Security belongs off budget and that its surpluses should be preserved solely for Social Security. For seniors, Medicare is just as critically important for financial independence in their golden years. It is now time to give the same protection to Medicare that we already accord to Social Security, by taking Medicare off budget, too.

Medicare is absolutely critical to the health and economic well-being of nearly 40 million senior citizens. Before Medicare, many of our senior citizens were one major medical event away from poverty. Today, our seniors enjoy the security of knowing Medicare is there for them. We should not put at risk Medicare because of a failure to protect Medicare from raids for other purposes. We have been through this on Social Security.

The amendment I am offering says we are going to treat Medicare the same as we are treating Social Security. Unfortunately, the amendment of the Senator from Missouri fails to do that. It suggests it is a Medicare lockbox, but it really isn't. When we examine the amendment of the Senator from Missouri, we find there is a fatal flaw. The fatal flaw is that the Senator from Missouri has no enforcement mechanism for its provision taking Medicare surpluses off budget. In fact, it does not move Medicare off budget. It only removes Medicare surpluses off budget.

The result is, under the Ashcroft amendment, no point of order would apply against legislation that uses Medicare surpluses for other reasons. Under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose, as long as the overall budget remained in balance. Unfortunately, because of the way the amendment of the Senator from Missouri has been drafted, it is opening Medicare to raids for other purposes. That is a fatal flaw. That is what my amendment corrects. My amendment takes Medicare trust fund surpluses off budget, protecting them with points of order so there could not be a raid on Medicare.

Let me make my point as clearly as I can. If we look at the fiscal year 2000, we have a unified surplus projection of \$224 billion. Social Security is in surplus by \$150 billion. We will not permit that to be raided.

Medicare is in surplus by \$24 billion. We will not permit that to be raided under my amendment. But under the amendment of the Senator from Missouri, one could take every penny of

the \$24 billion in surplus in Medicare because the overall budget would still be in balance. That is the fatal flaw of the amendment of the Senator from Missouri. The Senator does not protect these Medicare funds if the overall budget is in balance. I don't know if that was realized by the other side, but that is a fatal flaw. That is why the amendment of the Senator from North Dakota, my amendment, the amendment I am offering with Senator LAUTENBERG and Senator REID, is critically important; we would prevent any raid on Medicare funds.

Our lockbox is simply stronger. We establish points of order that protect the integrity of the Medicare trust fund in each and every year. Our plan was drafted to make the Medicare trust fund status exactly the same as Social Security. For some reason, the amendment of the Senator from Missouri has been drafted differently. It does not give the full protections to Medicare that we have given to Social Security. Why not?

If we look at the Congressional Budget Act of 1974, and I direct my colleagues to page 17, on the bottom of that page are laid out the specific protections we provide for Social Security. We provide them for Medicare in the amendment that I am offering. The Senator from Missouri has failed to do so. He has left them out. For some reason he is giving lesser protection to Medicare than we give to Social Security. My amendment solves that fatal flaw that is in the amendment of the Senator from Missouri.

In our plan, we treat Medicare similar to Social Security by excluding all receipts and disbursements of the Federal Hospital Insurance trust fund from budget totals. We exclude the Medicare trust fund from sequestration procedures and create parallel Budget Act points of order to protect the surplus in the Medicare trust fund in each and every year.

Our plan also creates a new point of order against legislation that would cause or increase an on-budget deficit. So it protects the integrity of the Medicare trust fund and the on-budget surplus for debt reduction. Our plan also strengthens existing protections for Social Security by enforcing points of order against reducing Social Security surpluses in each and every year.

The Ashcroft amendment is silent on Social Security. It has verbiage there, but there is no new protection for Social Security in the amendment of the Senator from Missouri. Our amendment adds a point of order against violating the off-budget status of Social Security and requires Social Security revenues and outlays to be set forth for every fiscal year in a budget resolution rather than for only the 5 years under current law.

In addition, we strengthen existing points of order protecting Social Secu-

rity by enforcing points of order against reducing the Social Security surplus in every year covered by the budget resolution rather than only in the first year and the total of all years covered by the budget resolution as current law provides.

The amendment I am offering with Senator LAUTENBERG and Senator REID is very clear: We are protecting Social Security and Medicare in a lockbox that has real protections, and we treat them in the same way. Unfortunately, the proposal of the Senator from Missouri creates a difference between the protection we provide Social Security and the protection we provide Medicare. The Senator from Missouri provides much less protection for Medicare than we provide Social Security. It has a fatal flaw: no enforcement mechanism. The result is, under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is a profound mistake.

The amendment of the Senator from Missouri would allow the Medicare trust fund surplus in the year 2000 to be raided of every penny. We should not allow that. That is not a lockbox; that is a "leakbox." We are trying to construct a lockbox here to protect Medicare, not a figleaf that will make people believe we protected Medicare but really open up a gigantic loophole that would allow for raids on Medicare as we used to see on Social Security.

This is a defining vote. Those who care about protecting Social Security and Medicare, and are serious about it, will support our amendment. Those who want a figleaf and a press release will be in opposition.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Jersey. Who yields time?

MR. LAUTENBERG. Mr. President, I think the Senator from North Dakota is going to yield the time. How much time do the proponents of the second-degree amendment have remaining?

THE PRESIDING OFFICER. The proponents have 34 minutes remaining.

MR. LAUTENBERG. Mr. President, I rise in support of the second-degree amendment, which I am pleased to be cosponsoring with Senator CONRAD.

This amendment would establish a lockbox to protect both Social Security and Medicare surpluses from being raided to pay for other programs or tax breaks. The amendment would take Medicare completely off-budget, and it would add iron-clad guarantees to ensure that neither Social Security nor Medicare surpluses can be used for any other purposes.

This amendment is based on a proposal first put forward last week by Vice President GORE. And I want to commend the Vice President for his

leadership in this area. As he has argued so forcefully, it is wrong for Congress to use Social Security or Medicare surpluses as a piggy bank either for tax breaks or new spending. Instead, Social Security and Medicare should be taken off the table, and out of the Federal budget.

Social Security already is officially off budget. That is the law. There is a bipartisan consensus that we should not use Social Security surpluses for any other purpose. We all agree on that.

But what we have not all agreed on is that Medicare surpluses should be protected, as well.

Senate Democrats have long argued that Medicare must be included in any Social Security lockbox. That is why last year, when Republicans sought to move a lockbox that dealt only with Social Security, we held firm and insisted on our right to offer at least one amendment. The amendment we wanted to offer would have added Medicare to the GOP proposal.

But the Republicans were so opposed to that, they pulled the bill from the floor. In fact, this happened several times. Each time, we Democrats insisted that Medicare be part of the equation. And, each time, Republicans said: No.

I am hopeful that Republican opposition to protecting Medicare is softening, and I give Vice President GORE a lot of the credit for that. He has taken the lead and put this issue at the forefront of the public agenda. With the spotlight now clearly on the Congress, I am optimistic that we will respond.

We should not respond with half-hearted measures, like the bill approved in the House of Representatives or the pending Ashcroft amendment. We should do it right, and that means taking Medicare completely off-budget, with all the procedural protections now provided to Social Security.

That is what this amendment does.

It treats Medicare just as we are already treating Social Security. It says: Medicare, like Social Security, will now be taken completely off of the Government's books. It will not be counted in the President's budget calculations. It will not be counted in the budget resolution, and it will not be used as a piggy bank for tax breaks, or for any other Government programs.

The legislation also creates points of order against any legislation that would deplete the Medicare Hospital Insurance Trust Fund for any other purpose. Similar points of order already apply for Social Security. Medicare deserves the same protections.

In addition, the amendment would protect Medicare from across-the-board cuts that could be triggered if Congress exceeds other budgetary limits. Under current law—the so-called “pay-as-you-go” rules—if Congress raids surpluses either for tax breaks or mandatory

spending, Medicare automatically gets cut. That is not right, and that will end under this amendment.

In addition to taking Medicare off-budget, the amendment also strengthens existing rules that protect Social Security. For example, the amendment would establish a supermajority point of order against any measure that would put Social Security back on budget, or violate the prohibition against including Social Security in a budget resolution.

Our amendment also strengthens existing law by requiring every budget resolution to include Social Security totals for each year covered in the resolution, and then establishing a point of order to protect those funds in each year. This is an improvement over current law, which protects Social Security surpluses in the first year of a budget resolution, and for the entire period of the resolution, but not in each individual year. There is no similar provision in the pending Ashcroft amendment.

Mr. President, I want to take a moment to comment on the Ashcroft amendment.

The Ashcroft amendment is described as taking Medicare offbudget, something deserving consideration. But the proposed amendment does not really do it. It does not fully protect Medicare. And the public must know why it is an inferior proposal to the second-degree amendment proposed by Senator CONRAD and myself.

The Conrad-Lautenberg amendment calls for more than a surface accounting change. Yes, we take Medicare's Hospital Insurance Trust Fund off-budget, and that's important. But we are also insisting that we include procedural protections against any budget resolution or legislation that would use Medicare funds for other purposes, and permit undermining its solvency.

We do that by establishing a process that will protect Medicare by requiring a 60-vote point of order against any legislation that would invade the trust fund's solvency to be used for other purposes. Under our amendment, if you want to use Medicare funds to pay for tax breaks, or for anything else, you will need those 60 votes to do it.

That is not true of the prevailing amendment, however. The Ashcroft amendment isn't really able to protect Medicare. It does establish a point of order, a higher hurdle, that obstructs creation of a larger budget deficit. And that's a good thing that will help promote debt reduction.

But preventing an on-budget deficit is not the same thing as protecting the Medicare Trust Fund.

For example, if legislation was proposed that reduced revenues into Medicare's Trust Fund and increased the possibility of earlier Medicare insolvency, that legislation would not be subject to a point of order under the

present Ashcroft amendment. That is because, again, the Ashcroft amendment isn't really designed to protect the solvency of Medicare. It is only designed to prevent on-budget deficits. And that just doesn't go far enough.

The point of all this talk about Medicare is to ensure that the program will still be solvent and strong in the future, when the baby boomers retire. Well, if you don't protect Medicare's solvency, you are really not accomplishing that goal.

That is why the Ashcroft amendment is grossly inadequate and why I urge my colleagues will instead support the Conrad-Lautenberg second degree amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield myself, initially, 7 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what we have before us is a genuine lockbox amendment by the Senator from North Dakota, and we have a “box” amendment offered by the Senator from Missouri. Now, notice I said “lockbox.” A lockbox is what has been offered by the Senator from North Dakota; no lockbox by the Senator from Missouri. That really is the difference.

What do I mean by “lockbox”? What I mean is that we are trying to treat Medicare as we treat Social Security; that we are going to say that in the future, the Medicare trust fund should be off budget, should not be counted in budget totals, that it should be off budget and should not in any way be able to be tapped into by this Congress or any succeeding Congress to pay for any deficit, to pay for any tax cuts, to pay for any other kind of spending in which this Congress or any future Congress wants to engage.

That is really what a lockbox is. You take funds and you set them aside; you put them in a box and you lock it. That means you cannot tap into it.

That is what the American people want us to do with Medicare and with Social Security. This is money that they have paid into out of payroll taxes. This is money that has been set aside for them for Medicare—and for Social Security, if we are talking about Social Security. We are only talking about Medicare here.

The American people believe very deeply about this; that no Congress ought to be able to say: We want to give a tax cut to the wealthy, and we are going to pay for it by taking it out of the surplus. And if the only surplus we have is Medicare, we will take it out of there, or, if the only surplus we have is Social Security, we will take it out of there.

What we are saying on the Democratic side is, no, no deal. We are going to take Social Security and Medicare

off budget, lock the money away, you cannot tap into it for tax cuts or spending or anything else.

The Senator from Missouri may think that is what he is doing. I heard him describe his amendment as a lockbox, taking it out, but that is not what his amendment does. His amendment does not do that. It does not protect the Medicare trust fund from procedures that might be used by a future Congress to pay for spending or tax cuts totally unrelated to Medicare.

I could get into the jargon used around here by talking about points of order and sequestration and stuff such as that. Who understands what all that means, unless it is just a few of us around here. And I am not certain all of us understand it either.

But just to put it in simple lay terms that the American people can understand, the amendment offered by the Senator from Missouri sort of puts the Medicare surplus in a box. It closes the lid. That looks pretty good, but the next Congress or two Congresses from now may decide: Hey, we have had a downturn in the economy. We might want to give a tax cut to a group. We might want to do some spending. We don't have enough of a surplus in our budget, but we do have a big surplus in that box. In that box there is a big surplus. We will just go open the lid and scoop a little bit out. That is what the Ashcroft amendment allows. It allows a future Congress to open the lid on the box, put the scoop in there, and dig some money out for whatever that Congress wants.

What the Conrad amendment does is take the Medicare money our people have paid out of their payroll taxes and puts it in a box, just as Ashcroft does, closes the lid, locks it, and throws the key away. That is the difference between the Conrad amendment and the Ashcroft amendment. What the Conrad amendment says to a future Congress is, if you want a tax cut for the wealthy, if you want to spend on some programs, go somewhere else to get the money. You can't pry open the box in which we have Medicare and Social Security funds; that is to be used only for Medicare and only for Social Security. That is what the Conrad amendment does.

Don't be misled that these two amendments are the same. They are not the same. The American people should not be misled. If your goal is to set aside Medicare funds and put them in a box but if a future Congress wants it can go in and open the lid and scoop some money out, vote for Ashcroft. Maybe some people think that is legitimate. Maybe some people say: Well, we should not tie the hands of future Congresses. If they want to take some of that Medicare surplus and use it for something, let them open the lid on the box and take the money out.

Maybe some people here believe that. I don't believe that. Senator Conrad

does not believe that because it is his amendment. What he says is, we will put it in that box and lock it. The only thing you can use that money for is Medicare, just as we should only use Social Security for Social Security.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. HARKIN. How much more time remains on our side?

The PRESIDING OFFICER. Ten minutes remain.

Mr. HARKIN. Mr. President, I will take 1 more minute.

If you want to secure Medicare funding and you want to lock it away, you have to vote for the Conrad amendment. If, however, you want to take Medicare funding and put it in a box and say that future Congresses can go in there, open the lid and take the money out for other things, then vote for Ashcroft. It is that simple.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield such time to the Senator from Michigan as he may consume.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I will be brief because in many ways I am very pleased with the direction of today's debate, particularly with the fact that it actually will result in some votes. We have been on the floor talking about trying to lock up Social Security on many occasions. I was seeking to get a final vote on a lockbox that I think really does do the job of protecting Social Security. I think we did it four times and couldn't get to a final vote.

Today, we are moving in the direction of getting final votes on both a form of Social Security lockbox and on the issue of locking up Medicare. I think that is an important step.

While I am happy to support almost any effort that makes it more difficult to spend the Social Security surplus, I do not believe that the forms offered today go as far as we should to ensure a permanent off-limits nature of the Social Security surplus. I hope the spirit which we have seen today, of working towards giving people options to vote, is one that we can build on, and that I will soon have an opportunity to have a vote on the Social Security lockbox proposal on which Senator DOMENICI, Senator ASHCROFT, and I have been working.

I think it is a very productive debate to talk about treating the Medicare surplus, the Part A of the Medicare trust fund, in the same fashion. The disagreements over details are ones that ought to be something we can work out.

I do not think implications of intent with respect to the future spending of these dollars that are being made are

on point with the intent of the draft Senator ASHCROFT has offered. I think his goal is very clearly to try to protect the surplus in Social Security from being spent, period. I think that is his motive. I will leave it to him to comment.

I think implications that there were any ulterior goals in his proposal are off the mark. In fact, I hope people will examine more closely his longstanding position on this issue. While it may be now, in the middle of a Presidential campaign, that people are talking about a Medicare lockbox, I remember Senator ASHCROFT talking about a Medicare lockbox more than a year before the Presidential election and certainly months before it was an issue in terms of the national Presidential debate. As a colleague, I appreciate the fact that he was ahead of everybody else in trying to raise that issue on the Senate side. We have worked together to try to move both of these issues today and in the past.

I want to go on record in favor of having mechanisms in place that protect these trust funds from seeing these dollars used for anything other than their purpose. One hopes that would be the outcome. If not in the context of this legislation, then let us be honest about it: The likelihood that this type of amendment is going to be able to survive the entire conference process may be questionable. I hope by going on record—as I suspect by the end of this afternoon every Member of the Senate will—in favor of locking up both of these surpluses, we will take a step in the direction of ultimately achieving it. I certainly intend to come back to the Senate and, in the context of legislation that can get to final passage inclusive of such lockboxes, give the Senate opportunities to support such an effort.

As I talk to constituents in my State, and from comments made by people all over America, there is little doubt that one of the most frustrating things to people, whether they are already Social Security recipients or will be in the future, is the fact that they have watched as too many Social Security surplus dollars have been spent on other things in order to make the deficit appear smaller. I think they are going to be very pleased this year when we end the fiscal year not only with a balanced budget but also without spending one penny of Social Security on anything but Social Security or the reduction of debt. That is a sea change.

I don't think we should lose sight of the circumstances in which it has come about. Senator ASHCROFT, myself, Senator DOMENICI, and others in the budget process have worked to make sure there were in place the kinds of budget rules that precluded Social Security surpluses from being spent on other things. This year taxpayers who have been so disappointed in the past that

such moneys were used for other purposes are going to receive the good news that they were not and that they are not going to be in the future. Indeed, this year's budget resolution, as last year's, incorporates the kinds of rules that will protect it. I am proud to have been involved in the drafting of those rules.

I am glad we are back on this topic. It may not resolve it fully, in the context of the Labor-HHS appropriations bill, but hopefully, after today, we have at least set the precedent that we will create these lockboxes, that we are not going to prevent votes from being taken on final passage of the various options that are out there, at least to get final votes on those options in some context.

I look forward to bringing back an even stronger Social Security lockbox and for a chance to get a vote on the version we have drafted. I would like to have that opportunity.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be charged equally against both sides.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for 15 minutes out of order, without the time being charged to anyone.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, I know the Senator from West Virginia has some remarks he wants to make. We are about to get this tangle resolved. Does that side have any more speakers?

Mr. REID. Mr. President, with all due respect to my friend from Georgia, if the senior Member of the Republican side wanted to come out and speak, we would drop everything no matter what we were doing. I think we should give the Senator from West Virginia the same opportunity.

Mr. COVERDELL. Mr. President, the question is, Is there time on your side that we might use?

Mr. CONRAD. On this side, we have 4 minutes remaining. Obviously, we would like to reserve some of that time for the purpose of making a statement at the end.

Mr. COVERDELL. How much time remains on our side?

The PRESIDING OFFICER. There are 30 minutes remaining.

Mr. COVERDELL. Thirty minutes. Mr. President, I yield 10 minutes of our time to the distinguished Senator from West Virginia and do not object to the additional 5 minutes that would bring him to his 15 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I apologize for imposing myself at this moment.

But I had noticed several quorums of considerable length, and I thought this might be a good time to have a statement made. I thank all Senators.

"THE SEARCH FOR JESUS"

Mr. BYRD. Mr. President, I found disappointing Peter Jennings' "The Search for Jesus," which aired on ABC Monday night. The promotions for the show promised a pilgrimage to the roots of Christianity, but I think what we were actually given was more of a slide show.

All too often we are told by members of the media that they are constrained by time. Broadcasters divvy up air time into 30 seconds, 60 seconds, an hour, 2 hours, and they are constrained by these blocks, which are further constrained by their ability to sell advertisements to support their use of time.

In case after case, including that of "The Search for Jesus," too little time is devoted to providing a serious look at important issues. Whatever one's view of Jesus may be, it is hard to deny that few, if any, other lives have so affected our world and humanity as that of Jesus Christ. Here is someone who literally split the centuries in two.

The questions and controversies surrounding His life on Earth certainly deserve more than the 2 hours devoted to it by ABC. Two hours—in fact, much less than that when one subtracts the commercial time, which was substantial—hardly scratches the surface.

The program presented many provocative ideas. A very limited number of theologians, historians, and ordinary folk had much to offer in the way of researched information, speculation, theory, heartfelt notions, and simple faith. But they were given only seconds here and there to provide us with what may well have been valuable insight and inspirational ideas. If there is a topic that deserves plenty of time, this is it. And, I daresay, as much as it may also cause what to many, including myself, is a distasteful commercialization of religion, this is a topic for which I assume the network easily sold loads of advertising time—as apparently it did for the broadcast Monday night. In this case, what actually aired was light on substance, but heavy on advertising, giving the effort the appearance, at the very least, of a high-toned money grab.

I cannot be sure what motivated the show, "The Search for Jesus." Evidently, Peter Jennings and staff spent months preparing for it, conducting interviews, researching, and traveling to Biblical sites. But viewers were certainly done a disservice by the encapsulated version that the network provided. As much as any journalist may try to let others do the talking, to give the experts the floor, and to present a rounded, unbiased view, when it comes right down to it, the finished piece—except on very rare occasions—reflects the decisions, good or bad, of producers

and editors who must slice and trim to make their program fit into the time frame relegated to it by the network.

The show's conclusion—that Jesus was a man, that he existed—comes as no revelation to anyone who has lost someone dear and found solace only in the Trinity. As the program noted, there were others before and during His time who professed to be the messiah. They came and went, sometimes by execution, and their followers were either executed alongside their leaders or they found new "messiahs" in whom to place their faith. But, as the ABC show noted, Jesus was an exception. There was something extraordinary—one might say miraculous—in the way that His death promoted the proliferation of His teachings, and in the fact that, nearly 2,000 years after His crucifixion, He continues to inspire followers around the world.

There is, indeed, no need to go to the Middle East to find Jesus. He can be found in any West Virginia hamlet or hollow. He can be found in the arid West, among towering urban buildings, and along peaceful ocean shores.

In the words of Job, that ancient man of Uz, "Oh that my words were now written! Oh that they were printed in a book! That they were graven with an iron pen and lead in the rock for ever! For I know that my Redeemer liveth, and that He shall stand at the latter day upon the earth."

I do not judge the intentions or the views of those who helped to put together "The Search for Jesus" program, but I know exactly where to place my faith.

Mr. President, I ask unanimous consent that an article entitled "He's everywhere but here," be printed in the RECORD.

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

[From the Washington Post, June 25, 2000]

HE'S EVERYWHERE BUT HERE

(By Tom Shales)

An essentially thankless task that proves also to be a pointless one, "The Search for Jesus" is likely to anger many of those who see it—and merely bore others. A two-hour ABC News special, the documentary proceeds from a foolhardy premise and, in the end, doesn't accomplish much more than a dog chasing its tail.

And it's not much more illuminating to watch.

"Peter Jennings Reporting: The Search for Jesus"—yes, Jennings gets top billing over even the Messiah—supposedly aims to discover what can be learned about "Jesus, the man," in historical rather than religious terms. But can those two aspects of Jesus's life really be separated? The danger is that what you'll end up with is an exercise in myth-debunking potentially offensive to devout members of the Christian faith. And that is precisely what happens.

The program, at 9 tonight on Channel 7, is peppered with disingenuous disclaimers. "We are very aware of our limitations," Jennings says at one point, though much about the

program suggests journalistic arrogance and hauteur. He concedes that it is difficult for a reporter "to get the story right" in this case, but isn't it rather presumptuous even to try? A little later, when Jennings says the question of Jesus's divinity is "a matter of taste," he sounds ridiculously nonchalant about a topic of the deepest spiritual profundity.

Devout Christians may not be the only ones taking umbrage. Whenever Jennings parades into the Middle East, warning flags are raised by American Jewish groups that have objected several times to what they see as a pro-Palestinian, anti-Israeli bias evident in some of the anchor's past work.

Thus one can only groan and shudder when Jennings, later in the broadcast, opens the old can of worms about whether "the Jews" or the Romans are more responsible for the crucifixion of Christ. Oh how we don't need to get into that again. As it turns out, the issue is rather diplomatically skirted by one of several guest theologians who says, tiptoeing carefully, that "a very narrow circle of the ruling Jewish elite" probably did collaborate with the ruling Roman elite in nailing Jesus to the cross.

As for the resurrection of Christ, upon which the entirety of Christian faith rests, Jennings notes in his cavalier style that there is "a wide range of opinions" about whether it occurred. Come, now. You believe it or you don't. That's the range of "opinions." Anyone looking for scientific or historical "proof" is flamboyantly Missing the Point.

"All but the most skeptical historians believe Jesus was a real person," Jennings is willing to concede. But one by one he sets about discrediting what Matthew, Mark, Luke and John say about the miracles and divinity of Jesus, making a big fuss, for one thing, over the fact that the four New Testament books contain inconsistencies in their recountings of the story.

Did a star in the east guide the Three Wise Men to the manger where Jesus was born? "I don't think there were Three Wise Men," a biblical scholar huffs, and that's supposed to dispel that detail. Jesus may not even have been born in Jerusalem but rather in Nazareth, Jennings says; does it make a particle of difference to the spiritual essence of the matter?

Sometimes Jennings is content with "analysis" of the most innocuous sort. Jesus "must have been a controversial figure" in his own time, Jennings says. No kidding. But mostly we get specious debunkery. Stories of Jesus performing miracles were most likely "invented" by "the gospel writers," Jennings tells us. Even as relatively mundane a detail as Jesus getting a hero's welcome when he entered Jerusalem on Palm Sunday is dismissed: The crowd "may have been singing and shouting, but not necessarily for Jesus," one of the "experts" opines.

It's also suggested, despite the daring Jennings pronouncement that Jesus was "controversial," that Jesus may in fact have been "a rather minor character" in the political turmoil of the era.

To the credit of producer Jeanmarie Condon, "The Search for Jesus" does contain many visually arresting images, and the program was for the most part beautifully shot by Ben McCoy. There are such piquant ironies as a sign warning "Danger! Mines!" near a spot where it is believed John the Baptist and Jesus himself once preached. The first image on the screen is striking: a silhouette of the Bethlehem skyline today, a cross atop one building and a satellite dish atop another.

Thus the program is handsomely produced yet stubbornly wrongheaded and bogus, often seeming a gratuitous effort to cast doubt on deeply and widely held beliefs. This isn't really proper terrain for journalists to traverse. It was a bad idea to do the show and it came out as flawed and muddled as anyone might have dreaded.

Some of the padding in the two-hour time slot is filled with modern, hip and usually dreadful recordings of hymns and religious songs. A lot of territory, physically as well as thematically, is covered, but for little purpose. At several of the shrines in the Holy Land, we see tourists with video cameras making their own personal documentaries about a visit to the Middle East. Some viewers would be quite justified in wishing they could look at those tapes rather than at ABC's misbegotten and misguided "Search."

It is a search that leads nowhere. Slowly.

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

THE DEPARTMENTS OF LABOR,
HEALTH AND HUMAN SERVICES,
AND EDUCATION AND RELATED
AGENCIES APPROPRIATIONS, 2001
—Resumed

Mr. BROWBACK. Mr. President, I yield up to 15 minutes to the Senator from New Mexico, the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you very much. I hope I don't use all of the time and that I can yield Senator BROWBACK time because he started this great discussion with his amendment, on which I support and commend him—the Ashcroft Medicare lockbox.

I have a pretty good suspicion that sometime soon it is going to be adopted by the Senate. The Senator can take great credit, being one who from the very beginning wanted to have a lockbox on Social Security—and even joined in the real lockbox bill, which, incidentally, was not the lockbox we are considering for Social Security today. He has been on the cutting edge of new ways to save both the Social Security trust fund and today on the Medicare HI part of the trust fund.

I rise to talk a little bit about the Social Security lockbox.

First of all, everybody should think for a minute. What kind of lockbox must the Democrats have when they have resisted a lockbox five times? That was a lockbox we came up with that the distinguished Senator from Michigan, Mr. ABRAHAM, introduced with me and others. And five times the Democrats have resisted it and have not let us pass it. That ought to put up a little bit of a question: what is the difference between the two, since all of a sudden today on an appropriations bill—which probably means amendments are going to go nowhere other than to make a little racket here—we have two distinguished and good colleagues of mine adopting a Democrat lockbox for Social Security.

First, let me change that to six occasions when we have offered a lockbox we put together. Most people who check for a real lockbox, in the sense of what that word means, say ours will do it and that others are questionable. Others are, in one degree or another, more easy to use in terms of violating the lockbox and spending the money elsewhere.

The reason they are different is that ours is real. In the very sense of a lockbox written into law, ours is real.

Let me essentially tell you what we did. We calculated where the debt of the United States would be if all of the Social Security money were left in, if we knew the numbers, and if we put in law and statute the level of debt each year for the foreseeable future. Then we said that statute locks that money in, except in the case of war or the case of economic emergency—we defined that as most economists do—and great national disaster.

That is a lockbox. In order to spend it, we have to have a statute, a law that will change that level of debt that is related to Social Security.

My friend on the Budget Committee, Senator CONRAD, has for a long time been a proponent of making sure we have the debt down, and I commend the Senator. He has been concerned about Social Security, as have many of us.

Essentially their lockbox is an invitation to waive the lockbox or, by a 60-vote majority, get rid of it. Thus, whatever you want you spend.

I urge, instead of the lockbox they have before the Senate, serious consideration of accepting the lockbox that Senator ABRAHAM, Senator DOMENICI, and Senator ASHCROFT have tendered on six occasions. It is truly what the senior citizens deserve when speaking about lockbox. We should not be telling them it is a lockbox, but it can be waived simply on the floor of the Senate.

How simple is it? We have just waived, for the two bills before the Senate, the Budget Act, which precluded doing what they were doing. We got up and said: Let's waive it. We could reach the point where we want to spend Social Security and Members could come to the floor with a vital program and say, just as we waived the Budget Act in order to take this off budget, let's waive it to spend it.

If you do the Abraham-Domenici-Ashcroft lockbox for Social Security, you have to introduce a bill, say we want to change the debt limit as Social Security impacts it. Frankly, I am very proud to have come up with that idea. I think my friend from Michigan would acknowledge I came up with it. I am very proud of him. For a long time, he has been trying to get that voted on. He has told people what he was for, as Senator ASHCROFT has. We have not had a vote.

We tried six times to get a lockbox vote, and we were denied it by this institution, by our fellow Senators on the other side. Then all of a sudden, on an appropriations bill, with a pretty positive chance that the amendments aren't going anywhere because we cannot pass this kind of an amendment on an appropriations bill when it gets to the House—you can take it out the door and send it to the House, but you are pretty sure if it is not dropped before getting to the House, it is probably dropped when you open the doors to the conference because it does not belong on this bill. I am not suggesting that either amendment is being offered knowing full well it is not going anywhere, but I am asking why doesn't the Senate vote on the real lockbox for Social Security.

We are going to have our vote today. I am wondering whether the Senator might give consideration to offering the real lockbox and see where we stand. I ask Senator ABRAHAM what he thinks of that idea in terms of being a chief proponent.

Mr. ABRAHAM. I spoke on the floor a few minutes ago and raised many of the same inquiries the Senator has raised. I am disappointed, after so many efforts on our part to get a vote, that we couldn't.

On the other hand, I indicated I was heartened that today at least there seems to be a willingness to begin to give people votes on issues relating to the lockbox. I want to have the votes.

There is a clear distinction between the lockbox we have authored together and we want to have an opportunity for that stronger lockbox to be considered. I want it done soon. It ought to be done on a vehicle that becomes a law.

Mr. DOMENICI. One last point in reference to the Medicare lockbox off-budget proposal that my friends on the other side of the aisle have offered.

There is a giant loophole that we have never considered in the Social Security trust fund lockbox, nor is it considered in their lockbox on Social Security. Current HI law permits all kinds of additions on the expenditure side of Medicare.

If we leave that language in, we are opening that trust fund instead of closing it. When we take it off budget we open it to spend it, which, to me, seems almost inconsistent with why we are doing it.

I am not going to vote for either of the Democratic lockboxes because I think the Medicare does not work and the Social Security is not a real lockbox.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from North Dakota.

Mr. CONRAD. I say to my colleague and my friend from New Mexico, his last reference is to a provision that says you can spend Medicare money for

Medicare programs. That is so we can have a BBA add-back, a balanced budget add-back, for Medicare, as we did last year. There is nothing mysterious about that.

The Senator from New Mexico asked why we weren't supporting the lockbox proposal he made previously. There are two reasons: No. 1, we got a letter from the Secretary of the Treasury saying that could threaten default on the debt of the United States; No. 2, our analysts indicated that could threaten Social Security payments to those who are eligible for Social Security. Those are the reasons we have not accepted that lockbox proposal.

I didn't just come here today proposing a lockbox. For 2 years, I have proposed a Social Security and Medicare lockbox as a senior member of the Senate Budget Committee. Frankly, our friends on the other side of the aisle have resisted.

If the choice is between the lockbox proposal I have made today and the lockbox proposal of the Senator from Missouri on the question of which is stronger, there is no question which is stronger. The amendment I have offered is stronger. That is because there is a fatal flaw in the amendment of the Senator from Missouri. He provides no enforcement mechanism for the provision taking Medicare surpluses off budget.

Under the amendment of the Senator from Missouri, no point of order would apply against legislation that could use Medicare surpluses for other purposes. Under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is the fact. That is the reality.

I notice the chairman of the Budget Committee never referenced the amendment the Senator from Missouri has before the Senate today. Never referenced it. He talked about a lockbox proposal they have had previously—not about the lockbox proposal before us today.

I yield the floor.

Mr. ASHCROFT. Mr. President, I yield to the Senator from New Mexico 4 minutes.

Mr. DOMENICI. For 10 years, we have had a written proposal with reference to the lockbox for Social Security and never have we put in language that said what their Medicare lockbox amendment says, that the surpluses can be used for spending related to the programs currently in HI. As a matter of fact, we have used the money for Social Security with a lockbox, a "verbal" like theirs, that never included such language, and we have spent the money on Social Security.

What I am saying is this is an invitation to expansion and spending, rather than an invitation to protecting it. We could be making HI less solvent under this language rather than more solvent.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I yield to the Senator from Michigan so much time as he may consume up to 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I want to comment, in response to the comments of the Senator from North Dakota, the following: The Senator from North Dakota has characterized the stance of those of us who have not supported his proposal for a Medicare and Social Security lockbox as resisting his efforts for 2 years. Resisting his efforts is not, in my judgment, a proper characterization. We have not supported those efforts. But what we have done today is provided the Senator from North Dakota a chance to have a vote on a proposal he has worked on and for which he has sought support. I would like to distinguish that from what I consider to be the accurate definition of resistance, which is to not even give a vote to people who have a legitimate proposal to bring to the floor of the Senate, and I consider the amendment Senators DOMENICI and ASHCROFT and I drafted with respect to a Social Security lockbox to be a legitimate piece of legislation that deserves the same consideration that we will soon give the Senator from North Dakota.

I say to the Senator from North Dakota and his colleagues, I hope, in the spirit with which a vote is being offered on the proposal that he has today, we will get a straight up-or-down vote on the proposal we have been offering because now that you have had this chance we will see what happens, obviously, both here and in the conference that will follow the passage of this legislation. I would like to have the opportunity to get a straight up-or-down vote on the legislation that on five or six or whatever number it is separate occasions has been prevented from happening. That to me would be the difference between resistance and lack of support.

I do not ask the Senator from North Dakota to vote for my proposal. I hope he and his colleagues would at least give us an opportunity to let all of us cast our votes up or down on it. I hope we get that chance. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am running out of time. The Senator from Missouri informs me he has 20 minutes left. I have 2 minutes left. Under the rules, if neither of us uses time right now, the remaining time of each of us is used equally, which means I would run out of time. He has indicated that is what he would do. If I do not take this time for my final argument, we just lose the time. Those are the rules of the Senate. That is fair.

I say this. I am saying this for the benefit of colleagues on my side who are wondering if there is additional time available. Clearly, there is not.

The Senator from Michigan and the Senator from New Mexico have again raised the question of the lockbox they offered previously; not the lockbox on which we are about to vote, but what they offered previously. The reason our side resisted that lockbox approach is because we received a letter from the Secretary of the Treasury from which I quote:

Our analysis indicates that the provisions Senators Domenici and Abraham and Ashcroft were previously offering could preclude the United States from meeting its financial obligations to repay maturing debt and to make Social Security benefit payments, and could also worsen a future economic downturn.

That is the reason we resisted those plans, because they were flawed. That is the same reason I believe the amendment I have offered today, to have a Social Security and Medicare lockbox—something I have proposed for 2 years—is superior to the option we are actually voting on today. The reason our proposal is superior, I believe, is because it protects Medicare. It protects it in the same way we protect Social Security: by points of order to make certain that it is not raided.

Unfortunately, the amendment of the Senator from Missouri does not have that level of protection. He has less protection for Medicare than for Social Security. He does not have a point of order that can apply against legislation that would use Medicare surpluses for other purposes. The problem with that is under the Ashcroft amendment the Medicare trust fund could be raided, could be depleted for any purpose as long as the overall budget remained in balance.

I thank the Chair.

The PRESIDING OFFICER. All time under the control of the Senator from North Dakota has expired. Who yields time? The Senator from Missouri.

Mr. ASHCROFT. Mr. President, how much time remains?

The PRESIDING OFFICER. There remain 17 minutes.

Mr. ASHCROFT. I yield to the Senator from Michigan as much time as he may consume up to 5 minutes.

Mr. ABRAHAM. Mr. President, I thank the Senator from Missouri. I cannot resist responding to the closing remarks by the Senator from North Dakota. I have to say, I interpret his comments as saying he and his colleagues, because they oppose or would vote against the lockbox proposal we have offered so many times, would not even let us have an up-or-down vote on it. I think that is unfortunate.

I think the way the Senate works, they certainly have an ability to prevent votes. But so do we. I hope we will not have to get to the point where we have to engage both sides in those

kinds of tactics. We have certainly demonstrated today a willingness to have a vote on his Social Security lockbox proposal. The concerns he raised in the letter that was written by Secretary Rubin, the long-since departed Secretary of the Treasury, were in fact responded to by us in the modifications that we brought in the most recent version of this lockbox.

Certainly I am not going to get into the merits of that at this point, but the notion that because the Secretary of the Treasury argues that something could cause problems should prevent us from having a chance to vote on an issue—there are plenty of issues we vote here where Cabinet members have raised the specter of problems if such votes or legislation were passed.

It is pretty clear to me that notwithstanding the seemingly positive steps taken today to give the Senator from North Dakota an opportunity to have his Social Security lockbox voted on, we are still going to meet impediments in the effort to get ours voted on. I would put the Presiding Officer and the Senate on notice, we are going to keep trying. We, unfortunately, may have to go into the sorts of tactical approaches that cause a lot of time to be taken when it seems to me we could accommodate both sides on this fairly easily. In any event, we will keep pressing forward on it.

I close by complimenting the Senator from Missouri whose steadfast efforts on both the Social Security lockbox as well as the Medicare lockbox front predated the efforts of anyone else of whom I am aware, certainly on the Medicaid issue. He has certainly demonstrated his commitment to that. Certainly his efforts to bring these issues to the floor deserve all our praise and thanks.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Michigan for his kind remarks and for his commitment to maintaining the integrity of our Social Security and Medicare trust fund. Frankly, I thank the Senator from North Dakota for coming to the floor to engage in the debate about a very important issue, as well as the other Senators who have come forward to indicate their support for discontinuing—or stopping—what has become a rather traditional exercise of this Congress: spending money out of the Medicare trust fund for other purposes.

It is time for us to cease that kind of expenditure. It is time for us to say the trust fund, which is made up of taxes specifically paid by working people—you have to work to pay the Medicare tax; it is a specific tax paid by working people—should be off limits to other expenditures.

I thank the Senator from North Dakota. I thank the Senator from Michi-

gan. I thank the Senator from New Mexico. I am grateful for the others—the Senator from New Jersey and others—who have talked about this issue. It is a major step forward.

There are a lot of folks who have come to the floor talking about how they wanted this for a long time. Frankly, we have not had this kind of debate on protecting the Medicare trust fund in my memory. When I filed this legislation last November, I was not aware of any, and I still do not know that there is, any other legislation similar to this that had been filed at that time. I am delighted we are making this progress. I commend people on both sides of the aisle for this progress.

My amendment protects the Social Security surplus as well. Social Security is off budget already. My amendment prohibits on-budget deficits.

The Senator from North Dakota is talking about how durably he protects the Medicare trust fund with a point of order that takes 60 votes in the Senate. I am pleased for him to embrace that and to talk about it and say how good it is, in part because that is the budget rule which I proposed.

Mr. DASCHLE. Will the Senator from Missouri yield for 30 seconds? If he will yield for a couple of seconds, I want to yield 5 minutes of my leader time to the senior Senator from North Dakota.

Mr. ASHCROFT. I yield the floor for 5 minutes of leader time for the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 5 minutes.

Mr. CONRAD. Mr. President, I will not take 5 minutes at this point. I want to make the point that I appreciate the Senator from Missouri. He is serious and sincere about an effort to provide a Social Security and Medicare lockbox, but when you look at the specifics of what he has proposed, it falls short. There is a fatal flaw.

Let's look at fiscal year 2000. There is projected a \$150 billion Social Security surplus. That is protected. There is a \$24 billion projected Medicare surplus. Under the proposal of the Senator from Missouri, every penny of the Medicare surplus could be taken for other purposes because the protection he provides is aimed at the overall budget being in surplus, not at the Medicare component being in surplus. So he has a lockbox that leaks. That is the problem.

The reason the amendment I have offered, along with Senator LAUTENBERG, the ranking member of the Budget Committee, is superior is that it solves that problem. We do not have a leak. We have a budget point of order that prevails.

In addition, the Senator from Missouri does not have Social Security protection. We do. We have additional points of order that apply to make sure nobody raids Social Security.

Our colleagues are going to have a defining vote in just a few minutes: Do you want to have the strongest protection for Social Security and Medicare, or do you want a weak tea version? That is going to be the choice, and all of us are going to be held accountable for our votes. That is the point.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be allowed to finish my remarks on this measure without further interruption.

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

Mr. ASHCROFT. Mr. President, I begin—

Mr. REID. I am sorry, I was talking with someone else. What was the request?

Mr. ASHCROFT. Mr. President, I believe I have the floor.

Mr. REID. I am sorry, I could not hear the Senator's request.

The PRESIDING OFFICER. The Senator from Missouri has the floor, but the Chair will repeat the unanimous-consent request, which was, he be allowed to finish the remainder of his time uninterrupted.

Mr. REID. I apologize.

Mr. ASHCROFT. Mr. President, I tried to accommodate the Senators on the other side. When the leader from the other side asked for 5 additional minutes, I interrupted my own remarks, and I thought it would be fair for me to have an opportunity to spend my time without being interrupted. I will start over.

I commend the Senator from North Dakota for his concern and for coming to the floor to debate this issue. I am delighted we have now come to a place where we are debating "hows" instead of if we are going to do it—how we are going to do it. Both of these measures provide a 60-vote point of order, which is a pretty high hurdle to climb over, as a way of protecting Medicare. As a matter of fact, that is the mechanism that is used in the protection for Social Security.

The Senator from North Dakota has commended that as durable, strong, vigorous, robust protection. It happens to be the protection which I placed in the law as a result of an amendment I offered in the budget process in previous budget years so that we would find ourselves incapable of infringing the Social Security surplus. When we adopted that amendment and embraced it, we had tremendously good results.

This year, it looks as if there may be as many as \$175 billion we will save, not spend; that we will respect instead of invade in terms of the Social Security surplus. That is a big positive. Really, what both sides of the aisle are talking about is getting the kind of ro-

bust, strong protection for Medicare that we have for Social Security.

I have to say how much I appreciate the remarks of the Senator from New Mexico, the chairman of the Budget Committee, who talked about the fact we need protection in the statute, not just in the budget rules. It is lamentable that each time we have sought to upgrade that protection from the budget rules to a statute, there has been a filibuster on the other side.

They now say the reason they were filibustering—one time they said it is because of Medicare; another time they waved an opinion that came from the Secretary of the Treasury. One of the reasons the Secretary of the Treasury indicated he would not want to support what we were offering was they might need to do additional spending in certain times in our economy. I understand there are those who believe wanting to spend more is a reason not to do this, but the real reason for wanting to do this is to spend less, especially to spend less of the money that is in the lockbox.

The Senator from North Dakota has raised issues regarding the security of the lockbox which I have proposed. A good debate on these issues is important and appropriate. As a matter of fact, we want to have the strongest lockbox we can. I would not come to this Chamber and offer lockbox legislation that is not durable and not strong. I do not think the Senator from North Dakota would either. There are problems with the proposal of the Senator from North Dakota. This particular phrase on the fifth page of his amendment beginning with the words:

This paragraph shall not apply to amounts to be expended from the hospital insurance trust fund—

That is, Medicare trust fund—
for purposes relating to programs within part A of the Medicare as provided in law on date of enactment of this paragraph.

Frankly, they may have a durable lock on that box; they may have reinforced corners on the box; they may have a stout handle on the box; but if there is a hole in the side of the box, we have problems.

I appreciate the Senator from New Mexico raising this issue about potential leakage from the box. What we should be about, though, is not trying to find ways in which our proposals are inadequate or whether there is a hole in his box or whether my supermajority point of order is as durable as his supermajority point of order. We should be about the business of protecting the Social Security surplus and the Medicare surplus and doing it in a durable way and a way which means this Congress will not relapse into habits that Congress engaged in for decade after decade. It is time for us to respect the need for a lockbox.

I filed the measure last November. Last month, Vice President GORE en-

dorsed the concept of a lockbox. This week, 2 days ago, the President of the United States said we ought to have a lockbox to secure the Medicare box so that it would not be available for spending. I do not know what the Treasury said last year, but I know what the President said last week. And I agree with that.

So it is possible to quibble here or there about one aspect of this or the other. It is instructive for me to know that these amendments were not proposed until I came to the floor to propose this.

I am delighted that for the first time in my memory we are debating a Medicare lockbox, in conjunction with a Social Security lockbox, that is durable.

May I inquire as to the time remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 15 seconds remaining.

Mr. ASHCROFT. So with that in mind, I commend to the Members of the Senate, generally, the concept of a lockbox: a durable, secure, mechanism that keeps this Congress from re-engaging in activities it has engaged in over time.

As this measure moves forward, let's do what we can to improve it in every way possible. Let's talk about a lockbox for Social Security that is statutory.

I was delighted to be able to put it in the budget rules of the Senate so that it is out of order for someone to propose spending Social Security income trust funds for non-Social Security purposes. But I would like to see it enshrined into law.

We have talked about waiving budget points of order. Obviously, I would like to have this be beyond a point of order. I would be very pleased to have a law enshrined for the way in which we would enforce these rules.

It is with that in mind that I express my appreciation to the Members of the Senate and say that our objective here is relatively uniform. From what I can tell from arguments made on the other side, to arguments made on this side, we both want a lockbox. We both want a lockbox that is durable. We want one that does not leak. We want one that is enforceable.

The lockbox—I think we are agreeing today—should be one that protects not only Social Security but Medicare. When we get this close to this kind of agreement on an issue that is this important, I think it is time for us to work together.

I do not want to fight with my colleagues on the other side of the aisle. I want to work with them. If we are close to having a durable Social Security lockbox and if we are close to having one that protects Medicare, I want to do it.

I have been working on this for over 2 years. Early in 1999, S. 502, the Social

Security Safe Deposit Act, was incorporated in the fiscal year 2000 budget resolution, and again in the fiscal year 2001 budget resolution, with those kinds of rules. That is why we have the durability of at least the rules.

Finally, the Conrad amendment does not offer stronger protection for Social Security than the Ashcroft budget rule. It is the same thing. It is codified. I think we can even do better than that. I would like to do better than that with a statute.

While both offer the same point of order protection for Medicare, my amendment does not have the hole in the side of the box and, as a result, I think it is stronger. But, very frankly, I want to work with folks on the other side of the aisle who agree with me on this issue. I am not opposed to the idea of our working together to get it done.

So I announce to my colleagues in the Senate, I do not think it is a difficult thing to vote for my amendment. I think it is a very good amendment. I do not think it is a difficult thing to vote for the amendment on the other side of the aisle.

I hope if we vote for these amendments, and they are enacted, that we will be able to work together toward a solution that really helps the American people, that protects senior citizens from having the Medicare trust fund violated, and from having the trust fund for Social Security violated as well.

I would like to see that done in statute as well as in the rules of the Senate. It is with that in mind that I thank the Members of the opposition and those who have spoken on behalf of this amendment. I think we can work together for a really important purpose.

I yield the floor.

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

All time on the Conrad amendment and the Ashcroft amendment has expired.

Mr. CONRAD. Mr. President, I had 3 minutes of leader time remaining.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. CONRAD. Mr. President, first, I assure my colleague that my amendment was not in response to his. I had filed for an amendment yesterday. I offered this amendment in the Finance Committee yesterday. I have offered a lockbox for Social Security and Medicare for 2½ years—a different Medicare-Social Security lockbox than is advocated here today by the Senator from Missouri because I believe there is a fatal flaw in the amendment of the Senator from Missouri.

That fatal flaw is that his protection does not work. It does not work because, under the Ashcroft amendment, no point of order would apply against legislation that would use Medicare surpluses for other purposes. The result

of that is, under the Ashcroft amendment, the Medicare trust fund could be depleted for any purpose as long as the overall budget remained in balance. That is the problem with the amendment of the Senator from Missouri.

That is the reason the amendment that I have offered is superior. It is stronger. It provides real protection for Medicare, by way of special points of order against a budget resolution that would violate the off-budget status of Medicare Part A.

The fact is, the amendment of the Senator from Missouri does not provide the same protection to Medicare that we provide to Social Security.

Now, why would we do that? If we are serious about protecting Medicare, wouldn't we have the same points of order apply to protect Medicare in the same way that we protect Social Security? I would hope so. Because if we do not, the hard reality is the amendment of the Senator from Missouri would permit us to go and raid every penny of the Social Security surplus or every penny of the Medicare surplus this year and use it for another purpose. That is a mistake.

In addition, the Ashcroft amendment is silent on Social Security, while the amendment that I have offered adds a point of order against violating the off-budget status of Social Security.

I hope my colleagues will vote for the Conrad-Lautenberg-Reid amendment so we really protect Medicare in the same way we protect Social Security. That is what we ought to do here today. That is the opportunity we have here today. We ought to take it. We ought to protect Medicare and Social Security. We ought to adopt this lockbox proposal.

Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of my amendment.

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

Mr. CONRAD. I thank the Chair and yield the floor.

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

All time on the Conrad amendment and the Ashcroft amendment has expired.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays be ordered on both amendments.

The PRESIDING OFFICER. Without objection, it will be in order to order the yeas and nays on both amendments.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the second vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. SPECTER. On the time of the votes that are about to occur, I remind my colleagues of what Senator LOTT said earlier today in response to what the Senator from Nevada said, that Senators need to be prepared to have the time limits enforced.

VOTE ON AMENDMENT NO. 3690

The PRESIDING OFFICER. The question is on agreeing to Conrad amendment No. 3690. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG and the Senator from Kentucky Mr. MCCONNELL) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—60

Abraham	Dorgan	Levin
Akaka	Durbin	Lieberman
Ashcroft	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Moynihan
Biden	Fitzgerald	Murray
Bingaman	Gorton	Reed
Boxer	Graham	Reid
Breaux	Harkin	Robb
Bryan	Hollings	Rockefeller
Burns	Hutchison	Roth
Byrd	Jeffords	Sarbanes
Campbell	Johnson	Schumer
Chafee, L.	Kennedy	Smith (OR)
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Torricelli
Daschle	Landrieu	Voinovich
DeWine	Lautenberg	Wellstone
Dodd	Leahy	Wyden

NAYS—37

Allard	Grams	Nickles
Bennett	Grassley	Roberts
Bond	Hagel	Santorum
Brownback	Hatch	Sessions
Bunning	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Coverdell	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
Domenici	Lugar	Thurmond
Enzi	Mack	Warner
Frist	McCain	
Gramm	Murkowski	

NOT VOTING—3

Gregg	Inouye	McConnell
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The amendment (No. 3690) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will now proceed to vote on the Ashcroft amendment No. 3689. The yeas and nays have been ordered.

The Chair reminds the Senate that this is a 10-minute vote by previous order. The clerk will call the roll.

The legislative clerk called the roll.
 Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—54

Abraham	Feingold	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Brownback	Grams	Roth
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee, L.	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchinson	Snowe
Coverdell	Inhofe	Specter
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voivovich
Enzi	Mack	Warner

NAYS—43

Akaka	Edwards	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Hollings	Reid
Boxer	Johnson	Robb
Breaux	Kennedy	Rockefeller
Bryan	Kerrey	Sarbanes
Byrd	Kerry	Schumer
Cleland	Kohl	Stevens
Conrad	Landrieu	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NOT VOTING—3

Gregg	Inouye	Leahy
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The amendment (No. 3689) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that a Jeffords amendment be modified to be formatted as a first-degree amendment. I further ask unanimous consent that at a time determined by the majority leader, after consultation with the minority leader, a vote occur in relation to the Daschle amendment No. 3688, to be followed by a vote in relation to the Jeffords amendment, with no other amendments in order to either amendment prior to the votes.

I further ask consent that the time for debate prior to votes in relation to the amendments be the following: Senator JEFFORDS, 25 minutes; Senator DASCHLE, 25 minutes.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I ask if the distinguished manager of the bill would modify the request to allow for votes to take place immediately following the disposition of the debate on the two amendments. The unanimous consent did call for that. I assume that is the understanding of the proponent of the unanimous consent request.

Mr. SPECTER. Mr. President, it would be my preference to stack these votes at the end. We always run into delays. We have a number of amendments. If we vote in between, it is going to add considerable time to the bill. We will have three or four votes. It will be my hope—it requires the Senator's consent, of course—that we stack the votes.

Mr. DASCHLE. Mr. President, I was asked to delay the consideration of this amendment this morning. I said I would. I have been attempting to accommodate Senators all the way through. We have lost a couple of Senators already. I would be compelled to object to this unless we were able to get the two votes immediately following the debate on the two amendments.

Mr. SPECTER. Mr. President, it appears it will be faster to accept Senator DASCHLE's recommendation, so I do so.

Mr. DOMENICI. Reserving the right to object—I will not object—I ask if you could add 5 minutes for the Senator from New Mexico on this general subject, your amendment. I ask 5 minutes be set aside for me.

Mr. DASCHLE. Mr. President, I ask that Senator JEFFORDS and I be given 30 minutes each.

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

Who yields time?

AMENDMENT NO. 3691

(Purpose: To prohibit health discrimination on the basis of genetic information or genetic services)

Mr. JEFFORDS. Mr. President, I call up my amendment, amendment No. 3691, and ask unanimous consent Senators FRIST and SNOWE be added as co-sponsors. I ask unanimous consent also Senator ASHCROFT be added as a co-sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. FRIST, Ms. SNOWE, and Mr. ASHCROFT, proposes an amendment numbered 3691.

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

Mr. JEFFORDS. Mr. President, may I inquire of the Chair as to the amount of time I have?

The PRESIDING OFFICER. The Senator from Vermont has 30 minutes.

The Senator from South Dakota has 30 minutes.

Mr. JEFFORDS. Mr. President, this week's announcement of the completion of the rough draft of the human genetic map is cause for both celebration and concern.

One of the challenges that comes to mind immediately is that we must protect Americans against genetic self-incrimination. What we are, should not be used against us.

This vast new storehouse of knowledge must be used to advance, not retard, individuals' health and welfare.

In 1998, the Senate Labor and Human Resources Committee held a hearing on genetic information and health care which proved to be one of the most important of the 105th Congress.

Following the hearing, I and Senator FRIST, with the other members of the HELP Committee, together with Senator MACK and Senator SNOWE, began drafting legislation that builds on Senator SNOWE's bill, S. 89, to ensure that individuals would be able to control the use of their predictive genetic information.

After a lot of hard work, we agreed to a set of strong protections against the use of genetic information to discriminate in health care. The results of these efforts are reflected in the genetic information provisions of The Patients' Bill of Rights Plus.

As Dr. Francis Collins, director of the public genomic effort, pointed out this week:

Most of the sequencing of the human genome by this international consortium has been done in just the last fifteen months.

The pace of change is rapid, and this issue has increased in importance since our hearing two years ago.

Everyone in this Chamber and outside of it agrees we need to guard genetic privacy and guard against genetic discrimination.

Citing a study that found that 46 percent of Americans thought that the consequences of the Human Genome Project would be negative, Dr. Craig Venter said:

New laws to protect us from genetic discrimination are critical in order to maximize the medical benefits from genome discoveries.

That's why it's included in the Bill of Patients' Rights passed by the Senate as our body of scientific knowledge about genetics increases, so, too, do the concerns about how this information may be used.

There is no question that our understanding of genetics has brought us to a new future. Our challenge as a Congress is to enact legislation to help ensure that our society reaps the full health benefits of genetic testing, and also to put to rest any concerns that the information will be used as a new tool to discriminate against specific ethnic groups or individual Americans.

Our amendment which is already in the Patients' Bill of Rights, addresses the concerns that were raised at our hearing two years ago:

First, it prohibits group health plans and health insurance companies in all markets from adjusting premiums on the basis of predictive genetic information;

Second, it prohibits group health plans and health insurance companies from requesting predictive genetic information as a condition of enrollment.

Finally, it bars health plans from requiring that an individual disclose or authorize the collection of predictive genetic information for diagnosis, treatment, or payment purposes. A plan or insurer may request such information, but if it does, it must provide individuals with a description of the procedures in place to safeguard the confidentiality of the information.

Our amendment is identical to the provision adopted by the Senate last July. We should adopt it again today.

Technology and scientific developments, stimulated by the Human Genome Project, have led to remarkable progress in genetics and better understanding of alterations in genes that are associated with diseases in humans. We should witness extraordinary opportunities to diagnose, treat, and prevent disease.

With the enactment of this amendment, we will be able to ensure that these breakthroughs will be used to provide better health for all members of our society.

A second challenge that we face is the possibility that employers might use genetic information to screen employees for various purposes, discriminating against one group or another based on genetic information. This, too, I think we should prevent.

I am not sure, and I do not think anyone in this Chamber can be sure, that we do not already do so. It was my understanding that the Americans With Disabilities Act already outlawed genetic discrimination in employment.

That was certainly Congress' intent when we enacted the ADA.

I am not alone in my belief. The Equal Employment Opportunity Commission has interpreted the ADA as including genetic information relating to illness, disease or other disorders and the Supreme Court issued a decision that provided further support for this position.

As recently as March of this year, EEOC Commissioner Paul Miller stated that the ADA does indeed cover genetic discrimination. However, if I am mistaken, then this just highlights the need for further examination of the issue.

I am also concerned that Senator DASCHLE's amendment contains new statutory language that is different from the ADA, which would result in treating genetics differently than other health care information.

More and more, I think this will be an increasingly difficult line to draw.

If that is not confusing enough, there is yet another definition of genetic in-

formation that is part of the rule being promulgated by the Department of Health and Human Services to protect individually identifiable health information.

I want to guard against employment discrimination, but I want to do it right.

The Health, Education, Labor, and Pensions Committee will hold a hearing in the next month or two on genetic discrimination in the workplace.

In the hearing, the committee will explore whether the ADA adequately covers genetic discrimination in the workplace. If we find that the ADA does not provide adequate coverage for genetic discrimination in the workplace then we will work to enact legislation that will provide adequate protection.

However, I think it is important that any law we enact is in parity with the ADA and our other employment discrimination laws.

Senator DASCHLE's amendment has good intentions, but putting provisions regarding genetic discrimination in employment into an appropriations bill, without studying the issue further, is inappropriate. This issue deserves and requires a thorough discussion in its own forum.

Again, I urge adoption of my amendment. It has already been agreed to by the Senate, and it is the product of two years of thought and hard work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we now know what this is all about. Some of our Republican colleagues are going to try to convince a majority in this body that employment ought not be included when we consider discrimination based upon genetic character. I do not think employment discrimination should be treated differently from insurance discrimination. I do not think people who have experienced discrimination, as we have already seen in so many illustrations, ought to be told they have to be concerned about their job simply because of some genetic defect.

That has already happened. We have already seen that happen in case after case. I described a case this morning where Terri Seargent, who had moved up the corporate ladder and was given promotion after promotion, was asked to resign when it was learned that she had the genetic marker for "Alpha 1". No woman, no man, no person, no employee, should be subjected to discrimination based upon genetic characteristics, and that is happening today.

ADA passed a long time ago. That law did not envision the challenges science presents us today. We are simply proposing that we clarify that it should be unlawful to discriminate on the basis of genetic information.

The bottom line question is, when it comes down to these two proposals,

whether we should prohibit both health insurers and employers from using predictive genetic information in a discriminatory fashion? There is agreement, at least with regard to one issue: we should prohibit health insurers from doing it, but our Republican colleagues—at least the senior Senator from Vermont—are saying we just should not cover employers. We should not do it because he would like to have us believe it is already being done. Tell that to Terri Seargent. Tell that to myriad other people who already have had difficulty explaining their situation, in large measure because they have found some genetic defect.

We agree that insurance companies should not discriminate. We agree there should not be any tests for conditions of coverage. We simply disagree at this moment about whether or not we ought to take what we have already done for virtually every other form of discrimination in this country and extend it to genetic information.

The senior Senator from Vermont says no, he does not want to do that. But I cannot imagine that in this day, in this age, given what we are doing with the genome project and our recognition of what it will mean, both good and bad, for this country and for our people that now is not the time to ensure that, regardless of circumstance, we will not allow this to be used as a means of discrimination in the workplace.

Listen to what Francis Collins, one of the key people who headed the international research team that makes up the human genome project, said about this very issue:

Genetic discrimination in insurance and the workplace is wrong and it ought to be prevented by effective Federal legislation.

This is from the head of the research unit. He does not have any question about whether or not ADA covers genetic discrimination. He has already decided. He is the head of the research team. He said this ought to be a wake-up call; let's ban it today. He did not say let's wait for more hearings. He did not say let's get out there and try to figure out a way to do it through regulation. He said this ought to be a wake-up call. That is not TOM DASCHLE; that is not Terri Seargent who has been discriminated against; that is Francis Collins, the head of the international research project calling upon the Senate today to ban discrimination based upon employment. It cannot be any clearer than that, Mr. President.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. JEFFORDS. I yield the Senator from Tennessee 7 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 7 minutes.

Mr. FRIST. Mr. President, earlier this week we received tremendously exciting news in that we essentially had completion of the mapping of the human genome. It is tremendously exciting to me, both as a policymaker but also as a physician, as someone who has spent his life taking care of thousands of patients because it introduces a whole new way of thinking that in the history of mankind we just simply have not had. Now there will be whole new ways of thinking.

I think we should salute both Craig Venter from Celera and Francis Collins for pioneering, for leading this great effort, which will totally change the way we do such things as engineer drugs, the so-called gene drugs. Now and into the future, we can begin to think how we use our own genes, our own proteins, our own metabolites in such a way that they become the pharmaceutical agent instead of a manufactured drug.

It changes the way we will think about organ replacement. Before I came to the Senate, I would make an incision, remove a diseased heart, and have to put in a new heart. Hopefully, 10 years from now, or 15 years from now, when we transplant kidneys or a pancreas, or other organs, we will be able to engineer them based on what we have uncovered.

A third area which this human genome project opens up, as we look to the future, is that of genetic testing. We have been talking about and debating the issue of genetic testing over the last couple hours. That is where you can take a swab, and by rubbing that swap over an array, a pattern of DNA that is lined up, you will be able to predict that a person has a 75-percent chance of getting prostate cancer 10 years from now or a 90-percent chance a person will have breast cancer.

The potential good is the change in behavior, the change in lifestyle, the change in the intervention that can come about to preempt, preclude, stop the progress of cancer.

Unfortunately, as has been laid out and debated today, there are potential dangers, potential harm, if that information is misused. Should policymakers address this potential abuse of genetic information in the workplace? There is no question; yes, we have a responsibility.

Technology has given us new tools which give us new ways to think about gene therapy, organ replacement, genetic testing, and the treatment of cancers and heart disease. We are obligated to make sure the barriers are lowered to take the good in the development of science but also minimize whatever harm there might potentially be.

But to do that, what is our responsibility? Not to have a knee-jerk reaction and accept a proposal which very few people in this body have even read,

much less studied, discussed, and debated. But first, we should focus on the issues that we have studied, that we have addressed in committee, that we have debated, including the input we have solicited from doctors, physicians, scientists, and consumer groups, with both sides of the aisle coming to certain agreements.

Let us start there and systematically address these ethical-type issues which have been introduced by this new science just 3 days ago. Let's not have a knee-jerk reaction until every Senator can ask the important questions.

I agree 100 percent that we should not discriminate in any way using predictive genetic information in the workplace. That needs to be put first. I think it is unfair for the other side to say we are for discrimination in the workplace by genetic testing. It is just unfair. It is just unfair because we are against that.

But to address the policies, in looking at this amendment that has been offered today by Senator DASCHLE and his colleagues, there is a health insurance section. I have read most of that because I have had several hours to do that. I read a little of the employment section. The genetic privacy is very complicated. I can tell you, we need to discuss that a lot more.

As to the various definitions of what a predictive genetic test is, I would have to say, the genetic tests they are talking about, where they are actually talking about metabolites, I don't know, I will have to go out and talk to the real experts, but they may go too far.

So I do not want to pass a major reform bill that will potentially totally underwrite or change the way we treat people in the workplace based on definitions that I do not fully agree with now. But I do not know enough about it until we can talk to people broadly.

This whole expansion of penalties in the fourth section of the bill, I do not know exactly what we are penalizing, if it is just that one statement of penalizing people who use genetic information. First of all, it depends on what that definition is—which I do not agree with—but if it goes beyond that—and I don't know whether it does—I need to know that.

I say all that because this amendment Senator DASCHLE has offered simply has not been vetted. It has not been discussed. I have been involved in the genetic debates with my colleagues on both sides of the aisle—some initial discussions—but I can tell you, we have not gone into any sort of detail on this whole issue of expanding penalties in this expanded, complicated field of genetic privacy and employment.

The one area that has been mentioned is that of health care quality and the use of genetic information in health care, in the health insurance arena.

It is very clear that patients need to be free to undergo genetic testing because that can influence, in a positive way, the outcome of their health care. If they receive information that there is an 80-percent chance they will develop breast cancer, that is likely to change how many times they do self-exams a week, how often they go to the doctor, how often they get a mammogram. That information should be used. There should be no chance that information will be used by an insurance company to discriminate against them in denying them insurance.

It can change lifestyle. If there is a test with an 80-percent chance that you will develop lung cancer, you will want to know that. Why? Because it can change lifestyle.

We have a bill we have debated extensively since 1996 which does just that. Our bill, the Jeffords-Frist bill, prohibits health insurers from requiring patients to undergo genetic testing and prohibits health insurers from using genetic information to deny coverage or set rates for currently healthy individuals who may be at risk for a future disease.

Again, this issue has been vetted through the process, has been vetted through Chairman JEFFORDS' committee. Discussion has gone on. In 1995, the debate in the markup of the Kassebaum-Kennedy bill was extensive in numerous areas.

Mr. President, I urge our colleagues to adopt the amendment Chairman JEFFORDS has offered.

The PRESIDING OFFICER. The time has expired.

The Democratic leader.

Mr. DASCHLE. Mr. President, let me just respond to a few of the arguments posed by the Senator from Tennessee.

First of all, with regard to the technicalities to which he made reference, I do not know what technicalities and what information could be murky about what it is we are trying to do.

We simply say there should not be any employment discrimination based on genetic information. That is it. He talked about these discrimination actions being subjected to a mysterious penalty. All we have said in section 4 of the bill is that if you think you were discriminated against, you can go to court and have a court make some decision with regard to whether there is discrimination or not. That is the penalty. We do not prescribe any penalties. We prescribe some degree of accountability. We simply say, if you think you were discriminated against, you get to sue, period. That is all.

On another point, let me say that the legislation proposed by our Republican colleagues has already been analyzed in some detail as part of their Patients' Bill of Rights, as the Senator from Vermont has said.

On April 12, Senator HARKIN received a letter from 59 health organizations

that wrote with concern about the language propounded in this amendment by the Senator from Vermont. Fifty-nine health organizations have already said: This is not the way we ought to do it.

They don't need more hearings. They don't need more information. They have looked at the bill. They have come to the conclusion that if we are going to write public policy regarding genetic discrimination, this isn't it.

I ask unanimous consent that the letter and names of all 59 organizations be printed in the RECORD.

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

APRIL 12, 2000.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: In the very near future, scientists will have deciphered the entire human genetic code, providing human beings with more information about our health than ever before. Tests are already available that can detect genetic traits associated with particular diseases, and the use of such tests is expected to increase dramatically in coming years.

Genetic testing will improve our lives by providing information on how we can prevent future health problems, and cope more effectively with unavoidable conditions. But the ability to predict diseases through genetic testing and family history opens troubling questions about discrimination, particularly in employment and health care.

As you begin to consider the House and Senate versions of managed care reform, we write to draw your attention to Title III of S. 1344, the Senate bill. We commend the Senate for including provisions intended to protect individuals from discrimination in health insurance based on genetic information. However, we believe that the provisions in the Senate bill as currently crafted are inadequate to meet the challenges raised by the extraordinary scientific advances of our time.

Without comprehensive protections covering both employment and health care, patients have reason to fear that their genetic information could be used as a basis for discrimination. Many health care professionals report that because of these fears many patients are reluctant to participate in important clinical studies that require genetic testing, slowing medical and scientific progress.

The undersigned organizations, representing patients, people with disabilities, consumers, women's and civil rights organizations and many others, urge the conferees to retain and improve Title III of the Senate Bill in the final conference bill, by incorporating the following changes.

1. Add meaningful penalties and sanctions. As currently drafted, the provision for punishing violators is tremendously weak. Without meaningful mechanisms for holding violators accountable, even the strongest genetic discrimination protections become meaningless. Victims of discrimination must have the ability to enforce their rights in state or federal court and to receive appropriate legal and equitable relief.

2. Add protections from discrimination in employment. As currently drafted, the Senate bill bans discrimination by group health plans and issuers, but provides no protection

against job-based discrimination. Thus, even if group health plans and issuers are prevented from misusing genetic information, the very same information could be used against individuals in employment. Genetic information must not be misused to deny people employment opportunities.

3. Prevent unauthorized disclosure of genetic information. One of the best ways to protect people against discrimination is to prevent the disclosure of information to those in a position to misuse it. There is no federal law that prohibits group health plans or issuers from disclosing people's genetic information. We urge the committee to add strong protections against disclosure of genetic information.

4. Clarify plans' limited ability to request predictive genetic information. S. 1344 provides that a plan can request (but not require) that an individual disclose predictive genetic information for purposes of "diagnosis, treatment, or payment." We are concerned that this formulation makes it possible for plans to obtain an individual's genetic information in an overly broad set of circumstances. This language should be rewritten to clarify that when plans are seeking information related to payment for genetic services received, they may only request such evidence as is minimally necessary to verify that an individual received the services. In such circumstances, only individuals within the plan or insurance company who need access to the information for purposes of that claim should have access to it.

5. Clarify definition of "Predictive Genetic Information." As currently drafted, S. 1344's definition of predictive genetic information is potentially confusing. The legislation states that "predictive genetic information" means information "in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information." This phrasing is potentially troubling, because "diagnosis" is a fairly broad and imprecise term. In fact, as doctors and scientists learn more about genetics, it is possible that someday they will consider the presence or absence of a particular genetic trait a "diagnosis." Thus, we suggest that this phrase be rewritten to read "in the absence of symptoms or clinical signs, and a diagnosis", in order to clarify that the presence or absence of a genetic trait should not be considered a "diagnosis" if the individual has no symptoms or clinical signs, and genetic information would not be excluded from protection under those circumstances.

The definition of predictive genetic information in S. 1344 also specifically excludes information derived from "physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and information about physical exams of the individual." This language should be clarified so that it is clear that genetic information derived from either physical tests or physical exams is considered protected information. This can be accomplished by adding language such as "unless the physical test [or physical exam] reveals genetic information."

We would like to discuss these issues with you further at your convenience. Please feel free to contact Susannah Baruch at the National Partnership for Women & Families (202) 986-2600 if you have any questions about this letter. We commend you on your willingness to take on these critical and complex issues, and we wish you well as the conference continues its work.

American Association of Occupational Health Nurses, Inc.

American Association of People with Disabilities

American Association on Mental Retardation

American Cancer Society

American College of Nurse-Midwives

American Civil Liberties Union

American Health Information Management Association

American Heart Association

American Hemochromatosis Society

American Jewish Congress

American Nurses Association

Association of Women's Health, Obstetric and Neonatal Nurses

Beckwith-Wiedemann Support Network

Canavan Foundation

CARE Foundation (Cardiac Arrhythmia Research and Education Foundation)

Center for Patient Advocacy

Coalition for Heritable Disorders of Connective Tissue

Crohn's and Colitis Foundation of America

Digestive Disease National Coalition

DNA Dynamics

Dystonia Medical Foundation

The Ehlers-Danlos National Foundation

Genetic Alliance

Great Lakes Regional Genetics Group

Hadassah

Hemochromatosis Foundation

Intestinal Multiple Polyposis and Colorectal Cancer (IMPACC)

Little People of America, Inc.

National Medical Journeys Network

National Association for Pseudoxanthoma Elasticum (NAPE, Inc.)

National Association of People with AIDS

National Coalition for Cancer Survivorship

National Hemophilia Foundation

National Incontinential Pigmenti Foundation

National Marfan Foundation

National Multiple Sclerosis Society

National Organization for Rare Disorders (NORD)

National Osteoporosis Foundation

National Ovarian Cancer Alliance

National Partnership for Women & Families

National Pemphigus Foundation

National Society of Genetic Counselors

National Tay-Sachs & Allied Diseases Association

National Tuberous Sclerosis Association

National Women's Health Network

National Workrights Institute

National Women's Law Center

Oncology Nursing Society

Polycystic Kidney Foundation

Religious Action Center of Reform Judaism

Ruth G. Gold

Spondylitis Association of America

Susan G. Komen Breast Cancer Foundation

The Sturge-Weber Foundation

The Title II Community AIDS National Network

Tourette Syndrome Association

Union of American Hebrew Congregations

University of North Dakota School of Medicine and Health Science, Division of

Med. Genetics, Dept. of Pediatrics

Xavier University Health Education Program

Mr. DASCHLE. We have the director of the National Human Genome Research Institute who has said we have to pass a bill immediately to bar discrimination in the workplace. We have a bill pending that will allow us to do just that. We have another bill pending that does not provide that protection in terms of discrimination. Fifty-nine health organizations, including the

American Association of Occupational Health Nurses, the Genetic Alliance, the CARE Foundation, the Oncology Nursing Society have said: Please, do more than the legislation offered by the Senator from Vermont.

So it isn't just Dr. Collins, it isn't just Terri Seargent, it is a list of health organizations, the likes of which you rarely see, who have come together to say: We ought to do better than this.

I yield 5 minutes to the distinguished senior Senator from the State of Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. SPECTER. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will withhold.

Mr. SPECTER. Isn't it the rule of the Senate that the first person seeking recognition gets recognition and the Senator does not have the authority to yield to another Senator without unanimous consent?

The PRESIDING OFFICER. The time is under the control of the Senator from South Dakota. He had the floor and is in control of the time, and he may yield time since he is on the floor and has recognition.

Mr. SPECTER. Mr. President, does that ruling supersede the rule that the first Senator seeking recognition gets it?

The PRESIDING OFFICER. The Senator was recognized and had the floor at the time that he yielded.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I want the record to show that I was on my feet seeking recognition at the time the Senator from South Dakota yielded the time.

I want to take a moment of the Senate's time to review what has happened in terms of this policy issue in the Human Resource Committee so there is no confusion about it. We had a hearing on genetic discrimination in health insurance on 21 May 1998. That was a good hearing. That was in 1998.

Then, in May of 1998, a number of us asked the chairman of the committee to have a further hearing about discrimination in the workplace. We have not received it. So I don't take kindly to those who suggest that when we raise this issue on the Senate floor, we are somehow acting out of order. Our committee, the committee of jurisdiction, has tried to focus attention on the dangers of the utilization of genetic information toward possible discrimination for health insurance and employment, and we have been unable to do so. Thankfully, with the Daschle amendment, we will have the opportunity to do so this afternoon.

The Jeffords amendment pretends to be a half a loaf because it addresses in-

surance, but does not address employment. But it is not a half a loaf. It is no more than a thin crust or a thin slice. It will not deal with the central problem of people failing to get needed genetic tests because of unfair discrimination. That is the issue. As long as they can lose their job and as long as their children can be denied jobs, this protection is no protection at all. This program is as full of holes as Swiss cheese. They can still require genetic information. They can still disclose it, and there is still no meaningful enforcement. An insurance company can still get the information to the employer. There is no prohibition on that in the amendment of the Senator from Vermont. They can still do that.

The fact is, they are doing that. In a 1990 survey by the American Management Association, 20 percent of employers collected family medical history information on applicants, including genetic information. Five percent of the employers acknowledged using that information in hiring decisions. We already know that employers are using genetic information to make employment decisions. We must ensure that employees and applicants are not discouraged against getting those kinds of tests. That is what this is all about.

I ask for 1 more minute.

Mr. DASCHLE. I yield the Senator 1 more minute.

Mr. KENNEDY. As Senator DASCHLE pointed out, there is a group of more than 60 organizations that support the Daschle amendment. The National Breast Cancer Coalition is, once again, supporting the Daschle amendment:

Passage of this amendment, and the protections it offers, are essential not only for women with a genetic predisposition to breast cancer, but also for women living with breast cancer, their families, and the millions of women who will be diagnosed with breast cancer. We strongly urge you to support this legislation.

Let us stand with the patients. Let us stand with the victims. Let us not stand only with the insurance companies.

That is what this issue is about. I hope the Jeffords amendment will be defeated.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the National Breast Cancer Coalition.

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

NATIONAL BREAST CANCER COALITION,
Washington, DC, June 29, 2000.

Senator EDWARD KENNEDY,
Senate Committee on Health, Education, Labor
and Pensions (Minority), Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Breast Cancer Coalition (NBCC), I am writing to urge you to support Senators Daschle, Kennedy, Dodd and Harkin's Genetic Nondiscrimination in Health Insurance

and Employment Act, S. 1322, being offered today as an amendment to the Fiscal Year 2001 Labor, Health and Human Services, and Education Departments appropriations bill.

NBCC is a grassroots advocacy organization made up of over 500 organizations and tens of thousands of individuals, their families and friends. We are dedicated to the eradication of the breast cancer epidemic through action and advocacy. Addressing the complex privacy, insurance and employment discrimination questions raised by evolving genetic discoveries is one of our top priorities.

In light of the recent announcement by the White House about the completion of initial sequencing of the human genome, the National Breast Cancer Coalition is cautiously optimistic about this important step in learning more about disease, prevention, treatment and cure. However, while the mapping of the "genetic blueprint" has potential for great advancements in healthcare, there is also the potential for great harm. NBCC is committed to working to ensure that employers and health insurers do not use genetic information to discriminate. Information learned from one's genetic blueprint should only be used to cure and prevent various genetic diseases and cancer.

Discrimination in health insurance and employment is a serious problem. In addition to the risks of losing one's insurance or job, the fear of potential discrimination threatens both a woman's decision to use new genetic technologies and seek the best medical care from her physician. It also limits the ability to conduct the research necessary to understand the cause and find a cure for breast cancer.

The Kassebaum-Kennedy Health Insurance Reform Act (1996) took some significant steps toward extending protection in the area of genetic discrimination in health insurance. But it did not go far enough. Moreover, since the enactment of Kassebaum-Kennedy, there have been incredible discoveries at a very rapid rate that offer fascinating insights in the biology of breast cancer, but that may also expose individuals to an increased risk of discrimination based on their genetic information. For instance, because of the discovery of BRCA1 and BRCA2, breast cancer susceptibility genes, we now face the reality of a test that can detect the risk of breast cancer. Genetic testing may well lead to the promise of improved health as we better learn how genes work. But if women are too fearful to get tested, they won't be able to benefit from the knowledge genetic testing might offer.

We commend the efforts of Senators Daschle, Kennedy, Dodd and Harkin to go beyond Kassebaum-Kennedy toward ensuring that all individuals—not just those in group health plans—are guaranteed protection against discrimination in the health insurance and employment arenas based on their genetic information. S. 1322 would also guarantee individuals important protections against rate hikes based on genetic information, would prohibit insurers from demanding access to genetic information contained in medical records or family histories, and would restrict insurers' release of genetic information.

Passage of this amendment, and the protections it offers, are essential not only for women with a genetic predisposition to breast cancer, but also for women living with breast cancer, their families, and the millions of women who will be diagnosed with breast cancer. We strongly urge you to support this legislation.

Thank you for your support. Please do not hesitate to call me or NBCC's Government Relations Manager, Jennifer Katz at (202) 973-0595 if you have any questions.

Sincerely,

FRAN VISCO,
President.

Mr. JEFFORDS. I yield 5 minutes to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had sought a parliamentary inquiry a few minutes ago. I am glad to wait 5 minutes until Senator KENNEDY has finished his comments. I have asked the Parliamentarian to review his rules.

There was a very heated exchange for more than an hour back in 1987, shortly after Senator BYRD had Senator Packwood arrested, as to the practice of having one Senator, the leader, yield time to other Senators. I believe the correct application of the rule is that the first Senator who seeks recognition is recognized and then the question arises as to whether time will be yielded to him when there is a time agreement. That is the point I was making. I have no concern about waiting 5 minutes or longer for another Senator. I do have a concern about the propriety of a Senator being recognized who first seeks recognition.

I have sought recognition to comment briefly about this legislation. I believe the Jeffords amendment is a solid amendment. His committee has looked into this issue very extensively with respect to eliminating discrimination based upon genes and medical information and research with respect to health care.

I do think the objectives of the Daschle amendment are sound, in seeking to avoid discrimination in employment as well as in health care. I have had an opportunity to review the Daschle amendment very briefly. From the review which I have made and which staff has made, I have some grave concerns about some of the provisions which are very complicated and which have not been subjected to hearings.

Again, I think its objectives are laudable. I think the American people do expect protection and confidentiality on these issues on employment as well as on health care.

I express my concern about our ability to handle this matter in conference on this state of the record. I think it is more than a matter of people's rights and obligations and objectives and what we ought to have. We need to have a bill which sticks together, which makes sense, and which will stand the kind of scrutiny and examination and analysis to which it will be subjected.

One of the grave problems our legislation has, when subjected to judicial review, is that it is hard to figure out sometimes, especially when there are no hearings, no markups, and no analysis. I have discussed with the Senator from Vermont the possibility of his

committee having hearings in July. He may have a problem with that. My subcommittee will have hearings on this subject so that if the Daschle amendment passes and we have in conference its consideration, we will try to work through the complexities of this legislation.

Again, I think the objectives of what Senator DASCHLE looks to are exactly right. I do think those people who vote against the Daschle amendment are going to be questioned for not having concerns about privacy on a very important matter.

Last week we had a motion to recommit this bill for prescription drugs. If that motion had passed, I, frankly, don't know what my subcommittee would have done on prescription drugs. Our subcommittee is a very competent subcommittee, but I don't know that our competence extends to legislating on prescription drugs, taking that into account and working that through, which is really a matter for the Finance Committee. I have been questioned about why I was unwilling to have the recommitment. I have said, because I have the responsibility for dealing with it as the manager of the bill.

So there is a lot to recommend the Daschle amendment in terms of objectives and moving along, but I caution my colleagues about where we end up in terms of this bill without the hearings, without the refinement, without the analysis. I am not making any critique or criticism of the author of the bill. Any bill which is constructed without hearings and without markup and without that kind of rigorous analysis has natural problems. Even with hearings and with markup, there are still problems that have to be worked out.

I express my agreement with the Senator from Vermont on his legislation, express my agreement with the objectives of the legislation of the Senator from South Dakota, and say that if we have it in conference, we will do our best to try to work through the kinds of problems and deal with this very important issue.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. DASCHLE. Mr. President, I have immense respect for the Senator from Pennsylvania and consider him a very able legislator. I am disappointed that he will be opposing my amendment when we have our vote.

Mr. SPECTER. If the Senator will yield, I ask him what makes him think I am going to oppose his legislation?

Mr. DASCHLE. I thought he announced he intended to oppose it because we didn't have hearings. If there is still an opportunity to gain his support, I will give him all the time he needs to further discuss the issue.

Mr. SPECTER. Mr. President, I am very much inclined to support the

Daschle legislation, but I recognize the job ahead of trying to work it through for the reasons I have said. I think the objectives are admirable. I am not committed yet. I want to hear the balance of his argument. I have not stated an intention to oppose it.

Mr. DASCHLE. Mr. President, I appreciate the clarification. I am delighted to hear that there is still some hope I can persuade him with the merits of our legislation.

To ensure that everybody understands—I think it is pretty basic—three-fourths of the people in this country obtain their health insurance through their employer. Whether or not employers may discriminate against employees and potential employees on the basis of genetic information, in large measure, will be determined by whether or not we write into law a pretty simple concept. It doesn't take any complex legalism to say, look, you should not discriminate based upon genetic information, period. If you think you are discriminated against, you ought to have recourse in a court of law. That is all we are saying.

Now, the Jeffords amendment provides no protection against employment discrimination. That is clear. It does not prohibit insurers from disclosing the results of genetic tests without consent. That is clear. It does not prohibit the use of predictive genetic information for hiring, advancement, salary, or other workplace rights and privileges. That is clear. It doesn't provide persons who have suffered genetic discrimination in either arena with the right to seek redress through a legal action. That is clear.

It is no wonder that 59 health organizations have said: We have looked at what Senator JEFFORDS is proposing and we think you can do better. That is no accident. They are asking us not to support this legislation because there is no meaningful protection in the Jeffords amendment.

I am all for more hearings, but it is ironic—how many times has the majority bypassed a committee to go straight to the floor without hearings on bills of great import? We are going to do that as soon as we come back from the Fourth of July recess. We are going to vote on an estate tax provision that will cost, in the full 10-year period, three quarters of \$1 trillion; we are going to vote on it without one hearing, without one committee markup. I will bet you we are not going to hear the argument by the other side that we ought to have hearings on that. This is pretty simple. This is basic math. If you don't want discrimination in the workplace, vote for the Daschle amendment.

Mr. President, I yield 5 minutes to the distinguished Senator from Iowa, Mr. HARKIN.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I am supporting the amendment of the Senator from South Dakota because I have been involved in this issue for a long time. In 1989, when I was chairman of the subcommittee that my good friend, Senator SPECTER, chairs now, we started funding for the Human Genome Center at NIH. So I have been involved in this effort for a long time and am very supportive of it.

I could not have been happier with the announcement that came out this week that we have now completed the map, and they will be completing the sequencing of the human genome. With that, we are going to have a very powerful diagnostic tool that will allow medical practitioners to more accurately assess the health of an individual and their proclivity to come down with an illness or a disease, or to be more predictive of what kind of illnesses to which a person might be subject.

Well, that is a very powerful diagnostic tool, and it is going to do a lot to help millions of people all over this world. There may be other spinoffs in terms of gene therapy, and things such as that, but I wish to focus on the diagnostic tool that will help people get better control over their health care. That is the upside.

The downside is that in the hands of the wrong person this information could then be used to discriminate against a person who may have a genetic predisposition toward a certain illness. As I understand it, both of the amendments we have before us—the one by the Senator from Vermont and the one by the Senator from South Dakota—prohibit discrimination when it comes to insurance. Well, that is all well and good, but that is only a part of it.

Why the amendment of the Senator from South Dakota is the one we need to adopt is that it also prohibits discrimination in the workplace. Why is that important? I understand that earlier my friend from Vermont said we didn't have to be too concerned about this because the Americans With Disabilities Act covered the workplace. Well, as the chief sponsor of the Americans With Disabilities Act, and one who has lived with it since its inception back in the 1980s, I say to my friend from Vermont that some lower courts have ruled, for example, that breast cancer is not a disability, so the ADA really does not cover the workplace when you come to genetic discrimination. Some lower courts have held that breast cancer is not a disability and not covered by the ADA. If they rule that, are they then going to rule that the gene for breast cancer is covered? Hardly.

So that is why I wanted to take this time to make it clear that genetic pre-

dispositions and disorders should be covered in employment, because of some of these lower court rulings regarding the Americans With Disabilities Act. So that is why it is so important that we have it in the workplace.

Secondly, we need to have better enforcement. The penalties that are in the amendment offered by the Senator from Vermont are toothless—\$100 a day. Well, a large business concern can factor that into their cost of doing business. That is not really a stiff enough penalty.

It seems to me that if I am discriminated against, under the law, I ought to have a private right of action; I ought to be able to go to court and say, wait a minute, my rights are being abused, my civil rights are being abused. And if we have this law that says you can't discriminate against someone because of their genetic predisposition, that person ought to have a right of action. That person ought to be able to go to court and seek redress. So that is why I say the Daschle amendment is the only one that really protects people both in the workplace and in insurance.

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

Mr. DASCHLE. Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

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

Although many of us came into today's debate believing that the ADA did in fact cover genetic discrimination in the workplace, we certainly understand the importance of this issue and of the need to hold a hearing on this issue. However, I would like to emphasize that as recently as a few months ago experts in employment law and, in particular, EEOC Commissioner Paul Miller is quoted as stating that

*** discrimination against an employee on the basis of diagnosed genetic predispositions toward an asymptomatic condition or illness is covered under the ADA's "regarded as disabled" prong.

So it is not as if we approached this debate believing that employees should not be protected against genetic discrimination in the workplace. We simply thought that they already were covered.

I want to reassure my colleagues that the HELP Committee will hold a hearing in the near future on this issue and that if we find that the ADA is not providing protection to workers we will develop and pass legislation to ensure that genetic information is properly protected. I yield 4 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I thank the Senator from Vermont.

Mr. President, I rise today with the Senator from Vermont, chairman of

the Health, Education, Labor, and Pensions Committee. The matter of genetic discrimination in employment has taken on new relevance given a number of recent events. Most notably, the Human Genome Project announced this week that the "rough draft" of the map of some 3 billion human genes has just been completed. This just became a sexy issue. While there are months, if not years, of research still required to realize the potential of this information, we must be responsive to the range of pros and cons regarding its use.

The committee has spent a lot of time developing a bill to address where there do appear to be gaps in preventing discrimination. Those gaps are most apparent in health insurance, where a person's health information, as well as his family's health history, are a determinant in their access to coverage. This is an immediate concern that requires our immediate response. That is why I strongly support the amendment being offered by Senator FRIST, which would prohibit insurance companies from discriminating based on a person's genetic makeup.

The amendment Senator DASCHLE has offered also attempts to address genetic discrimination in employment. Unfortunately, this issue is not nearly as clear cut. Until very recently, the prevailing opinion among employment discrimination experts was that genetic discrimination was already captured under the Americans with Disabilities Act (or "ADA"). In fact, it is still not clear that the ADA does not cover genetic discrimination. Even as recently as March 24 of this year, the Commissioner of the Equal Employment Opportunity Commission, Paul Miller, told the American Bar Association genetic discrimination was covered under title I of the ADA. Specifically, Commissioner Miller said protect against genetic discrimination was provided by the prong of the act which prevents discrimination against people who are regarded as disabled.

However, because no court has ever ruled definitively on this issue and because of some related—but not controlling—recent Supreme Court cases, I understand that there may now be some insecurity about whether genetic discrimination is covered by the ADA. And understandably, this insecurity is being increased by the recent announcement of the Human Genome Project.

We are sympathetic to this insecurity, and I think we can all agree that employers should not be permitted to discriminate against employees based on genetic information in the same manner that employers may not discriminate based on disability, gender, race, age, and other characteristics. I believe our committee needs to evaluate the conflicting evidence as to whether or not genetic discrimination

is already covered under current law, particularly in light of the recent scientific developments. I support holding a hearing on this issue as soon as possible and I understand my colleague Senator JEFFORDS has scheduled a hearing on this issue for July 11. We should examine not only the question of whether the ADA captures genetic discrimination, but also what the implications are for the numerous workplace and work force issues that will arise based on the availability of genetics. Safety concerns and privacy concerns being the most important. Also, I believe we should consider genetic discrimination in employment in the broader context of the cultural implications and evaluate the historical experience with genetic information. Researching this issue has been a 10-year priority of the Human Genome Project's Ethical, Legal and Social Implications (ELSI) program. I welcome my colleagues to join the hearing process in a bipartisan effort to address this matter.

Given the complexity of this issue, I believe it is critical that we not rush to accept Senator DASCHLE's amendment without resolving all of these important issues. We may determine that new legislation is necessary to protect against genetic discrimination—and if it is necessary, we will work hard to pass it. But Senator DASCHLE's amendment simply goes too far. We must be certain that any new legislation is comparable to existing discrimination legislation. Senator DASCHLE's amendment is not comparable, it is much broader.

For example, Senator DASCHLE's amendment would permit unlimited damages for genetic discrimination. It would also permit parties to completely bypass the Equal Employment Opportunity Commission—the federal body set up to deal with employment discrimination disputes—and go straight to federal court. This is significantly more extensive than the ADA, the ADEA and title VII discrimination protections. This just makes no sense at all. Under Senator DASCHLE's amendment, an individual with a genetic marker showing he may at some future point develop a genetic disease or condition would have more protection than a paraplegic. Again I say this makes no sense at all. And it will overtax federal courts and juries with highly complex genetic issues and give opportunistic trial lawyers a jackpot.

If Senator DASCHLE has a valid reason why genetics should have such substantial additional protections, I welcome him to come to our committee hearing and explain them, but we should be very careful not to rush into such significant legislation and treat genetic information differently than existing diseases, disorders, and illnesses. If we accept Senator DASCHLE's amendment, we are simply not doing

our job. Again, I think we can all agree that genetic discrimination should not be permitted, but I think we should also be able to agree not to pass legislation on such a significant and important issue without having all the proper information before us. I urge my colleagues to vote against Senator DASCHLE's amendment so that we can examine this issue through the proper procedural channels and pass responsible, reasonable legislation if such legislation is necessary.

There isn't anybody here who wants to have any discrimination done on a genetic basis, or any other basis, in the workplace or in health care. We are being lead to believe that this is a very simple bill, and that we ought to accept it. "Simple" is not 50 pages. Simple is the statement that the Senator from South Dakota made. But 50 pages to explain that means it is a lot more complicated than the explanation we are being given. We don't want discrimination. Quite frankly, I think one of the reasons we are being presented with this is a good example of why you don't legislate on appropriations bills and avoid the entire process. It is a handy way to do it. If I had a bill, that is how I might try to do it too. But it isn't the right way to do it.

I hope we will step back a minute and go through the procedure for doing a 50-page bill that covers something as important to people as discrimination in the workplace, or discrimination in any other place.

If this bill passes, a person who can find and accidentally disclose a genetic marker will have greater protection in the workplace than a paraplegic would. Not only that—this allows people to bypass the legal system. You can go immediately to court.

This will become a turnstile for trial attorneys. This becomes a jackpot proposition. This will clog the courts, if it passes. It will be a heyday. Every single trial attorney will have their own slot machine. That is not what we are trying to do.

This isn't an area that just comes under the workplace safety and training subcommittee that I chair. It also comes under the health committee that Senator FRIST chairs.

It is a topic that our entire committee needs to address and will address. But it has to be done through a hearing process so we don't wind up with some of the unintended consequences that I have just mentioned.

As far as the Americans With Disabilities Act, on March 24 of this year, the commissioner of the Equal Employment Opportunity Commission, Paul Miller, told the American Bar Association that genetic discrimination was covered under title I of the ADA. I guess that is why this 50-page "simple" bill bypasses the Equal Employment Opportunity Commission. We shouldn't bypass that group. That is a bill for

protection and for having a hearing process for individuals. The commissioner of the Equal Employment Opportunity Commission says it is covered under title I of the ADA. Maybe there have been some decisions that have come out since.

We can't just be doing knee-jerk legislation on an appropriations bill. This is an issue that deserves time and consideration, and a hearing that will produce the kind of bill of which we can be proud—the kind of bill that has some opportunity for amendment.

I know if we were trying to pass a bill of that magnitude and precluded the minority from having any say-so, or any amendment, they would raise a little bit of a fuss, as they have on other occasions, and as we do on occasion.

I don't believe there should be legislation on appropriations bills.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have great admiration for the Senator from Wyoming. I have worked with him on many issues. I never find it easy to disagree with a colleague, but let me say with regard to his argument that this is going to be a turnstile to more lawsuits; that is the same argument used on so many occasions and that was used against the ADA.

I was on the floor. I remember those debates so well. I participated in them. They said this was going to cause a flurry of lawsuits.

Who today would vote to repeal the ADA? I daresay not one Senator—Republican or Democrat.

He made reference to the EEOC's position on whether the ADA covers genetic discrimination. I hope they are right. But what is wrong with making absolutely sure they are right? That is what this bill does. This bill isn't complicated. I know some of our colleagues would like to point to the volume of this amendment and say that bulk is clear evidence of complication.

We are simply saying, as simply as we can, that you shouldn't discriminate in the workplace; and, if you do, you ought to have some opportunity to redress that problem.

I have a real concern as well about what inaction means for research. Dr. Craig Venter was on the Hill on several occasions and has made several public statements. His concern about discrimination is one that we ought to be truly appreciative of as well. Dr. Venter, president of Celera Genomics, said:

The biggest concern I have is genetic discrimination. This would be the biggest barrier against having a real medical revolution based on this tremendous new scientific information.

Dr. Venter is worried, if we see discrimination, that automatically and almost immediately it is going to bottle up his opportunity to continue the research.

I go to the next chart, and look at what others have said. Dr. Collins, somebody I have quoted on several occasions, says:

Genetic information and genetic technology can be used in ways that are fundamentally unjust . . . Already, people have lost their jobs, lost their health insurance, and lost their economic well-being because of the misuse of genetic information.

It doesn't get any clearer than that. First, you have the top researcher saying they are concerned about the ramifications of a lack of congressional action, not only for job discrimination, but for research. Then you have Dr. Collins who says we have already seen cases where people have lost their jobs and lost their health insurance as a result of this.

The Secretary's Advisory Committee on Genetic Testing was equally as concerned in their public statement. Keep in mind that this isn't some Democratic advocate; this is the Advisory Committee on Genetic Testing. This is a quote:

Federal legislation should be enacted to prohibit discrimination in employment and health insurance based on genetic information. . . Without these protections, individuals will be reluctant to participate in research on, or the application of, genetic testing.

How much more information do we need? How many more hearings do we have to have when you have the most credible experts anywhere to be found, here or anywhere else, who are pleading with the Congress to do something before it gets even worse, before more people lose their jobs and their health insurance, and before we see some real ramifications with regard to medical testing?

That is what we are doing. That is what this amendment does. That is why it needs to be passed this afternoon.

I retain the remainder of my time and yield the floor.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator MACK be added as a cosponsor of this bill.

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

Mrs. SNOWE. Mr. President, I rise to speak in support of the amendment being offered by Senators JEFFORDS and FRIST on genetic nondiscrimination in health insurance. This amendment, based on language I authored with Senator JEFFORDS and Senator FRIST, provides strong protection to all Americans against the unfair and improper use of genetic information for insurance purposes.

This amendment will:

Prohibit insurers from collecting genetic information

Prohibit insurers from using predictive genetic information, such as family background or the results of a genetic test, to deny coverage or to set premiums and rates, and

Require insurers to inform patients of their health plan's confidentiality practices and safeguards.

The need for this legislation is clear. As Senators DASCHLE and DODD pointed out this morning the announcement this week that scientists have completed their mapping of the human gene is a remarkable and historic event. It opens the door to new scientific breakthroughs that may well help lead us one day to the cause and the cure for cancer, for Parkinson's and for Alzheimer's disease.

This remarkable new tool has the potential, unfortunately, to become a dangerous tool. Because knowledge is power—Mr. President—and an insurance company could use genetic information to deny insurance to an individual because they know that the person is predisposed to a particular disease or health problem.

Consider a letter that I received from a constituent, Bonnie Lee Tucker, of Hampden, Maine, who wrote:

I'm a third generation [breast cancer] survivor and as of last October I have nine immediate women in my family that have been diagnosed with breast cancer. . . I want my daughter to be able to live a normal life and not worry about breast cancer. I want to have the BRCA test [for breast cancer] done but because of the insurance risk for my daughters future I don't dare.

Another of my constituents, Dr. Tracy Weisberg, Medical Director of the Breast Cancer at the Maine Medical Center Research Institute, told me that while she has offered screening for the breast cancer gene to approximately 35 women in 1997, only two opted for the test. She said that many of these women did not undergo testing because of their fear of discrimination in health insurance.

Dr. Weisberg emphasized the need for legislation to protect patients from this type of discrimination, so that they could make genetic testing decisions based on what they believe is best for their health, and not based on fear.

As a legislator who has worked for many years on the issue of breast cancer, and as a woman with a history of breast cancer in her family, I am delighted with the possibilities for further treatment advances based on the discoveries of two genes related to breast cancer—BRCA 1 and BRCA2. Women who inherit mutated forms of either gene have an 85 percent risk of developing breast cancer in their lifetime, and a 50 percent risk of developing ovarian cancer.

Although there is no known treatment to ensure that women who carry the mutated gene do not develop breast cancer, genetic testing makes it possible for carriers of these mutated genes to take extra precautions—such as mammograms and self-examinations—in order to detect cancer at its earliest states. This discovery is truly a momentous breakthrough.

But the tremendous promise of genetic testing is being significantly threatened by insurance companies that use the results of genetic testing

to deny or limit coverage to consumers. Unfortunately, this practice is not uncommon. In fact, one survey of individuals with a known genetic condition in their family revealed that 22 percent had been denied health insurance coverage because of genetic information.

And consider that people may be unwilling to participate in potentially ground-breaking research trials because they do not want to reveal information about their genetic status. At NIH, 32 percent of women eligible for genetic testing for the breast cancer gene declined to undergo testing—the majority of those who declined cited privacy issues and a fear of discrimination as their reason.

Mr. President, this is simply unacceptable. The Jeffords, Frist, Snowe amendment before us today will go a long way toward putting a halt to the unfair practice of discriminating on the basis of genetic information, and to ensure that safeguards are in place to protect the privacy of genetic information. Now it's up to us to act by passing this amendment, and I urge my colleagues to join me in doing just that.

Mr. JEFFORDS. Mr. President, I yield to the Senator from New Mexico. I believe he has 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. JEFFORDS. I point out that it is all of my time. So the Senator from Alabama will have to ask for additional time.

Mr. DOMENICI. He and I are going to share a little time.

Before I do that, I say to Senator DASCHLE, believe it or not, I was the first Senator involved in genome. Whether people know it or not, it was not the National Institutes of Health that started this program. It was the Department of Energy. In fact, the National Institutes of Health did not want the program, and a very distinguished doctor left them and went to DOE. They came to me. The first bill was introduced and Senator Lawton Chiles funded it. That is the origin, which I am going to talk with my friend, Senator SESSIONS, about in a minute.

Let me suggest that I don't know what is in the Senator's amendment. But I do know from the very beginning that there has been concern about the effect of discrimination. I don't believe we should go from being concerned about the effects of discrimination to a 30- or 40-page bill that we—how big is it? Ten. Frankly, we need to make sure that what we are not doing is putting genome research into a vulnerable position where it is not stable and people do not know precisely what they can do on it.

That is all I have to say about the amendment.

I yield to Senator SESSIONS for a question.

Mr. SESSIONS. I know the Senator has been involved in this. I am excited so many others are involved with the possibility that we can have a detailed map of the human genome through the identification of the 3 billion nucleotide basis that make up the human genome, helping to cure diseases.

It is an exciting time. This Congress has played an important role. I know Dr. Charles DeLisi has played a key role. I know Senator DOMENICI, perhaps more than any other official in government, saw the possibilities of this several years ago, and used the power and leverage he had to make it a governmental project of the highest priority. I know he cares about it.

Would the Senator share with the Senate his insight as to where we are in the human genome at this time.

Mr. DOMENICI. But whether it is Congress or the President, someone should recognize formally a Ph.D. named Dr. Charles DeLisi, the dean of engineering at Boston University. In the year 1986, he left the National Institutes of Health in protest over their unwillingness to proceed with a genome project of national significance. He went to the Department of Energy. He said there were a lot of big brains in the Department of Energy, and maybe they would listen and come to the same conclusion.

They were researching genetic projects because they were charged with deciding the extent of radiation incapacity generationally as a result of the two bombs that were dropped in Japan. The Department has all the scientists. He went there. They put together a team in DOE. I am very fortunate because they came to see me. They said: Why don't we do this since the National Institutes of Health doesn't want to? Why don't you start it?

I got a little tiny bit of a bill through, saying the DOE will run the program. That was the beginning for the National Institutes of Health. As soon as they saw the bill introduced saying DOE would do it, they came running to me saying: We told Lawton Chiles we would like to get in on it. Of course, then we passed legislation that said both DOE and the National Institutes of Health would run this program.

Since then, it has been a scientific marvel. The entire chromosome system of human beings is mapped. Pretty soon it will be available for scientists investigating grave diseases. They will have them at their fingertips in terms of transmutation.

Perhaps we have just laid before the public and the people of the world the greatest wellness potential in the history of mankind. We may find locked up genetically the secret to most diseases. The scientists may pick it up and find solutions in the next 25 or 30 years that nobody thought possible.

Sooner or later I will have somebody recognize Dr. Charles DeLisi. I have spoken to him. He is a marvelous educator at a great university. President Clinton is now aware of this and very interested. I am very hopeful he will be recognized. It is important people understand.

Mr. DASCHLE. How much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. DASCHLE. I compliment the Senator from New Mexico. He truly has been one of those leaders in the field. In fact, I have before me S. 422 which he introduced in the 105th Congress. Title IV of his bill, discrimination by employers or potential employers, is almost exactly what is in the Daschle amendment this afternoon.

He was one of the first to be out there. I give him great credit for what he has already done with his leadership on this issue. He has given some history this afternoon about how this started. He was here in the last Congress advocating that this body oppose discrimination in the workplace.

So that everyone knows prior to the time they vote what it is we are talking about, the Jeffords amendment does not prohibit insurers from discriminating on the basis of genetic information in the workplace. The Jeffords amendment does not prohibit the disclosure of test results without consent. It does not prohibit the use of predictive genetic information for hiring. It does not ensure that those who suffer from genetic discrimination have the right to seek redress through legal action. It fails on a basic level with regards to what we ought to do with respect to genetic discrimination.

It is on that basis I remind my colleagues that 59 organizations have come forward to urge Members to say no to legislation that fails to regulate the workplace. Don't listen to me. Listen to those organizations. Listen to Craig Venter of the Clera Genomics. Listen to Francis Collins, the director of the National Human Genome Research Institute. Listen to the editorial writers from papers across this country who have said, again and again, we must pass legislation quickly before it is too late.

This is a no-brainer. This is our opportunity today to say yes to Craig Venter, to say yes to Dr. Collins, to say yes to the organizations, and to say yes to Terri Seargent, who has already been victimized as a result of this. This is our opportunity to say no to discrimination in the workplace, to say the Senate will go on record for the first time that we will not allow any genetic discrimination regardless of circumstances.

I hope on a bipartisan basis our colleagues will join in support of this legislation. The time has come. It was introduced in the last Congress. It is now

being offered in this Congress with every expectation and hope that we can send the clearest message possible that we will not tolerate discrimination. We will allow the research to go forward without any question that the information can be protected. That is what we want. That is what the health organizations want. That is what Terri Seargent wants. That is what we all should want in the Senate.

I ask unanimous consent to have printed in the RECORD editorials from around the country.

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

[From the Phoenix Gazette, Dec. 17, 1996]

DNA DILEMMA: GENE TESTS CAN COST YOU

Imagine the scene: A middle-age patient, visiting her doctor for her yearly physical, reminds him that her mother and aunt had breast cancer. With the patient's consent, her well-meaning physician decides to conduct a new test that will reveal whether she carries genetic mutations that could radically increase her chances of developing breast cancer.

The doctor submits a claim for the test to the woman's insurer. Before the results are back, the insurer, seeing what the test is for, triples the price of her coverage.

An impossible chain of events? Think again. Several companies have begun marketing tests that will tell women whether they have the recently discovered gene mutations that markedly increase their risks for breast and ovarian cancer.

A Utah biotechnology company, Myriad Genetics Laboratories, sent 100,000 cancer specialists a glossy "resource kit," boasting of its new "gold standard" testing for the gene mutations. The company warns doctors about the risks of insurance and job discrimination.

But the promotional kit also tells doctors that the Equal Employment Opportunity Commission "has included language in the Americans with Disabilities Act making it unlawful to discriminate" base on the results of genetic tests.

Peggy Mastroianni, the associate legal counsel for the commission, dismissed this claim, saying that it merely issued an opinion, which has yet to be tested in the courts.

Some scientists and medical ethicists say that Myriad and other companies are overselling these tests. Should a woman test positive for a gene mutation, there is still no way of knowing whether she will develop cancer. Even if that information was available, there is no sure-fire preventive treatment.

The Food and Drug Administration could regulate genetic tests, as it regulates new drugs. But so far the agency has declined to become involved. And where discrimination is concerned, many women would have little recourse if their health insurance skyrocketed in cost or they lost their jobs on the basis of a genetic test.

More than a dozen states have enacted limits on insurance or employment discrimination related to genetic testing. But even in New Jersey, where Gov. Christine Todd Whitman signed the country's most comprehensive law last month, almost half of the insured aren't protected, because they belong to self-financed plans, which aren't subject to stringent state regulations.

At the federal level, the new Kennedy-Kassebaum law, among other things, protects people moving between jobs from being

dropped by health insurers because of their genetic information. But the law doesn't protect those with individual health insurance from seeing their premiums raised if they happen to carry an unlucky genetic fingerprint. It also does not protect against job bias.

Women are not the only ones affected by this problem. Genetic tests for other diseases have been developed. Others are on the way. Last month, scientists announced that they were zeroing in on the mutant gene in hereditary prostate cancer.

In the last Congress, a dozen bills would have guarded against genetic discrimination and protected medical privacy. But even those with some bipartisan support fell victim to a crammed legislative calendar and insurance industry resistance.

The 105th Congress has a chance to pass comprehensive laws protecting medical privacy and barring insurers and employers from discriminating on the basis of genetic information. For its part, the FDA should regulate genetic tests. Those charged with protecting the public welfare have to move quickly.

[From the Washington Post, Feb. 12, 2000]

GENETIC PRIVACY

President Clinton has issued an executive order limiting the use of genetic test results in deciding whether to hire, promote or extend particular benefits to federal employees. For now, the order will have limited significance, since genetic testing is not yet as common as it is likely to become. But it sets the right example; in a not-yet-settled area of medical ethics and privacy, it's a pioneering step. The order includes a plug for a bill by Senate Minority Leader Tom Daschle and Rep. Louise Slaughter that would impose the same restraints on employers nationwide as well.

The problem is that people fear—and, it has been shown, avoid—being tested for a predisposition to a genetic disease because they think employers or other authorities might penalize them for the results even if they never develop the disease. This specific concern is symptomatic of a larger one: the danger that people may become less open with their own doctors—or avoid treatment altogether—for lack of confidence that information about their health is any longer veiled in the traditional confidentiality.

Federal rules to protect patients' privacy when they give sensitive information to their doctors are finally nearing completion; the public comment period ends this month. These, too, are only a start, though an energetic one. They give patients a right to see and correct their medical records, oblige all health care providers and insurers to follow confidentiality safeguards and set civil and criminal penalties for violations. There are holes that Congress ought to fill: The rules cover only electronic transactions, and allow a formidable array of exceptions where information may be shared without a patient's consent.

Lawmakers have been slow to recognize the broad political appeal of strengthening medical privacy, partly because of the many conflicting interests that are represented in the fight over medical records. But polls show privacy concerns rank high, and a bipartisan Congressional Privacy Caucus and a Democratic privacy task force both declared their existence Wednesday. There's plenty for these privacy advocates to do.

[From the Houston Chronicle, Feb. 15, 2000]

GENE SECRETS; CLINTON RIGHT TO OPPOSE GENETIC DISCRIMINATION

From the moment of conception, the lives and medical futures of human beings are greatly determined by the genes received from their mothers and fathers.

For the genes not only determine physical traits such as the color of a person's eyes and hair, but also a person's predisposition toward certain medical ailments, ranging from heart trouble and diabetes to cancer and Alzheimer's disease.

As the result of a national research effort, doctors are within a few years of completing a map of all the genes that make up human beings, carefully identifying which gene does what. The overall aim, of course, is that one day doctors will be able to use genetic information to treat people and make them healthier.

That's all well and good, as they say. Suffering from diabetes? Well, the doctors will just give you an injection of anti-diabetes genes, and you will soon become as healthy as a horse.

But this fascinating research, with all of its fine promise, has a terrible negative side if misused. Such genetic information on John and Jane Q. Citizen—information that they are likely to suffer from heart disease in their 40s or colon cancer in their 50s—could be used by employers, insurance companies or others to discriminate against them.

Employers might not hire or promote Jane or John Q. Citizen because of the potential displayed by their genes that some future medical condition might cost them lost time and higher insurance expenditures, as an example. Insurance companies, with a person's gene map in their hands, might refuse to sell that person insurance because of health risks.

President Clinton is acting correctly in signing an executive order barring federal agencies from discriminating against employees based on genetic testing. And he is also correct in urging Congress to pass legislation that would ban genetic discrimination in the private sector. Congress should attend to this matter as soon as possible and also to the problem of protecting individual gene maps.

Discrimination in the workplace is wrong, whether it is based on a person's personal genetic code or the color of his skin.

Genetic discrimination is un-American.

[From the St. Louis Post-Dispatch, Feb. 14, 2000]

DISCRIMINATION GOES HIGH-TECH CIVIL RIGHTS

The frightened middle-aged woman was relieved she would not have to give her name. She handed over several \$100 bills, counting them out with trembling hands. She had never done anything like this before. She rolled up her sleeve and looked away, awaiting the needle.

It was not a street corner drug deal, although it felt like it. She was in a major teaching hospital undergoing genetic testing to see if she had an increased risk of contracting a life-threatening disease. Along with her fears that this glass tube identified by number might render a deadly warning in every unseen strand of her DNA, she also was afraid of other threats unseen: that the test alone might prevent her, or a family member, from getting health or life insurance, a job, a promotion, custody of her children, an organ transplant; or perhaps even something as simple as a home loan.

As technology soars forward in the Human Genome Project and computer science, we will know more about ourselves than ever before, and be less capable of keeping it to ourselves. Medical science already has hundreds of genetic tests that detect mutations putting a person at increased risk for such ailments as ovarian, breast, colon and prostate cancers, Alzheimer's and other, rarer diseases. The potential for good abounds in areas of prevention, early detection, treatment and, most spectacularly, cures.

But there is also tremendous potential for abuse. In California, a government laboratory had for years genetically tested government employees for diseases, including sickle cell anemia, without their knowledge following pre-employment physicals. Even though genetic testing does not render a diagnosis, only indicators of increased risk, it has been used to deny medical insurance and charge higher rates. Such cases led Congress to pass legislation in 1996 outlawing genetic discrimination in group health insurance plans serving 50 or more employees.

But according to a Senior White House official, many people who could benefit from genetic testing still are deciding not to have it, solely because they are afraid the results will be used against them by employers and insurers.

Last week President Bill Clinton took an important step, issuing an executive order that forbids federal agencies genetic testing in any decision to hire, promote or dismiss workers. The order protects 2.8 million federal employees.

There is much left to be done. Genetic information that can be gleaned from testing will only increase, through innovations like the biochip, which one day may be able to map from one strand of hair a person's entire identity, from hair color to inquisitiveness. Mr. Clinton challenged private sector employers to adopt similar non-discriminatory policies. Even better is his endorsement of Congressional legislation sponsored by Sen. Tom Daschle, D-S.D., and Rep. Louise M. Slaughter, D-N.Y., that would make it illegal for employers to discriminate on the basis of genetic testing.

All of us are predisposed to some illness. No one should be penalized for discovering what that illness might be.

[From the Chicago Tribune, Apr. 27, 1996]

GROUND RULES FOR DNA SAMPLING

Two Marine corporals were court-martialed in Hawaii recently and convicted of disobeying orders to give tissue samples for a Defense Department DNA registry.

The idea behind the registry is that should they become casualties in a future conflict, there would be a foolproof way of identifying their bodies. This is no frivolous concern, as the recent exhumation of an allegedly misidentified Vietnam War casualty in Ft. Wayne, Ind., demonstrated.

Despite their convictions, the two Marines got light penalties: seven days of restriction each, letters of reprimand and no dishonorable discharges.

This leniency may have stemmed from the fact that their concerns also were not frivolous: They feared that, somewhere down the line, the DNA samples could be used to their detriment. And the Defense Department, like the rest of American society, is only gradually evolving answers to such concerns.

Almost daily, it seems, scientists announce that they've found a new gene that causes or predisposes a person to some disease or trait. Almost as rapidly, biotechnology companies are developing tests to screen for those genes.

What those two Marines feared is what many Americans in many other walks of life fear: that samples given for one ostensibly benign purpose, or the data gleaned from such samples, may be put to other uses, not all necessarily benign.

Earlier this month, for example, researchers at Harvard and Stanford universities released a study citing more than 200 cases of "genetic discrimination." Prominent among these were cases in which insurance coverage was denied because a member of a family had a gene-based disorder. Employment discrimination is another common fear, along with social ostracism.

What happens when DNA screenings become readily and routinely available for a whole range of diseases or conditions? Will insurers be able to demand that would-be customers submit to such screenings? Will they be free to grant or deny coverage on the basis of the results? (The essence of insurance is, after all, assessing and balancing risks.) What about employers—what will they be able to demand?

By comparison with civilian society, the military has it easy. The Pentagon can simply promulgate rules for its DNA repository, and it recently did. Among other things, those rules allow a service member to request that his or her DNA sample be destroyed immediately upon final separation from the military and require that the request be fulfilled within 180 days.

Civilian society must work the issue through the process of public discussion, legislative debate and legal enforcement. Laws will have to provide tough anti-discrimination strictures and confidentiality requirements, with severe penalties for anyone who violates either. Congress should get to work on such laws quickly, because science is not standing still.

I yield the floor and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3688. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. BYRD. Mr. President, may we have order, please.

Can we have the well cleared. Unless Senators are voting, Senators should not be in the well.

The PRESIDING OFFICER. The Senate will be in order.

Will those in the well vacate the well.

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—44

Akaka	Daschle	Kennedy
Baucus	Dodd	Kerrey
Bayh	Dorgan	Kerry
Biden	Durbin	Kohl
Bingaman	Edwards	Landrieu
Boxer	Feingold	Lautenberg
Breaux	Feinstein	Levin
Bryan	Graham	Lieberman
Byrd	Harkin	Lincoln
Cleland	Hollings	Mikulski
Conrad	Johnson	Moynihan

Murray	Rockefeller	Torricelli
Reed	Sarbanes	Wellstone
Reid	Schumer	Wyden
Robb	Specter	

NAYS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Chafee, L.	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchinson	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voivovich
Enzi	Mack	Warner

NOT VOTING—2

Inouye Leahy

The amendment was rejected.

VOTE ON AMENDMENT NO. 3691

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 3691.

Mr. JEFFORDS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—58

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee, L.	Hutchinson	Snowe
Cochran	Hutchinson	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lieberman	Thurmond
DeWine	Lott	Voivovich
Domenici	Lugar	Warner
Enzi	Mack	
Feinstein	McCain	

NAYS—40

Akaka	Edwards	Mikulski
Baucus	Feingold	Moynihan
Bayh	Graham	Murray
Biden	Harkin	Reed
Bingaman	Hollings	Reid
Boxer	Johnson	Robb
Breaux	Kennedy	Rockefeller
Bryan	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Levin	
Durbin	Lincoln	

NOT VOTING—2

Inouye Leahy

The amendment (No. 3691) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from North Dakota is recognized.

Mr. SPECTER. Mr. President—

Mr. KENNEDY. Parliamentary inquiry, Mr. President. Wasn't the Senator from North Dakota recognized?

The PRESIDING OFFICER. The Senator from North Dakota was recognized. If the managers wish to pose an inquiry—

Mr. SPECTER. Mr. President, I ask the Senator from North Dakota to yield for a moment.

Mr. DORGAN. I am happy to yield for the purpose of a question.

Mr. SPECTER. What I would like to say for the record is that we hope to have a unanimous consent agreement here—we are not ready to propound it—where the Dorgan amendment and the Nickles amendment, which would be ordinarily a second-degree amendment, would be treated as first-degree amendments and try to seek a time limit of 45 minutes on each. But we understand that we are not in a position to do that because there has not been an adequate opportunity to review the Nickles amendment. I wanted to make that statement.

If the Senator from North Dakota wants to lay his amendment down, that is entirely appropriate. We just hope that when we have another amendment ready to go, either the Helms amendment or Wellstone amendment, we could set aside the Dorgan amendment and proceed with argument on something we can close debate on, and then come back at the earliest moment to the Dorgan amendment, just as a management matter.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 3693

(Purpose: To require a federal floor with respect to protections for individuals enrolled in health plans)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERRY, Mr. EDWARDS, Mr. REID, and Mr. HARKIN, proposes an amendment numbered 3693.

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ . Any Act that is designed to protect patients against the abuses of managed

care that is enacted after June 27, 2000, shall, at a minimum—

(1) provide a floor of Federal protection that is applicable to all individuals enrolled in private health plans or private health insurance coverage, including—

(A) individuals enrolled in self-insured and insured health plans that are regulated under the Employee Retirement Income Security Act of 1974;

(B) individuals enrolled in health insurance coverage purchased in the individual market; and

(C) individuals enrolled in health plans offered to State and local government employees;

(2) provide that States may provide patient protections that are equal to or greater than the protections provided under such Act; and

(3) provide the Federal Government with the authority to ensure that the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections provided under State law meet the standards of such Act.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent that the Nickles amendment be modified to be formatted as a first-degree amendment and that a vote occur on the Nickles amendment, to be followed by a vote on the Dorgan amendment, with no amendments in order to the amendments prior to the votes. I further ask unanimous consent that the debate prior to the vote be 45 minutes for Senator NICKLES and 45 minutes for Senator DORGAN.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, we are all operating in good faith and wanting to move ahead. I ask if our floor staff has seen this. I would like to, with all due respect, reserve a minute until our floor staff has an opportunity to see it.

Mr. SPECTER. Mr. President, I amend the request to 55 minutes on each side.

Mr. KENNEDY. Parliamentary inquiry: Is that on or in relation? Do I understand that it is their intention to have an up-or-down vote on both of these?

Mr. SPECTER. Up or down on both.

Mr. KENNEDY. No points of order.

Mr. NICKLES. If I may respond to my colleague, I have no objection personally. I understand the chairman of the Budget Committee doesn't want that waived. But it is not my intention to raise a point of order on the Senator's amendment, nor on our amendment. I think the Senator from New Mexico has a standing objection.

Mr. KENNEDY. If it is the understanding that we treat both of them the same way, is it agreeable with the floor manager that the point of order be on both so they are both treated the same way?

Mr. SPECTER. It is.

Mr. NICKLES. I have no objection to that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I renew the request, and, as previously stated, I ask unanimous consent that there be 55 minutes on each side.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me begin by describing this amendment and why I have offered it to this bill.

Let me also say that the amendment is not subject to a point of order. This amendment deals with the Patients' Bill of Rights. Quite simply, it says that when this Congress enacts patient protection legislation, we should protect all 161 million Americans enrolled in private health insurance plans.

Many of us have been attempting to get this Congress to pass a meaningful Patients' Bill of Rights, and so far, we have not been successful in doing so.

As most Americans know at this point, more and more of the American people are being herded into HMOs and managed care organizations which has jeopardized the quality of health care they receive. Too often these days, decisions about their health care are being made not by doctors but by some accountant in an HMO or in a managed care organization 1,000 miles away.

We have all heard stories on the floor of this Senate about the problems patients experience when their health care is viewed as a function of someone's profit and loss, not of his or her health care needs.

We proposed a Patients' Bill of Rights to address these problems. It is rather simple legislation. It says that:

Patients should have the right to know all of their medical options—not just the cheapest medical options. That ought to be a fundamental right.

Patients ought to have the right to choose the doctor they want for the care they need, including specialty care when they need it. That ought to be a right of patients who believe they are covered with a health care policy.

Patients ought to have the right to emergency room treatment and emergency room care wherever and whenever they need it.

Patients ought to have a right to a fair and speedy process to resolve disputes with their health care plan. And they ought to be able to hold their health care plan accountable if its decision results in injury or death.

The Senate passed a piece of legislation last year that was called the Patients' Bill of Rights. Some of us called it a patients' bill of goods because it was a relatively empty shell.

The House passed a Patients' Bill of Rights that is a good bill. It is a bipartisan bill sponsored by Republican Congressman Norwood and Democratic Congressman Dingell. It passed by a 275-151 vote.

Since that time, the Senate appointed a set of conferees on October 15, and the House appointed its conferees on November 3. It wasn't until the end of February that there was a meeting of the conference committee. As I said previously, the conference committee isn't making much progress.

In this amendment, we deal with only one aspect of the Patients' Bill of Rights and that is the question of the number of Americans that a bill of rights should cover. If a Patients' Bill of Rights is enacted by this Congress, we propose with this amendment that Congress will cover all of the American people with private health insurance, rather than just the 48 million Americans proposed to be covered in the Republican Patients' Bill of Rights. We believe the Patients' Bill of Rights should cover all 161 million Americans in private health insurance plans, including the 75 million people whose employers provide coverage through an HMO or private insurance. Unfortunately, these folks are not covered in the Republican plan. The 15 million people with individual policies are not covered in the majority party's plan. The 23 million State and local government employees are not covered in the majority party's plan.

We propose that when and if Congress passes a Patients' Bill of Rights, that all 161 million Americans are covered by those provisions. Very simple.

We understand from the previous vote held a couple of weeks ago that the majority in the Senate do not want to pass our Patients' Bill of Rights. We understand that. They voted against it. But how about at least passing a part of our Patients' Bill of Rights, the part that says everybody ought to be covered? That is what I offer today as an amendment.

Senator REID and I held a hearing in his home state of Nevada on the issue of the Patients' Bill of Rights. At the hearing we had a mother come, the mother of Christopher Thomas Roe. She stood up and told us about her son. He died October 12 of last year. It was his 16th birthday. The official cause of Christopher's death was leukemia, but the real reason he died is because he

was denied the kind of opportunity for patient care that he needed to give him a chance to live. He was diagnosed with leukemia, but he had to fight cancer and his HMO at the same time. It is one thing to tell a kid you have to fight a dreaded disease, you have to battle cancer. It is quite another thing to tell that young child and his family: Take on cancer and, by the way, take on your insurance company as well. That is not a fair fight. That is never a fair fight.

The Roe family was told that the kind of treatment he needed to send his cancer into remission was experimental. The family immediately appealed the health plan's decision. The review, which was supposed to take 48 hours during a very critical period of this young boy's life, took 10 days. As the appeal dragged on, Christopher's condition worsened. And as Chris's doctor had known, the traditional chemotherapy did not work.

At the hearing, Chris's mother, Susan, held up a very large picture of Christopher, about the size of this chart. It was a picture of a strapping, bright-eyed, 16-year-old boy. Susan told Senator REID and I, with tears in her eyes, how Chris turned to her one day not long before he died and said: Mom, I just don't understand how they could do this to a kid.

This is a 16-year-old boy who died who wanted that extra chance to be cured but whose insurance company said no, no, no. And he died.

We all know the stories. There is the woman who fell off a 40-foot cliff in the Shenandoah Mountains. She was hauled into an emergency room unconscious with broken bones and all kinds of physical problems. She survived and was later told by her insurance plan: We will not cover your treatment because you didn't have prior approval to get emergency room care.

Or how about this young child, born with a horrible cleft lip? It is hard to look at. Dr. GREG GANSKE, a Member of the House of Representatives in the Republican Party who supports this legislation, says in his practice that it is often not considered a "medical necessity" to fix this kind of problem. Let me show you how a child with this condition looks when he receives proper medical intervention by a skilled surgeon. Is there a difference? How can anyone look at these two pictures and say fixing this condition is not a "medical necessity"?

The point we are making with this amendment is very simple. Managed care organizations hold the future of too many patients in the palm of their hands. Decisions are not being made by doctors in doctor's offices. Too often, they are made in accountants' offices 500 or 1,000 miles away. We are saying that it is wrong to make medical decisions a function of profit and loss. This country can do better than that. This

ought to be a slam dunk. The legislation that provides real protection, a meaningful Patients' Bill of Rights, ought to get 100 votes in the Senate. But we can't get any movement on this at all from the conference committee charged with working out the differences between the House and Senate bills.

I know a few of the conferees and the chairman of the conference committee were saying we have made great progress. I describe that progress in glacial terms. At least glaciers move an inch or two a year. It is hard to see that this conference moves at all.

We are only asking today to say with this amendment that if we are going to pass a Patients' Bill of Rights, let's not create a hollow vessel. Let's create a Patients' Bill of Rights that provides real protection for 161 million Americans, not inadequate protection for 48 million Americans. If we are going to do this, let's do it right.

That is the amendment. We will have a chance to vote on it. We understand that the majority of the Senate decided they didn't want a real Patients' Bill of Rights. They wouldn't vote for the entire package, the one that provides protection for young kids such as Christopher, who are fighting leukemia, or for young people born with this severe cleft lip deformity. So all we ask is that whatever we are going to do with respect to patients' rights that we apply it to all Americans. Everyone ought to have the right and the opportunity to expect decent health care coverage if they have an insurance policy. What about a Patients' Bill of Rights for all Americans?

I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the issue of providing protection for American families has been before the Senate for the past 3 years, but we have been unable to pass legislation that will guarantee to the families of this country that medical decisions that are going to affect them and the treatment of the family are going to be made on the basis of sound medical reasons rather than for the interests of the HMOs. That is what this issue is all about.

This chart indicates very clearly what has been happening. The Senate, in July 1999, about a year ago, passed legislation, the Republican bill, 53-47. This 47 was basically the Norwood-Dingell bill, virtually identical to the Norwood-Dingell bill, which is a party-line vote. The House passed the Norwood-Dingell bill 275-151 in October, 1999. Then the House and the Senate conferees appointed. Now 8 months have passed. We have nothing that has come out of that conference.

We are going to have something now before the Senate, offered as an alter-

native to the Dorgan proposal, that evidently has been drafted solely by Republicans. Whether it includes Republicans in the House of Representatives or not is something we will have to wait and see. I doubt it very much.

Why? Because just this afternoon Congressman NORWOOD, who was the principal sponsor of the Norwood-Dingell bill, said in a press conference: What is significant about today is that all 21 Republican sponsors of the Norwood-Dingell bill are standing behind me and each of us has declared that we will not support any bill that does not allow patients to choose their own doctor, that does not protect all Americans, and that does not hold the insurance industry accountable for its decisions. It doesn't matter what the Senate does today. The 25 us will vote against any bill that does not guarantee patients the protections they deserve. If the Senate passes anything less, they are killing the bill.

That isn't a statement made by Democrats; that was made by Republicans.

So let's understand it. Here are the leaders in the House of Representatives, in a bipartisan effort that got a third of the Republican Party to pass an effective bill that we should pass, and it failed by one vote only 2 weeks ago. We are being denied, week after week after week, from being able to protect American families from being harmed.

That statement is made by the Republican Congressman. The legislation we on this side of the aisle support is supported by 300 organizations, including every medical organization, every doctor organization, every patient organization, every organization that represents women, every organization that represents children, every organization that cares about cancer—you name it, they support our proposal.

Do you know who supports the other side? The insurance industry. They supported them before and they are supporting them tonight. So you will have a chance to show, on the floor of the Senate, whether you are going to cast your vote with those who have been dedicated to protecting the lives and well-being of the families in this country, or protecting the profits of the HMOs. That is the issue as plain and simple as can be stated.

That is why Congressman NORWOOD, I think, has been so courageous, because he understands it. He was there when the Senate considered 2 weeks ago the Norwood-Dingell bill that failed by one vote. He was supporting our efforts, as was the American Medical Association.

The particular amendment that Senator DORGAN has proposed is a very basic and fundamental amendment that affects the Patients' Bill of Rights. It is the question of scope. Are we going to cover 161 million Americans, or are we going to cover only a

third of those, as was covered in the Senate Republican bill before and I daresay will be in the Republican bill tonight—although they have not shared that with us, only with the staff for a few minutes. I daresay that will be the fact.

Here it is. They cover 48 million—self-funded proposals. They do not cover those fully insured; those who are represented by Blue Cross or by Kaiser. They don't cover those 75 million.

They don't cover the individual markets, the self-employed, the farmers, child care providers, the truckers.

They don't cover the teachers and the firefighters and the police officers.

We cover all 161 million. They cover 48 million. Here is a picture of Frank Raffa, Vietnam veteran, decorated war hero, 21 years in the fire department of Worcester, MA. He has two children. Do you think he is covered? No, not covered under the Republican plan. Why should Frank Raffa not be covered? Why should his family not be covered, his wife and his children? He has dedicated his life to the people of Worcester, MA, as a firefighter and to this country in Vietnam. But, oh, no, the Republicans say we are not going to cover State and county officials.

No. 2, here we have Dave Morgan, with two of his 63 employees. He is a pharmacist in Boston. Tonya Harris right here, she is a pharmacy technician, a single mother of two, and Rhonda Hines, another of Dave's employees. She is married and has three children. Do you think working for a business they are going to be covered? Absolutely not. He is a community pharmacist. He worked hard building a business employing 63 members of the community. Some are in training, some are getting advanced degrees—are they covered? Absolutely not. Why not? Why do you exclude those? Norwood-Dingell did not exclude them, why should we?

Finally, Leslie Sullivan, a family nurse practitioner in the Quincy Mental Health Center, a Massachusetts employee. She is not covered under the Republican plan. She has worked hard all her life.

I want to hear a justification from Senator NICKLES tonight why these people are being excluded. They can't get it. We have insisted, in that conference, on three basic things: One, you are going to have coverage and cover all Americans; No. 2, you are going to have accountability; No. 3, you are going to have a definition of medical necessity that is going to protect American consumers.

At the end of 3 months of hearings, 3 months of meetings in the Nickles office—as much as I like and respect DON NICKLES and consider him a friend, the fact is, of the 22 differences, only 2 had been agreed to.

I will just take 3 more minutes. Here are the guarantees under the legisla-

tion that the Democrats support: 22 different protections here. I would like to hear from the other side: Which ones don't you want to guarantee to the American consumers? You don't want to protect all of them? You don't want to guarantee the specialists? You don't want to guarantee that women that are going to be able to go to an OB-GYN without first going to a general practitioner? You don't want to guarantee prescription drugs? You don't want to guarantee the emergency room? These are our guarantees. This is what we stand for. If the Republican bill embraces those without the loopholes, we will support it. But if it does not, it ought to get defeated. That vote ought to be no, and we ought to continue to fight in this Congress to make sure we get a good Patients' Bill of Rights.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I regret our colleagues on the Democrat side of the aisle have decided to once again try to turn an issue, an important issue, Patients' Bill of Rights, into a political theater and not legislate, not come up with reasonable compromise. Instead, they want votes. They want to try to score points. I find that to be unfortunate because we are working very hard to try to come up with a responsible product.

A compromise in the conference committee is not easy on this issue because the differences between the House bill and the Senate bill are significant. They are significantly different in cost and scope and liability. We are trying to bridge those differences. It takes time, it takes compromise, it takes both sides working together.

We made a lot of progress with our colleagues on the Democrat side, in spite of what my good friend from Massachusetts says, a lot more progress than 2 out of 20 items. We agreed on an appeals process. Maybe not on every single last letter, but by and large we agreed on the appeals process. We invited the press in; we came to an agreement. It took about 2 months. I thought it should have taken a week. The reason why it took 2 months is because our friends on the Democrat side always kept wanting a little bit more. That is tough negotiating. I am not faulting them for that. But they are the reason why it took 2 months to come up with an appeals process. We basically agreed with it.

I just have to make a mention on scope. When they say: Wait a minute, their bill only applies to 50 million and our applies to 161 million; it should apply to everybody—our plan applies to everybody covered by ERISA. That is the plan we are amending, every employer-sponsored plan.

I know the Senator wants to overrule the State of Massachusetts State employee plan, he wants to regulate State

individual plans—he wants national health care. I compliment him. He is being consistent. He always thought the Federal Government could do it better than States, and he always wanted the Federal Government to do it instead of States. I disagree with that. We have a disagreement. That is one of the items we were wrestling with in conference.

Now we have an amendment.

We tried to do this in a big fashion last year. They had their amendments. We had a lot of votes on amendments last year. Senator KENNEDY lost. We had an amendment on scope. We debated that last year. The Senator from Massachusetts lost. The majority of the Senate said: No, we don't want the Federal Government to take over State regulation of insurance. We don't think HCFA is very good at administering the insurance. They have a hard enough time in Medicare. Do we really want them to regulate State insurance? The Senate said no. The House said yes. We were negotiating that.

Incidentally, that is one of the things we are negotiating as we speak. But my colleagues on the Democrat side didn't wait for the conference. Two weeks ago they said: Let's ignore the conference. Let's just adopt the House position. In spite of the fact we have reached a bicameral agreement on a lot of patient protections, including the appeals process which, for my colleagues' information, is the backbone of the bill. It is the most important thing in the bill because if you do a good job in the appeals process, you don't have to go to the courthouse.

The patients who need care, whether it is the cleft palate that my colleague continues to show in the picture—they are going to have an appeal under the bill that we have. They are going to get care. It is going to be decided by a medical expert totally independent of the plan. That is going to be a binding decision. The person who is denied health care is going to have an appeal and is going to get the health care they need when they need it; not just go to court.

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. No, I will not yield. I have a lot of comments to make. Maybe I will yield at a later time.

Instead of waiting for the conference to work, my colleague from Massachusetts put the Patients' Bill of Rights on either the Department of Defense authorization bill or the Defense appropriations bill.

There is no way in the world that bill is ever going to come out of conference. It was nothing but political theater. It disrupted the conference. I told him and my colleagues and I planned on having a conference that day with my Democratic colleagues. No, they engaged in political theater because maybe some people wanted to have a headline that said: "Senate defeated

Patients' Bill of Rights." We moved to table the amendment. The vote was 51-48. It accomplished nothing but headlines for my colleagues.

Two weeks after the vote, we have another Patients' Bill of Rights. Maybe we will have several and do them piecemeal. Maybe we will do one on scope and one on patient protections.

I tell my colleagues, this is not the way to legislate. We are on the Labor-HHS appropriations bill. Everyone knows this bill is not going to come back—maybe it will; maybe we will pass patient protections and put it on Labor-HHS. My colleagues put minimum wage on bankruptcy. Frankly, it is a complicated effort for both bills. Minimum wage did not belong on bankruptcy and patient protections does not belong on Labor-HHS.

Are they seriously legislating? No. Did they come up with a serious legislative proposal? They have a two-page proposal on scope. What is the amendment offered by my friend from North Dakota? He has an amendment which deals with scope.

My colleague talked about all these patient protections. Guess what. They are not in his amendment. His amendment basically says: We want the Federal Government to set standards, and, oh, States, you have to meet these standards. If not, the Federal Government is going to take over.

This little amendment, which looks innocuous and is like a thematic statement, says we are going to have the Federal Government design, mandate, and dictate benefits, and, States, if you do not meet these dictates, we are going to have the Federal Government take over; HCFA will take over; you will have to follow the HCFA standard.

This is the GAO report: Implementation of HCFA. The headline says: "Progress slow in enforcing Federal standards in nonconforming States." We have a lot of States not conforming with existing laws where HCFA is supposed to have control—ask any of your doctors. Some people profess they want to be helpful to doctors. Ask the doctors. If we adopt the Dorgan amendment, we are asking HCFA to take over State regulation of health care. That would be a disaster. That would not improve quality health care. That would duplicate State regulation, confuse State regulation, and have Federal regulators who do not have the wherewithal or the talent—they say so themselves. They say in this report they do not have the talent; they cannot do it. They are not doing it in existing law.

They have three areas in existing law they are supposed to enforce, and they are not doing it. This is the GAO report saying this, not DON NICKLES. It is fact. And we are going to give them regulation over State health care? That is absurd. I know some people want national health care. They want the Federal Government to regulate health

care in the States. I do not. I think it would be a serious mistake.

What about scope?

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. I want to continue before I lose my train of thought.

What about scope? The scope proposal in our bill applies to every single ERISA-covered plan. Every employer-sponsored plan would have an external appeal because that is ERISA. It has Federal remedies.

We also included in this proposal a cause of action, a cause of action liability. In case the external appeal overturns the HMO and they do not pay, we say you can sue the HMO. We did not have that in the bill before. We did not have liability. We compromised.

Some say the conference has not done anything. We made a concession. We have liability in our proposal so patients can sue HMOs. It turns out that a lot of our colleagues want to sue more, on every case. They want to turn this into an invitation for litigation. We do not.

We do have cause of action. We have remedies allowing patients to go after the HMO, and, frankly, the employer, if acting as the HMO, if they are the final decisionmaker, if they are the ones denying health care, if they are the ones causing injury, harm, damage, or death, because of their decision to deny health care, they can be held liable. My point being: We have moved forward in the conference. We have made compromises. We have been working.

This is not the way to legislate: We will put, at 5 o'clock on a Thursday afternoon, on the Labor-HHS bill and say we are going to do part of patient protections, we are going to pick out a piece of it, a very significant piece. Maybe we will do another piece tomorrow.

That is not the way we are going to do it. We offered a significant comprehensive proposal, one that deals with scope, liability, patient protections, one that has an appeals process that will apply to every single employer-sponsored plan in America. We are going to give everybody a chance.

You will not be voting on a real patient protections bill, not the one Senator DORGAN offered as a two-page amendment. We have an amendment pending that is 250 pages that has real patient protections and one we have been working on for over a year.

Frankly, over half that language—maybe over 70 percent of that language—has been negotiated with our colleagues on the Democratic side of the aisle. It had tentatively been signed off by Democrats and Republicans, House and Senate. It has patient protections. It has an appeals process. We have a significant proposal. We do not have two pages. We have a Patients' Bill of Rights. We have rem-

edies and cause of action where someone can sue an HMO or sue a final decisionmaker if they are denied health care. We have a good proposal, and I hope my colleagues will vote for it and against the Dorgan proposal.

We will have up-and-down votes on both proposals, on a bill on which neither one belongs. That is not my choice. I told my colleagues on the Democratic side that I will agree to a time certain and a vote on both of these proposals sometime—July, September. I am happy to do that. No, they want to score points. They want press conferences. They are not interested in patient protections. They are interested in press conferences and political theater.

They are not interested in helping patients. If they were interested in helping patients, they would be working with us to resolve and compromise in conference. Unfortunately, that is not the case. Maybe they will have theater, but we are going to give people substance on which to vote.

Last time, when my colleague from Massachusetts offered basically the House-passed bill—let's adopt the House position—we said no, and we tabled it. We saw the headlines: "Republicans Defeat Patients' Bill of Rights." Guess what. Today we are going to pass a Patients' Bill of Rights. We are going to pass a Patients' Bill of Rights and give every single patient in America who happens to be in an employer-sponsored plan an appeal. If they are denied health care by an HMO, they will have an appeal, done by a medical professional, an expert, using the best medical evidence available. It is a binding decision.

If for some reason that appeal is not adhered to nor complied with, they will have a right to sue. They can sue their HMO, they can sue the final decisionmaker, if it is a self-funded, self-insured employer, if they make a decision to deny health care. They can sue them in those circumstances. We are offering real patient protections.

Time and again I have heard: We have to have patient protections where there is remedy against HMOs denying health care. We do that in this bill. We do not want people going to court; we want them to settle it in the appeals process so they get health care when they need it, not through the court system when it is too late. We want to resolve those cases. We want people to get health care.

On the patient protections—about which my colleague says the Senate does not do anything for the firefighter in Massachusetts, we want patient protections—we just do not think we are protecting patients by coming up with some facade that the Federal Government is going to take care of them when we know it cannot, and have the Federal Government basically preempt State law with national health insurance.

Look at the countries with national health care. Do they have the quality of health care that we do in this country? The answer is no; absolutely not. People think we can draft these patient protections in Washington, DC, and do a better job than the States. I happen to disagree. I will give some examples.

The States have done a lot with patient protections. We should not ignore that. We should encourage it and compliment it. We should encourage them to do more. It would be presumptive.

We negotiated access to emergency room care; direct access to pediatricians; provider nondiscrimination; direct access to specialists; continued care from a physician; timely binding appeals to an independent physician; agreement on direct access to OB/GYNs; agreement to improve plan information; agreement on access to out-of-network physicians; agreement on open discussion on treatment options with physicians; agreement on access to prescription drugs; and agreement on access to cancer clinical trials.

We have made a lot of progress. My colleagues say we have not done that. Are we going to say the language we drafted is so much better than anything the States can do and so we have to supersede their language? Some people think we are the font of all wisdom. I do not agree with that. It is absurd for us to say that.

States have been issuing patient protections. Forty-three States have already passed patient protection bills way ahead of the Federal Government.

I think it would be presumptuous of us to say: We are going to draft something. We know it is better. And States, you must comply. If you don't comply, the Federal Government is going to come in to regulate.

That is a serious mistake. I do not want to do it.

I urge my colleagues to vote yes on the proposal that I have submitted on behalf of myself and several others who have worked for over a year and a half to put together. I urge my colleagues to vote in favor of that. And I urge my colleagues to vote no on the Dorgan-Kennedy amendment.

I yield the floor.

Mr. KENNEDY. Will the Senator yield for one question?

Mr. NICKLES. I am happy to yield on your time.

Mr. KENNEDY. I yield myself 2 minutes for that purpose.

What is the scope of and coverage in the Senator's proposal, not what will apply in terms of internal-external appeals, but what is the total coverage?

Mr. NICKLES. The total coverage is, on scope, every single employer-sponsored plan in America would have the right to internal-external appeals.

Mr. KENNEDY. In terms of numbers, what are we talking about in the NICKLES proposal? The initial proposal, the first proposal, was 48 million. We are

talking about 161 million in the Dorgan proposal. Does the Nickles proposal include 161 million American families?

Mr. NICKLES. To answer my colleague's question, on the appeals process, it applies to 131 million Americans. We do not say we should design plans written by the States for State employees or for city employees or individuals. Those have always been regulated by the Federal Government. They have never been regulated by ERISA, and they aren't regulated by them in our bill, either.

Mr. DORGAN. Mr. President, let me answer the question of the Senator from Massachusetts. The Senator from Oklahoma took a long while to say no. Their proposal does not cover the 161 million Americans. It is essentially the same proposal we have seen previously. It falls far short of covering the majority of the American people who our proposal would cover.

Mr. President, I yield 10 minutes to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, the issue before us today is whether we are going to give the American people what I believe they expect and what they have a right to receive which is uniform, consistent coverage of their fundamental rights as beneficiaries of an HMO contract and as patients in a health care facility as it relates to the responsibilities of that health maintenance organization.

The Senator from Oklahoma has indicated he is going to submit to us a counterproposal to the provision that has been offered by the Senator from North Dakota, which focuses on one of the most fundamental issues and that is, who is going to be covered.

It is a little difficult for us to respond to the Senator from Oklahoma since at least none of us on this side of the aisle has had an opportunity to see the version of the amendment that will be offered. It is similar to seeing a biplane fly by with a long sign dragging behind its tail. That is what we see—a long, fluttering sign that says Patients' Bill of Rights. But we can't see any of the detail that supports that title of a Patients' Bill of Rights.

The question raised by the amendment of the Senator from North Dakota is whether we should have a nationwide standard or whether we should have 50 standards.

We have already answered that question as it relates to the 39 million Americans who are covered by Medicare. We have a national standard for all of those 39 million Americans.

We have answered that question for the 20 to 25 million Americans who get their health care through the Medicaid program. All of those people are covered by a national standard.

The question is whether we are going to provide for those people who get

their insurance through private HMO companies rather than through one of these governmental programs to also be granted the right to have a national standard.

The amendment Senator DORGAN has proposed would cover all 161 million Americans with private insurance. They will receive the same full array of protections. The proposal that I anticipate from the Senator from Oklahoma will only fund one type of insurance: self-funded employer plans, which cover only 48 million Americans. The others will be left out.

I take second place to no Member of this body in terms of my support for federalism. I basically believe in the principle that, where possible, decisions should be made at the community and State level. So I consider it incumbent upon myself to answer the question: Aren't you being inconsistent by now supporting a national standard of patients' rights? Why not leave it up to the 50 States to decide for the 113 million Americans who have private insurance rather than self-funded employer plans? Why shouldn't those 113 million Americans be covered by a State's Patients' Bill of Rights?

I would like to answer that question in the context of one of the provisions within this bill, and that is how you will be treated if you go to an emergency room. I think it is an appropriate provision to use as an example of the larger question of whether this should be determined 50 times by the 50 States or should there be a national consistent standard.

The emergency room happens to be the site of the largest number of complaints by patients against their HMO's treatment. There are more complaints as to access, as to standard of care, and as to care after the initial critical services are provided, there are more complaints by patients in that setting than any other aspect of patient-HMO relationships.

The emergency room is also a setting which is heavy with urgency and emotion. That is not just watching "ER" on television; it is the emergency room in reality.

I have a practice of taking a different job every month. In February of this year, my job was working at the emergency room in one of the largest hospitals in Florida, St. Joseph's Hospital in Tampa. In that setting, I had an opportunity, firsthand, to see some of the issues that an emergency room poses for an HMO patient, such as the question of the patient arriving and asking the question: Am I going to be covered for the services that I will secure from this emergency room?

Am I entitled to access to the emergency room?

It is the question of: Have I come to the right emergency room? Should I have gone to the emergency room that is part of the plan of my HMO or can I

go to this emergency room because it is a half hour closer?

It is the question of: What is going to happen after they stop the hemorrhaging and have moved into the poststabilization period? What kind of services can I receive, and what types of authorization do I have to get from my HMO to be certain that those services are going to be paid for?

Those are very fundamental, tangible questions that a family who is taking a loved one to an emergency room will want to have answered.

I suggest it would be preferable to all of the parties involved in this urgent transaction in an emergency room if there were a standard set of answers, whether you were in Tampa or Topeka or Tacoma, WA; that you would get the same answer. It would be beneficial to the beneficiary, to the patient, to know that there would be a consistent set of standards, that he would know, for instance, that he would be judged by the standard of "the reasonable layperson" in terms of access, that he would not be judged, as happens to be the case in my own State of Florida, not by the reasonable layperson standard, which is the rule in Medicare and Medicaid and most States but, rather, as he is in Florida, by the standard of an appropriate health care provider making a determination after the fact as to whether the patient should or should not have considered his or her condition requiring emergency room treatment.

It also avoids confusion by the provider because the provider will know that they can render services to all the people who come into the emergency room based on a single set of standards in terms of what is in that individual's best interest.

Talking about emergency rooms specifically, as I understand it, in the provision of the Senator from Oklahoma, rather than using the norm, which is a 1-hour period in which the HMO can decide whether they will assume responsibility for the patient in the emergency room or allow the hospital of the emergency room to render poststabilization care, the Senator from Oklahoma is going to propose that that 1-hour standard, which is the standard for Medicare, for Medicaid, for most plans, is now going to be ballooned up to 3 hours. So for a person who has been in a serious automobile wreck, who has had bleeding, hemorrhaging, who is in very serious circumstances and has been stabilized but not yet cured or not yet cared for, we are going to have a 3-hour period for that individual to wait for the HMO to decide whether it is OK for the hospital where the injured patient is located to provide the care there, or is the patient going to have to be put in an ambulance and carried to one of their network hospitals. I don't think that confusion as to standard is good medical

policy for the providers. It is even not good policy for the insurance companies that have to deal with 50 different State standards as to authorization, length of poststabilization care, the other issues that arise in an emergency room.

Mr. President, as a self-declared Jeffersonian Federalist, this is a case in which we need to have a national standard because it is for the benefit of the good health of the American people. I urge adoption of the amendment offered by the Senator from North Dakota.

Mr. NICKLES. Mr. President, I am assuming we have an informal agreement to go back and forth and to try to keep the time fairly equally divided. I might ask of the Parliamentarian what the division of time is remaining.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Oklahoma has 40 minutes remaining, and the Senator from North Dakota has 24 minutes.

Mr. NICKLES. I yield 7 minutes to my colleague from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in support of the Nickles bill a little bit hesitantly—not my support—because of a conference which is underway which pulls together bills passed by the House of Representatives and by the Senate wherein progress is being made so that we can assure the American people of a real Patients' Bill of Rights.

This process seems to be interrupted time and time again, if not with bills brought to the floor, with press conferences day after day. You haven't seen that from this side. You have seen us working on a very aggressive, daily basis, in a bipartisan, bicameral way to put together a Patients' Bill of Rights—a real challenge because of the number of interests, the number of patient protection issues such as scope and liability. We are making progress.

Because of the political theater that seems to be the name of the play put forth on the other side, we have our response tonight. I am very excited about it. I am very excited because we are putting on the table a real Patients' Bill of Rights which has the objectives of returning decisionmaking back to that doctor-patient relationship, of getting HMOs out of the business of practicing medicine but not having the unnecessary mandates which needlessly drive the cost of health insurance so high that people lose their health insurance.

The alternative bill on the other side of the aisle—one that was defeated last year, a very similar bill defeated 2 weeks ago—we know would drive about 1.8 million people to the ranks of the uninsured.

I can tell the Senate, as a physician, as a policymaker, somebody who has now spent more than 2 years on this

bill, we are obligated to the American people to present a bill which is a Patients' Bill of Rights that does not unnecessarily drive people to the ranks of the uninsured by driving up cost. That process is underway. It is interrupted once again tonight.

Tonight, for the first time, we are going to be able to put a new bill that reflects this bicameral, bipartisan work of the conference on the table. I would like to concentrate a few minutes on the actual ten or so patient protections that are in the bill that Senator NICKLES has put forward.

We heard a little bit from the Senator from Florida on a Florida Patients' Bill of Rights and patient protections. We will come back and talk about the scope of the bills a little bit more, but in Florida there are a total of 44 mandates that have already been passed by the legislature and are law in Florida today. The simple question is, Why do we in this body think we can do a better job when the State has jurisdiction already in putting forth mandates?

For example, in 1997, the State of Florida passed a comprehensive bill of rights, now 3 years ago. For ER services, emergency room services, 4 years ago they passed a Patients' Bill of Rights. They passed consumer grievance procedures; breast reconstruction in 1997; direct access to OB/GYNs passed in 1998 in Florida; direct access to dermatologists, 1997; external appeals, 1997.

It comes down to the basic premise that we believe we should write a bill in terms of scope, in terms of the ten patient protections that apply to those people under Federal jurisdiction, and not come in and say we know better than the Governor of the Assembly of Florida or Tennessee or Arkansas.

Very briefly, I will talk about the patient protections.

No. 1, emergency care: Under the Nickles bill, plans must allow access to emergency service. This provision guarantees that an individual can go to the nearest emergency room regardless of whether the emergency room is in the network, in the plan or outside of the plan. It is the nearest emergency room. So these press conferences where you see pictures of people skipping to different emergency rooms, it is not in the bill. In this bill you go to the nearest emergency room.

No. 2, point of service: In this bill all beneficiaries covered by a self-insured employer of 50 or more employees must have a point of service option regardless of how many different closed panel options an employer offers.

No. 3, access: Specialists such as an obstetrician/gynecologist, under the Nickles bill, patients receive a new right for direct access to a physician who specializes in obstetrics and gynecological care for all obstetrical and gynecological care.

No. 4, access to pediatricians: Under our plan, a pediatrician may be designated as the child's primary care provider; that is, if a plan requires the designation of a primary care provider for a child.

No. 5, continuity of care: Under the Nickles bill, when a provider is terminated from the plan network, patients currently receiving institutional care, if they are terminally ill, may continue that treatment with the provider for a period of up to 90 days.

No. 6, access to medication, a real issue for physicians and for patients, this whole idea of a formulary: under the Nickles bill, health plans that provide prescription drugs through a formulary are required to ensure the participation of physicians and pharmacists in designing the initial formulary and in reviewing that formulary.

If there are exceptions from that formulary and a nonformulary alternative is available, then the patient has access to that nonformulary alternative.

No. 7, access to specialists: As a heart and lung transplant surgeon, this is something I believe is absolutely critical and very important to have in the Patients' Bill of Rights. With the Nickles bill, patients will receive timely access to specialists when needed.

No. 8, gag rules: Under the Nickles bill, plans are prohibited from including gag rules in providers' contracts or restricting providers from communicating with patients about treatment options.

No. 9, access to approved cancer clinical trials: Again, this is very important. We have heard a lot about the human genome project today and the great advances. That is good because it gives you the "phone book." We have to figure out what it means. In the same way, if you have new pharmaceutical agents, or treatments for cancer, you have to figure out whether or not they work; therefore, access to approved cancer clinical trials. The Nickles bill provides coverage of routine patient costs associated with participation in approved cancer clinical trials sponsored by the NIH, the Department of Veterans Affairs, the Food and Drug Administration, and the Department of Defense.

No. 10, provider nondiscrimination: Under the Nickles bill, plans may not exclude providers based solely on their license or certification from providing services.

No. 11, after breast surgery, mastectomy length of stay, and coverage of second opinions: Plans are required, under the Nickles bill, to ensure inpatient coverage for the surgical treatment of breast cancer for a time determined by the physician, in consultation with the patient.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. LOTT. Mr. President, I have a unanimous consent request that has been cleared now on both sides of the aisle, if I may interrupt momentarily.

I ask unanimous consent that the motion to waive the Budget Act for consideration of the Gramm point of order be withdrawn.

I further ask consent that the Gramm point of order be temporarily laid aside, to be recalled by the Senator from Texas, after consultation with the majority leader and the minority leader, and the Chair rule on the point of order immediately, without any intervening action, motion, or debate.

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

Mr. LOTT. I yield the floor.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

Mr. REED. Mr. President, I rise in support of Senator DORGAN's proposal. It is very straightforward, simple, and it states categorically that all Americans covered by health insurance should have the protections of the Patients' Bill of Rights. Nothing could be clearer or more effective and efficient in providing protections to the American people, to which we all, by and large, agree.

We have seen this proposal in the Democratic legislation that was submitted to this Chamber. It is included within the Norwood-Dingell legislation in the other body. It is consistent, it is appropriate and, frankly, it seems so common sensical. Why should an American citizen be denied protections and practices and benefits because he or she is in an ERISA plan rather than a non-ERISA plan? ERISA is a time and security income program created to protect the solvency of retirement funds and the financial aspects of these plans. It was never intended to be a health care plan or to define the coverage for health care plans in the United States. So on that point alone, it seems to be an inappropriate way to discriminate against those Americans who have access to the protections of the Patients' Bill of Rights.

I have been listening to the proposals by the Senator from Oklahoma and the description of the Senator from Tennessee and trying to understand their proposals. My understanding is this: They have—and Senator FRIST has announced a long list of protections and rights, and they only apply to ERISA plans—48 million Americans. The appeals process, however, would be expanded to apply to 131 million Americans.

Now, it appears to be inconsistent, but I think the rationale and the logic is pretty clear. If you don't have rights, it doesn't matter whether or not you have an appeals process. If you don't have the rights outlined by the Senator from Tennessee, then you

could have the appeals process, but what are you appealing? You are appealing nothing. It comes back to the point that Senator DORGAN has made so well. This issue is about scope, so that not only do you have the right to appeal—all Americans—but you actually have valid rights that you can insist upon in an appeals process. That is included within the Democratic proposal, the Norwood-Dingell bill, and it is significantly absent from the Republican proposal we are hearing today.

Now, the justification, of course, for this approach—the Republican approach—is we can't disrupt State regulations, or the sanctity of State regulations. However, step back and look again. Under the pressure of Norwood-Dingell, the pressure of Senator DORGAN's proposal, and the pressure building up month after month of trying to bring this Patients' Bill of Rights to the floor for final passage—something solid and substantive—the appeals process has been expanded. When it comes to appeals, we are saying we don't care about State regulations anymore. That argument falls out. If we don't care about the appeals process with respect to the sanctity of State regulations, why do we care when it comes down to fundamental rights? Or why do you care about it in this, I think, inappropriate, illogical, and irrelevant distinction between ERISA plans and non-ERISA plans? The answer is, this ERISA distinction is a convenient dodge to avoid providing rights for all Americans in this health care bill.

Now, also, they talk about the fact that the cost of these patient protections will go up dramatically. Yet the Senator from Tennessee just announced a long list of protections that apply to ERISA plans. Why, if these are so onerous and costly, would we allow them to be applied to ERISA plans and not to other plans? The answer, I think, also should be obvious. It is that, in fact, these proposals are not only necessary but appropriate, and that the costs will not unnecessarily drive people away from insurance protection.

So what we have in the Republican proposal is based upon illogical premises, distinctions that should not be in place with respect to ERISA or non-ERISA, and also would create a complexity that is one of the banes of our health care system today. On this side, and also on the bipartisan measure adopted by the House of Representatives, you have a very simple, direct proposal that will cover every American—not just in the appeals process but in the basic rights they have. I think, in comparison, it is clear that we should support the amendment of the Senator from North Dakota.

Mr. NICKLES. Mr. President, I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, if we are going to talk about improving patient care, we should talk about improving quality of care. We believe that every patient is entitled to the best medicine available. Reducing medical errors is an important part of improving quality. In fact, it is a critical issue.

The Institute of Medicine released a report late last year, which I requested. It focused our attention on the need to reduce medical errors to improve patient safety. The IOM report said that more people in this country die of medical errors than die of breast cancer, AIDS, or motor vehicle accidents—the one statistic we cannot ignore. In response to this report, the HELP Committee held four hearings. On June 15, Senator FRIST, Senator ENZI, and I introduced S. 2738, the Patient Safety and Errors Reduction Act.

This amendment, which is based on our legislation, will attack the problem of medical errors in several ways. First, it will provide a framework of support for the numerous efforts that are underway in the public and private sectors. Second, it will establish a center for quality improvement and patient safety within the agency for health care research and quality. Finally, it will provide needed confidentiality protections for voluntary medical error reporting systems. These provisions are consistent with the Institute of Medicine's recommendations.

The IOM report calls on Congress to establish a center for quality improvement and patient safety at the agency of health care research and quality.

This Center will take the lead on patient safety research and knowledge dissemination so that what is learned about reducing medical errors can be communicated across the country as quickly as possible.

The Institute of Medicine's report also calls on Congress to provide confidentiality protections for information that is collected for the purposes of quality improvement and patient study. This is the only way to get doctors and nurses to begin to voluntarily report their errors. These protections apply only to medical error reporting systems and do not diminish the current rights of injured patients. They will still have access to their medical records and they will still have the same right to sue as they do now.

We heard loud and clear at our four hearings that we need to encourage the reporting of close calls. A close call is a situation in which a mistake is made, but it does not result in injury to the patient. No harm is done, but the potential for harm is there.

Many times these "close calls" or "near misses" are the result of problems with the system. The nurse calculates the dose incorrectly because

the medication name ordered was folic acid and she is accustomed to giving folic acid. The doctor orders an inappropriate medication because he has no way to know that another doctor has given his patient a medicine that will interact.

Studies show that mandatory systems may actually suppress rather than encourage reporting. Punishment of individuals who make mistakes is not only ineffective, it is not the goal. The goal is patient safety.

It is time that we include our health care industry in the list of industries that have adopted continuously quality improvement and have taken significant steps to reduce human errors. Good people make mistakes. We need to do everything we can to put the systems in place to ensure that health care mistakes are very hard to make.

Neither the Institute of Medicine nor Congress discovered this medical error problem. Health care professionals have been at work for some time in trying to address medical errors. I hope that by becoming a partner in this process, the federal government can accelerate the pace of reform and provide the most effective structure possible.

I am pleased that this confidential, voluntary, non-punitive approach to addressing medical errors has the support of both the provider community and their oversight agencies.

We cannot afford to wait on this issue. The Nickles amendment will raise the quality of health care delivered by decreasing medical errors and increasing patient safety.

Mr. DORGAN. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from North Dakota has 19 minutes, and the Senator from Oklahoma has 27 minutes.

Mr. NICKLES. Mr. President, I yield to the Senator from Wyoming 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Oklahoma.

I, too, am distressed that we are debating the scope at this point. We had the opportunity to discuss this in a bipartisan way and to come up with good solutions. We were making good progress. We have been making good progress. Unfortunately, the opposition has decided that a national health care plan is the only way to go. A national health care plan has been defeated around here a lot of times. I can tell you that there are a lot of people who do not want a national health care plan. They do not understand a national health care plan. If I even considered one, folks wouldn't send me back again—not the ones from Wyoming. We have a little different atmosphere in Wyoming than they do maybe in Massachusetts or New York or Florida. But the people there want health

care as bad as anywhere else. They don't want to be driven out of the market by rising costs for regulations that do not really even affect them. We don't have HMOs in Wyoming, except one small one owned by doctors.

The regulations that will work for other States in this country will not work for Wyoming. We have an insurance commissioner. His name is John McBride. The nice thing about Wyoming is if you have an insurance problem you call the insurance commissioner. You can talk to him or to one of the people who work for him. You can call them by their first names. I don't have to call them "Mr. Commissioner." And they will help you get your problems straightened out. They will help out a lot faster than using a national health care plan that results in a chart such as this.

Can you picture me telling the folks in Wyoming that the insurance commissioner can't help them anymore, and to just pick the phone up and call HIPAA? I don't know the thousands and thousands of employees who work there. I especially don't know any of the thousands and thousands who they will have to hire to do the kind of job that the scope is calling for by our opponent.

A reasonable scope that handles the rest of the people who are not covered by States where they can call the people and get the same person every time so they don't have to explain again their problem every single day is the kind of service people expect. It is the kind of service they can get, but not if we take away States rights.

Guess what. It looks even worse for consumers under the HCFA's "protection," according to a release by the GAO on March 31 of this year.

The model the Democrats are supporting for implementing the Patients' Bill of Rights is the Health Insurance Portability and Accountability Act, affectionately known as HIPAA. I quote from the report:

Nearly only four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying where enforcement will be required.

There are all kinds of stories about the Washington bureaucracy. Under their scope, they want us to give up the State plans in favor of this group that is still trying to figure out where they are going. Is that responsible? No.

There are other things that need to be negotiated out in this bill. But that is not an option we are being given when they start piecemeal. Every piece of a Patients' Bill of Rights interacts with the other part. When you jerk out one part of the scope and try to do that without talking about all of the other parts of it that interacts with the scope you wind up with nothing but a mess. To try to do that in a little two-page bill makes it look easy. We have gone from hard on an earlier one to a

really easy one now. And neither of them will do it and protect the people in my State. I suggest that it will also not protect people in other States.

I am becoming less surprised that after walking away from the conference for the Patients' Bill of Rights, the Democrats are hurling accusations about others not wanting to get a bill done and enacted. That's an incredibly counter-productive reaction to giant steps on our part toward compromise. This conference has been long and time-consuming, but it has been working. There is not a single reason why we should abandon a process that is working. Yet, politics has been invited in, and I think the majority of us here to highlight why that's such a terrible mistake. Choosing this path is a vote to abandon patients in favor of a political issue.

Among the handful of principles that are fundamental to any true protection for health care consumers, probably the most important is allowing states to continue in their role as the primary regulator of health insurance.

This is a principle which has been recognized—and respected—for more than 50 years. In 1945, Congress passed the McCarran-Ferguson Act, a clear acknowledgment by the federal government that states are indeed the most appropriate regulators of health insurance. It was acknowledged that states are better able to understand their consumers' needs and concerns. It was determined that states are more responsive, more effective enforcers of consumer protections.

As recently as last year, this fact was re-affirmed by the General Accounting Office. GAO testified before the Health, Education Labor, and Pensions Committee, saying, "In brief, we found that many states have responded to managed care consumers' concerns about access to health care and information disclosure. However, they often differ in their specific approaches, in scope and in form."

Wyoming has its own unique set of health care needs and concerns. Every state does. For example, despite our elevation, we don't need the mandate regarding skin cancer that Florida has on the books. My favorite illustration of just how crazy a nationalized system of health care mandates would be comes from my own time in the Wyoming legislature. It's about a mandate that I voted for and still support today. You see, unlike in Massachusetts or California, for example, in Wyoming we have few health care providers; and their numbers virtually dry up as you head out of town. So, we passed an any willing provider law that requires health plans to contract with any provider in Wyoming who's willing to do so. While that idea may sound strange to my ears in any other context, it was the right thing to do for Wyoming. But I know it's not the right thing to do for

Massachusetts or California, so I wouldn't dream of asking them to shoulder that kind of mandate for our sake when we can simply, responsibly, apply it within our borders. What's even more alarming to me is that Wyoming has opted not to enact health care laws that specifically relate to HMOs, because there are, ostensibly, no HMOs in the state! There is one, which is very small and is operated by a group of doctors who live in town, not a nameless, faceless insurance company. Yet, under the proposal the Democrats insist is "what's best for everybody," the state of Wyoming would have to enact and actively enforce at least fifteen new laws to regulate a style of health insurance that doesn't even exist in the state!

As consumers, we should be downright angry at how some of our elected officials are responding to our concerns about the quality of our health care and the alarming problem of the uninsured in this country.

It is being suggested that all of our local needs will be magically met by stomping on the good work of the states through the imposition of an expanded, unenforceable federal bureaucracy. It is being suggested that the American consumer would prefer to dial a 1-800-number to nowhere versus calling their State Insurance Commissioner, a real person whom they're likely to see in the grocery store after church on Sundays.

As for the uninsured population in this country, carelessly slapping down a massive new bureaucracy that supercedes our states does nothing more than squelch their efforts to create innovative and flexible ways to get more people insured. We should be doing everything we can to encourage and support these efforts by states. We certainly shouldn't be throwing up roadblocks.

And how about enforcement of the minority's proposal?

Well, almost one year ago this body adopted an amendment that stated, "It would be inappropriate to set federal health insurance standards that not only duplicate the responsibility of the 50 State insurance departments but that also would have to be enforced by the Health Care Financing Administration (HCFA) if a State fails to enact the standard."

Yet here we are one year later where, not only is it being suggested that we trample the traditional, overwhelmingly appropriate authority of the states with a three-fold expansion of the federal reach into our nation's health care, they still insist on having HCFA be in charge. HCFA, the agency that leaves patients screaming, has doctors quitting Medicare, and, lest we not forget, the agency in charge as the Medicare program plunges towards bankruptcy.

And guess what, it looks even worse for consumers under HCFA's "protec-

tion," according to a new report released by GAO on March 31 of this year. The model the Democrats are supporting for implementing the Patient's Bill of Rights is the Health Insurance Portability and Accountability Act, affectionately known as HIPAA. I quote from the report: "Nearly four years after HIPAA's enactment, HCFA continues to be in the early stages of fully identifying where federal enforcement will be required." Regarding HCFA's role in also enforcing additional federal benefits mandates that Congress has amended to HIPAA, the GAO states, "HCFA is responsible for directly enforcing HIPAA and related standards for carriers in states that do not. In this role, HCFA must assume many of the responsibilities undertaken by state insurance regulators, such as responding to consumers' inquiries and complaints, reviewing carriers' policy forms and practices, and imposing civil penalties on noncomplying carriers." And then, the GAO report reveals that HCFA has finally managed to take a baby step: "HCFA has assumed direct regulatory functions, such as policy reviews, in only the three states that voluntarily notified HCFA of their failure to pass HIPAA-conforming legislation more than 2 years ago."

Is this supposed to give consumers comfort? First we should usurp their local electoral rights or their ability to influence the appointment of their state insurance commissioner and then offer up this agency as an alternative? I'm sure I could find a single Wyomingite to clap me on the back for this kind of public service.

I could go on at length about the very real dangers of empowering HCFA to swoop into the private market, with its embarrassing record of patient protection and enforcement of quality standards. Such as how it took ten years for HCFA to implement a 1987 law establishing new nursing home standards intended to improve the quality of care for some of our most vulnerable patients. But I think the case has already been crystallized in the minds of many constituents: "enable us to access quality health care, but don't cripple us in the process."

The next, equally important issue is that of exposing employers to a new cause of action under a Patients' Bill of Rights. Employers voluntarily provide coverage for 133 million people in this country. That will no longer be the case if we authorize lawsuits against them for providing such coverage. This is basic math. If you add 133 million more people to the 46 million people already uninsured, I'd say we have a crisis on our hands. In my mind, a simpler decision doesn't exist. We should not be suing employers.

Let me close by saying that the conference has worked in incredible good faith. We have come to conceptual agreement on a bipartisan, bicameral

basis on more than half of the common patient protections. We have come to bipartisan, bicameral conceptual agreement on the crown jewel of both bills—the independent, external medical review process. Most dramatically, the bicameral Republicans offered a compromise on liability and scope, to which the Democrats responded with only rhetoric and political jabs in the press. It is absolutely bad faith to have done so. I think it would be regrettable if these continued public relations moves torpedo what, so far, has produced almost everything we need for a far-reaching, substantive conference product.

I encourage all of my colleagues to take the high road and support the legislative process our forefathers had in mind, versus a public relations circus.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I may consume.

I have listened to this discussion, and it is pretty interesting. It seems to me that if you don't want to pass a Patients' Bill of Rights—perhaps for the reason the Senator from Wyoming suggested, which is that the Federal Government ought not to have any involvement in this issue—then just say so. Don't come out here and describe an alternative as if it is doing something that it is not really doing.

According to my colleague, we have a 258-page amendment. It kind of reminds me of the "Honey, I shrunk the plan" approach, this suggestion that what we should go back to covering 48 million people rather than 161 million people.

The Senator from Tennessee talked earlier about emergency room care and a number of the patient protections we have proposed. I hope he will respond to my inquiry. Is it not the case that the emergency room care provisions in the Senator from Oklahoma's amendment applies only to about 48 million people. Isn't it so that two out of three people will not be covered with the kind of protection the Senator suggested was covered in their proposal? It seems to me it would be a much better approach to simply say we don't support a Patients' Bill of Rights.

Mr. FRIST. Mr. President, will the Senator yield?

Mr. DORGAN. I will yield for about 15 seconds.

Mr. FRIST. Mr. President, emergency room provisions are a good case in point. It comes up all the time. It is important that people have the right to go to emergency rooms. Emergency room provisions are important. The Senator is exactly right. For the 51 million people who the Federal Government regulates, we have a responsibility to put emergency room provisions in there. That is what the Nickles bill does for the States.

The other people the Senator is talking about—does he know how many

people already have specific emergency room provisions legislated for managed care? We do. It is not 10 States or 20 States or 30 States or 40 States. I don't have the exact number. I know more than 43 States have taken care of the emergency room provisions.

Mr. DORGAN. I understand the Senator's answer, which is that the substitute offered by Senator NICKLES provides coverage for only about 48 million Americans. It is the same approach they have used previously.

One can suggest that all of these protections I am proposing are covered elsewhere. If that is the case, why does the Senator object?

The Senator from Oklahoma seems irritated we have raised this issue again. Let me tell you what Congressman NORWOOD, a Republican serving in the House who is a sponsor of the House legislation, said on May 25, and I quote: I am here to say the time's up on the conference committee. We have waited 8 months for this conference committee to approve a compromise bill. Senate Republicans have yet to even offer a compromise liability proposal. They have only demanded that the House conferees abandon their position.

This is a Republican saying the time is up on the conference committee.

Let me also point out that the Senate passed, in my judgment, a poor piece of legislation. It has the right title but it doesn't include the right provisions. The House passed a good piece of legislation, but the House leadership appointed conferees to the conference that voted against the House bill. Their conferees voted against the House bill. So the conference isn't even on the level.

If month after month after month goes by and you don't want to have a Patients' Bill of Rights because you don't believe the Federal Government ought to be involved in this, just tell the patients that. Say to the patients: We don't believe Congress ought to do this. You should go ahead and fight cancer and fight your HMO at the same time. Go ahead and do that.

The fact is, we can do better. The proposal we are offering today is very simple. We believe that a Patients' Bill of Rights establishing basic rights that patients ought to be able to expect in dealing with their insurance company is a proposal that ought to get 100 votes in this Congress.

There are some who say, when asked the question, Whose side are you on? Let us stand with the insurance companies.

We believe Members ought to stand with the patients. There is a genuine and serious problem in this country with patients not getting the treatment they expect, need, or deserve. Patients find themselves having to fight cancer and their insurance company. That is not fair.

The question is whether this Congress will do something about it. The question is not whether this Congress will pass a national health care plan. That is nonsense. That is not what is being debated. I see more shuffle and tap dances going on around here on this debate. The fact is, if you want to pass a good Patients' Bill of Rights, do what the House did. Understand that Dr. NORWOOD, a Republican Congressman, knows what he is talking about. This conference hasn't moved. This conference isn't accomplishing anything. That is why we have offered this amendment.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. To respond to a couple of comments, my colleague read from a Norwood letter that said the Republican conferees are not addressing liability. We have liability on the floor of the Senate. Mr. NORWOOD is not a conferee. Maybe he didn't know what he was talking about. We have liability on the proposal. Granted, there was not liability in the Senate bill we passed. There is on the bill we have before the Senate.

When we talk about scope, we have scope that applies to 131 million Americans in the appeals process and liability that they can sue their HMO.

To read a letter by a Congressman that says the conference is not doing anything, they don't have liability, and we have liability is a little misleading.

When my colleague from North Dakota says our proposal doesn't have a Federal takeover of insurance, you might read the amendment. The amendment on page 2 says:

(3) provide the Federal Government with the authority to ensure the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections under State law meet the standards of such Act.

In other words, the Federal Government will run State insurance, period. The Federal Government is going to take over. It is in his amendment.

I think that needed to be pointed out.

I yield 10 minutes to my colleague and conferee on this bill, the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I thank Senator NICKLES, whose leadership on this issue I think is without equal on any issue on which I have worked since I have been in the Senate. I know the people of Oklahoma, who Senator NICKLES represents, watch this on television at home. They wonder, what is this all about? You did, you didn't; you did, you didn't. This has to be confusing.

In the limited time I have, I want to set this debate in historical perspective so everybody knows what this is about.

When Bill Clinton was elected President, he had a goal of having the Government take over and run the health care system. In fact, I have before me the Clinton health care bill. This would have mandated one giant, national HMO run by the Government; HMOs would set up health care collectives, and of course the right people would be chosen to decide what health care we all needed.

If you went to your doctor, he would have dictated, under the Clinton plan, the kind of treatment he could give. If he violated their guidelines because he thought you needed it, he would be fined \$50,000.

If, under the Clinton health care bill, you went to a doctor and said, I don't think all these experts are right and my baby is sick, my baby could be dying, I will pay you to treat my baby, if the doctor did it, he could go to prison for 5 years.

That is the health care system my Democrat colleagues are for. The Members who were here voted for it and supported it. They know what they want. They want the Government to take over and run the health care system. They want to herd Americans into health care purchasing cooperatives, or collectives, as they call them, and you have to be a member or else you don't get health care in America. That is what they want. That is where this debate started.

Now, we are trying to give patients rights in dealing with HMOs. We want internal and external review. We want the external review to be independent. We want to guarantee them rights. But there is one fundamental difference between the Democrats and us. We think this is a delicate balance, because we don't want to drive up health care insurance costs so much that millions of people lose their health care.

Senator KENNEDY's bill was scored as driving up the cost of every person's health care in America by over 4 percent and costing 1.2 million American families their health insurance. What patient right is more basic than having health insurance? They give you lots of rights, but if you lose your health insurance, how do you pay for your health care? There is the difference between them and us. We have to be concerned about 1.2 million people losing their health care; they don't.

When Clinton said, let us take over and run the health care system and put everybody into these health care collectives, what did he say the problem was? The problem was that we had too many people without health insurance. So if their bill passed and millions of people lost their health insurance, what do you think they would say? They would say: We have a solution; the solution is a government takeover of health care.

This job is easier for them than it is for us because they don't care if the

baby dies, because they want to replace it. It reminds me of that story in the Bible. Some of you may remember it. Two ladies had gone to bed, and during the night one of them's baby had died and the other one had taken the baby. They come before Solomon. Solomon, in his wisdom, after listening to their arguments, says let's just cut the baby in half. That is what they are saying—cut the baby in half. Then one lady said: OK, cut the baby in half; and the other said: No, let her have the baby. Then Solomon knew whose baby it was.

This is our baby. We love freedom. We love the right of people to choose. We love the greatest health care system the world has ever known. We are not going to let the Government take over and run the health care system. That is what this debate is about. That is what our Democrat colleagues want. They are willing to destroy the greatest health care system the world has ever known because they want the health care system where the Government runs it. They think it would work better. We don't. Neither did America in 1993 and 1994, which is why we have a Republican majority today.

The second issue is scope. What does that mean? For those watching this on television, what does "scope" mean? What it means is, what should this Federal law do as it relates to the State in which you live?

Our Democrat colleagues believe with all their heart—they are as sincere as they can be—that there is only one place in the world where people have really any sense: Washington, DC. They think people in city governments and county governments and State governments are ignorant and uncaring. They believe Washington is brilliant, all-knowing, and all-caring. So what they want to do is write one bill in Washington and impose it on every living person in America.

We do not agree. We do not believe that just coming to Washington all of a sudden makes you brilliant. In fact, it is a long way from Washington to Wyoming. It is a long way from Washington to Texas. We joined the Union in Texas because we wanted freedom. We didn't join the Union to give it up.

What is the difference between the two bills? Their bill says we are going to write things the way we want them, and you are going to do it that way or we are going to come to your State, we are going to cut off your money, we are going to cut off your health care, and in some cases we are going to put you in jail. That is their way of doing it. You remember, in their bill if you went to this doctor, got down on your knees and begged that he take your money and treat your child, he went to prison for it; That was in their bill, the Clinton health care bill.

What we say is: Look, we will write a basic standard for patient protections. But what if the people in Wyoming de-

cide, since they don't have any HMOs—and this bill is about dealing with HMOs—that they should not have to come under the Federal Government to deal with a problem they don't have? They don't think they should. I don't think they should either.

People in Tennessee and Texas were protecting patients before we got into this business. They passed comprehensive bills. All we are saying is our bill applies to those not already covered. But if people in Texas, through their government, through their elected Representatives, decide they appreciate our help, they appreciate our caring, they know we love them, they kind of figure we know everything—but just in case we are wrong, they would rather implement their own program for their own jurisdiction, our Democrat colleagues say: No, they don't care enough, they don't know enough, they are ignorant.

We do not agree. We want people in Wyoming to be able to say: Look we really appreciate the bill, we know you guys want to help us, but we don't have any HMOs; we say they ought to have the right to opt out.

If Tennessee says: Look, we set up TennCare because we adopted the Clinton health care bill in Tennessee—they wish they hadn't done it, but they did—if they say we would rather do it our way than your way, our Democrat colleagues say: What do you know? What do you know in Tennessee? You people in Tennessee don't know and don't care about people. We want to do it for you. We are going to tell you how to do it.

What we say is: Look, we have written a good bill. We want everybody to look at it very closely. In those areas where only Federal law applies, the bill applies. You can't get out from under it because there are no other protections. But if Tennessee decides in areas where they have already passed a Patients' Bill of Rights that they would rather do it their way than our way, we say if their elected Representatives, their Governor, decides to do it that way, they have the right to do it.

Is that an extreme view? Is that somehow denying people protection? Is freedom a denial of protection? Is keeping the right to choose denying people a basic health right? I don't think so. I think it enhances rights. And that is what this debate is about.

Our Democrat colleagues with all their hearts believe that the Government ought to take over the health care system and they think everything should be done in Washington.

I reserve the remainder of our time.

Mr. DORGAN. Mr. President, I yield 7 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is always interesting to listen to my

friend and colleague from Texas. But I still am trying to find out why he is opposed to the protections which are included in our Patients' Bill of Rights. There was a lovely, wonderful statement about his reservations and about the importance of freedom to HMOs: If we give total freedom to HMOs, the public be damned. That is what has happened too often. What we are talking about is the protections that are guaranteed in a Patients' Bill of Rights, which is, interestingly, all the kinds of protections he has in his health insurance under the Federal employees program.

There is not a Member of the Senate who has not accepted the Federal employees program, and it guarantees virtually every one of these protections we are talking about tonight with the exception of the right to sue.

The question before the Senate tonight is this: Are we going to insist that whatever protections we are going to pass in a Patients' Bill of Rights are going to be available and accessible to all Americans? That is the Norwood-Dingell bill, the bill we on our side of the aisle favor. Whatever protections we are going to put in ought to include the 161 million Americans with private health insurance. That is our principle, that is what we stand for.

All you have to do is read the Nickles bill and you will find out that it covers exactly what was in the Senate Republican bill—only the 48 million Americans who are self-insured. Whatever protections they are talking about cover only those 48 million.

Look at the Nickles access to pediatric provision: "If a group health plan"—that would be 123 million people;—"other than a fully insured group plan." Other than; that knocks out the fully insured. It knocks all of them out. So the guarantees on pediatric care apply to only 48 million out of 161 million.

Go through the rest of the Nickles bill. Go through coverage of emergency services. It says, again, "If a group health plan"—they are covering 123 million. The next sentence, "other than a fully insured group health plan." Other than fully insured—75 million. How many are left out? Forty-eight million. They cover the same number of people they covered 7 months ago. That is the reality. Here it is in their bill. Every one of these guarantees: If a group plan, other than a fully insured group plan. You go for the 48 million in the legislation that is rejected by Dr. NORWOOD, who is the principal health spokesman for Republicans on health matters over in the House of Representatives.

There it is. Their own language. They cover 48 million. The Dorgan proposal said: Whatever we are going to do, in terms of protecting consumers, let's protect them all—161 million.

We are one vote away in the Senate from passing an effective Patients' Bill

of Rights. The conference is a failure. The amendment offered by the Senator from Oklahoma does not even have the support of the House Republicans. And only one of the House Republican conferees was a supporter of the Norwood-Dingell bill.

There is no agreement on covering all Americans. There is no agreement on external appeals. There is no agreement on holding health plans accountable. There is no agreement on access to specialists, to clinical trials, or a host of other patient protections. There was no agreement.

This vote today is a chance for the Senate to make a statement. A vote for the Dorgan amendment is a vote for the proposition that every patient in America is entitled to protection. Establishment of that principle is a giant step towards the day the Senate will pass a true patients protection program. A vote for the Nickles amendment is a vote against patients and for insurance companies. It is a vote for covering less than a third of all Americans. It is a vote for the same limited coverage originally passed by the Senate. It is a vote for a review process that is not truly independent. It is a vote against meaningful accountability. It is a vote against access to specialists outside a plan, even if the specialist is the only one able to treat that condition. It is a vote against access to clinical trials for heart patients. It is a vote for a bill that is so inadequate it will never pass the House, and it will never be signed by the President. It will not protect the thousands of patients who are injured every day.

It is up to the Senate. We should vote for the principle that everyone be covered. We should vote against a plan rejected by every group of patients and doctors, and by House Republicans. And we should come back after the recess and pass a real patients' rights bill, of which we can all be proud, whether we are Republicans or Democrats. Let's protect patients, not HMOs. I withhold the remainder of my time.

Let's protect patients, not HMOs. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 10 minutes, and the Senator from North Dakota has 7 minutes.

Mr. NICKLES. Mr. President, for the information of all of our colleagues, it is my expectation we will have a vote about 7:20 p.m. I say to the majority leader, all time will expire by about 7:20 p.m. We are happy to vote on both proposals. So colleagues should be on notice to expect two rollcall votes beginning at 7:20 p.m.

I yield 5 minutes to my colleague, a conferee on the bill, the Senator from Arkansas, Mr. HUTCHINSON.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I compliment and commend the Senator from Oklahoma, Mr. NICKLES, for the hard work he has done and the months of labor he has put into this conference. Anybody who has followed the reports of what has come out of this conference cannot honestly say it has been glacial movement. Enormous progress has been made. Concessions have been made on the part of the House conferees as well as the Senate conferees.

This is no way to legislate and no way to provide patient protections the way Senator KENNEDY and Senator DORGAN have done in parceling out a little piece here and there. Tonight we are going to do scope. That is not the way to legislate. This is truly the triumph of politics over policy.

I was writing as various Senators on the Democratic side made speeches. They spoke of a national standard, of universal coverage, and of a national health system. To this Senator's mind, they could be synonymous with a national health care system. We had that debate. We had it in 1993. It was called "Clinton care." Senator GRAMM piled it up over here, and it was about 2 feet tall.

The American people made a judgment on "Clinton care." We do not want a national health care system, nor is that in the best interest of Americans.

The real debate tonight centers around not whether we want protections for all Americans or whether we believe we are the only ones who can provide that protection or whether the States have a legitimate role in providing protections for their citizens. How many States have patient protection laws? Forty-three States have already enacted patient protection laws.

Do we not believe they have the best interests of their citizens in mind? What we are doing in our legislation is providing protection where States cannot do it where Federal jurisdiction is legitimate. Under ERISA and self-funded plans, we do that, as we should.

I listened to my colleague from Massachusetts, Senator KENNEDY. In his State, in 1996, they had a ban on gag clauses. They passed a grievance procedure. They, in fact, have 26 State mandates. Does the Senator not believe they care about their citizens?

I heard my colleague and good friend from Florida speak of the need for a national system. The State of Florida passed a comprehensive bill of rights in 1997, emergency room services in 1996. They have 44 State mandates. Do they not care? They care as much as we care, and they know their State better than we do.

I heard my colleague from the State of Rhode Island speak about the need for a national health care system. Rhode Island passed a comprehensive consumer rights bill in 1996. They have passed 27 mandates in Rhode Island. I can go on and on. Forty-three States already have a bill of rights. It is not our place to usurp their authority. It is not our place to take over insurance that has traditionally and historically been regulated at the State level. It is wrong for us to do that.

To my colleagues I say we have a conference in progress. It is progress. It is working hard. It is making progress. That is the way we should provide patient protections, not through an amendment on an appropriations bill.

I thank my colleague, Senator NICKLES, for the hard work he has done and all the conferees and look forward to when we will have a meaningful patients' rights bill passed into law.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, has the Senator from Oklahoma completed his debate? It is my intention to close debate on my amendment.

Mr. NICKLES. I will be happy to let my colleague close. How much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 5 minutes, and the Senator from North Dakota has 7 minutes.

Mr. NICKLES. I yield 3 minutes to my colleague from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator for bringing forward this extremely positive proposal in the area of patient protections. This bill has a lot of initiatives, many of which have been outlined very well by my colleagues. One that has not been highlighted as completely as I would like because of time—and I want to touch on it quickly—is the issue of liability.

When our bill initially passed the Senate, we did not include an opportunity to sue, but we have changed that policy. Under the bill as it is proposed today, first there is a tremendously positive appeals process. If a patient believes they have been aggrieved by their HMO, they have the right to an internal appeal and an external appeal which is set up with an independent group of physicians who will review the case and who are knowledgeable on that subject. More importantly, if a patient thinks they have been aggrieved, under certain circumstances, they will be able to sue that HMO. What they will not be able to do is have an open season on the employer.

If one looks at the proposal that has been put forward by the other side, they are suggesting we have an open season on employers. The whole exercise in the Patients' Bill of Rights is not to have open season on employers.

It is to address inequities occurring to people as they deal with their insurers, specifically with health maintenance organizations.

If we allow this open season on employers, we will simply drive people out of insurance. Instead of improving insurance for individuals across the country, individuals across this country will walk into work one morning and their employers will say: I did not give you this health care policy which happens to be a very expensive event in my day in trying to make an effective workplace; I did not give it to you so lawyers could use it as a game area to bring suits against me.

Employers across this Nation are going to simply drop their health care insurance. They will give their employees a certificate to buy their own health insurance or some other type of vehicle to allow them to compete in the marketplace. Because employers are able to get a better price and are able to tailor their insurance policies more effectively to the needs of their employees in different regions of this country, the practical effect will be employees get significantly much less health care under the proposal coming from the other side because employer after employer will simply drop their employees' health insurance programs and will allow the marketplace to compete for their employees. Unfortunately, the result will be the employees will be left with the short stick.

I think that is the actual goal of the other side. I think their real goal is to drive up the number of uninsured across this country. If one looks at the pattern of activity on the other side of the aisle, it has been to annually increase the number of uninsured by raising the price of insurance in this country.

Since this administration has been in office, the number of uninsured has gone up by 8 million people because the price of insurance has gone up and up as the other side has tried to drive up the price of that insurance.

What is the ultimate goal? "Hillary care." If they put enough people on the street, if they create enough uninsured, inevitably they will have to claim: I am sorry, everybody is uninsured so we have to nationalize the system.

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

Mr. GREGG. I think that is a good place to stop. I reserve the remainder of the time on our side.

Mr. DORGAN. Mr. President, I yield 2 minutes to Senator EDWARDS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, I will respond to the Senator from New Hampshire. He argues there is a new provision in the Republican plan that provides for liability. That provision is a sham. There are three points I want to make in response.

First is the argument that we are creating an open season on employers. It is simply false. Not true. A letter from the American Medical Association of June 23 states clearly:

The insurance industry—

And the Republican plan in this case—

is flat wrong, and to imply otherwise is frankly deceptive. The fact is, the bipartisan House-passed bill would actually protect employers.

Under our bill, an employer cannot be held responsible under specific language unless they actively intervene in the decision of the insurance carrier, which never occurs. There is to reason for it to occur. It in fact never occurs. It is a false argument that employers can be held liable under our proposal. They cannot.

Second, the argument that they are providing for liability is simply not true. Under their plan, an insurance company can never be held responsible for their initial decision to deny coverage. So if somebody goes to their doctor with an emergency situation—they need care—and the insurance company says no, and, as a result, they suffer a lifelong injury, a debilitating injury, or death, the insurance company cannot be held accountable. They can only be held accountable, can only be held responsible, if they have exhausted the internal review process and the insurance company acted in bad faith or if they failed to follow the decision from the external review board.

The bottom line is, it creates an incentive for the insurance company to deny coverage in the first instance because under no circumstances can they be held responsible, and under no circumstances can they be held accountable. For those reasons, this provision for HMO insurance carrier liability is not real; it is a sham.

Our proposal provides real and meaningful accountability.

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

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield the Senator from Tennessee—how much time do I have?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. NICKLES. I yield the Senator 1 minute.

Mr. FRIST. Mr. President, very quickly, a vote for the Nickles amendment is a vote for patient protection, emergency room access to obstetricians, pediatricians, specialists, and clinical trials.

A vote for the Nickles amendment is a vote for a strong internal appeals process. If the HMO rejects the appeal of the doctor, you can go internally. If it is rejected again, you go to an external appeal process. The decision made by the external appeals process is made by an independent physician not bound

by how the plan may define "medical necessity." If the external appeal overrules the plan, and the plan does not comply, you go to court. This new ability to go to court, which is what many people believe is so important, is a new right to sue in Federal court.

Lastly, the access provisions have not been mentioned.

In closing, all of these mandates are going to drive up the cost of health care.

Access provisions in the bill include an above-the-line deduction for health insurance expenses, a 100-percent self-employed health insurance deduction, expansion of medical savings accounts, and deductions for long-term care.

I reserve the remainder of our time.

Mr. LEAHY. Mr. President, I am please to be a cosponsor of the amendment offered by Senator DASCHLE to the FY 2001 Labor HHS Appropriations bill which will protect people from having their personal, genetic information used against them by their employers or their health insurance companies. The provision is identical to the legislation that Senator DASCHLE introduced earlier this year and which I have also cosponsored.

If adopted, the Daschle amendment will bar insurance companies from raising premiums or denying patients health care coverage based on genetic information. Employers will also be prohibited from using genetic information in hiring practices. Because a right without a remedy is not right at all, these measures also provide an individual who has suffered genetic discrimination with the right to take legal action. This is an essential protection to ensure that discrimination does not occur.

With the latest breakthrough earlier this week of the Human Genome Project in mapping human genetic make-up, protecting Americans from genetic discrimination—an issue that was already important—has become critical. We must support the advancement of science and discovery through research. But while we are embracing these new discoveries, we must also provide safeguards to ensure the protection of this new and potentially very sensitive and personal information. In order to help Americans embrace scientific discoveries we must ensure these discoveries will not cause personal harm.

This February, in recognition of the need to prevent abuse and misuse of genetic information, President Clinton signed an Executive Order that prevents federal agencies from discriminating against workers if they discover through genetic testing that they have a predisposition to a disease or some other conditions. President Clinton expressed his support for legislation to prevent genetic discrimination which will extend beyond the reach of the Executive Order. The Genetic Non-

discrimination in Health Insurance and Employment Act and today's amendment will allow Vermonters—and all Americans—to undergo genetic testing without being afraid that their employer or their insurance company will use this information to discriminate against them.

No one wants to find out they may be predisposed to a certain disease and then have to worry about losing their job. These important measures would give them the assurance and protection that their personal information will be protected and will not be used against them.

Mr. DORGAN. Are we finished? Will I close at this point? I have 5 minutes.

Mr. NICKLES. I have 1 minute.

Mr. DORGAN. I would like to close debate on my amendment, if the Senator would like to proceed.

Mr. NICKLES. I would like to close on ours. You have 5 minutes.

Mr. DORGAN. Mr. President, we are debating my amendment, I guess. I have the right to close debate on my amendment; is that correct?

The PRESIDING OFFICER. There is no right to do such.

Mr. DORGAN. All right, Mr. President. Let me take the 5 minutes at this point and close debate.

Mr. President, this has been an interesting discussion, but it has not been about what is on the floor today. We have had now a debate about the 1993 Clinton health plan. We have also had a discussion about "Hillary care." If you have the interest in debating that, hire a hall, get your own audience, speak until you are exhausted, and have a good time. But those are not the subjects on the floor today. We are debating the Patients' Bill of Rights.

Some people do not want to debate that. They certainly do not want to talk about the facts, but this is what we are talking about: The Patients' Bill of Rights.

Dr. GREG GANSKE, a Republican Congressman from Iowa, was just on the floor of the Senate and he indicated that the 258-page missive that is now offered as a substitute will in fact weaken HMO laws in the following States: California, Texas, Georgia, Washington, Louisiana, Oklahoma, Arizona, and Missouri. That is not from me; it is from Dr. GANSKE, a Republican Congressman.

By the way, let me read something Dr. GANSKE said some time ago in a discussion about all of these issues. He said:

Let me give my colleagues one example out of many of a health plan's definition of medically necessary services. This is from the contractual language of one of the HMOs that some of you probably belong to: "Medical necessity means the shortest, least expensive or least intense level of treatment, care or service rendered or supply provided, as determined by us."

Contracts like this demonstrate that some health plans are manipulating the definition

of medical necessity to deny appropriate patient care by arbitrarily linking it to saving money, not to the patients' medical needs.

Some of my colleagues say we are playing politics with this issue? Why don't you tell that to some of these kids.

Dr. GANSKE described this child I show you a picture of, a child born with a severe cleft lip. Fifty percent of the medical professionals in Dr. GANSKE's field report that they have been told that correcting this kind of condition is not a medical necessity.

So tell that to the kids. Tell it to this young child, that it is not a medical necessity to correct this condition.

Dr. GANSKE also shared with us what a young child looks like who was born with this deformity—but who has it corrected by the right kind of surgery. Let me show you another picture of this child with the condition corrected. Does anybody want to tell this child it was not worth it?

Or maybe you want to talk to Ethan Bedrick. Tell Ethan that this is just politics. Ethan was born during a complicated delivery that resulted in severe cerebral palsy and impaired motor function in his limbs. When he was 14 months old, Ethan's insurance company abruptly curtailed his physical therapy, citing the fact that he had only a 50-percent chance of being able to walk by age 5.

So talk to Ethan about this. You think this is politics? Talk to Ethan. A 50-percent chance of being able to walk by age 5 was deemed, quote, "insignificant," and therefore you don't get the medical help you need. And some people say: Well, it doesn't matter. Apparently, you don't deserve it.

That is not the way health care ought to be delivered in this country. People ought to have basic rights. That is why we call this a Patients' Bill of Rights.

The question, at the end of the day, is: With whom do you stand?

Do you stand with the managed care companies that have developed contracts such as this, that say, "Medical necessity means the shortest, least expensive, or least intensive level of treatment, care, or service as determined by us," which means that this young child is told: Tough luck?

Or do you stand with the patients and decide that maybe we ought to do something, as a country, that responds to real problems and pass a real Patients' Bill of Rights?

A fellow once told me, in my little hometown: You never ought to buy something from somebody who is out of breath. There is a breathless quality to some of the discussion I have heard tonight. We raise the issue of a Patients' Bill of Rights, and instead we hear a discussion about the 1993 health care plan. Then we have a substitute that is 258 pages that kills a lot of trees for nothing. You don't need to

take up 258 pages to offer an empty plan. Offer one page, and say: We don't support a Patients' Bill of Rights. Just be honest about it. But do not try to fool the American people any longer.

It is true we have had a few votes on this. It is also true that there is a conference committee that is supposed to be working. But it is also true, as Dr. Norwood and other Republican Congressmen said, that the time is up and the conference committee has not done a thing.

No one ever accuses the Congress of speeding. I understand that.

The PRESIDING OFFICER. All the time of the Senator has expired.

The Senator from Oklahoma has 1 minute.

Mr. NICKLES. I will give my colleague an additional minute.

Let me say, I know he holds up a lot of photographs. I think that is a crummy way to legislate. But I will say that every single example he mentioned would be covered by external appeal. Those decisions would be made by medical experts. We even put in language that they would not be bound by the plan's definition of "medical necessity." They would be covered.

Pass the bill. If you want those kinds of examples to be covered, pass the bill. We are going to give you a chance to vote on it tonight. I might mention, my colleague from Tennessee says: We have a bill that is a Patients' Bill of Rights-plus because we provide a lot of things for people who cannot afford it. We provide an above-the-line deduction to buy health care, so more people can buy health care. The Democrats' proposal is going to uninsured millions of Americans.

We should not do anything that is going to dramatically increase the price of health care and uninsured millions of Americans, as their proposal would do. We also don't think HCFA, that glorious Federal agency they are trying to empower, should be regulating all health care in the States.

I ask unanimous consent for an additional 30 seconds.

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

Mr. NICKLES. Mr. President, my colleagues have said we are one vote short. We are not one vote short. Unless somebody changes the rules of the Senate, the Norwood-Dingell bill is going to need a lot more votes. It will never pass this session of Congress.

I yield the floor and ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, on behalf of the leader, I am announcing that there will be no further votes this evening after these two votes. I will shortly ask unanimous consent that the debate and votes in relation to the following remaining amendments be postponed to occur in a stacked sequence beginning at 9:15 a.m. on tomorrow, Friday, with 2 minutes prior to each vote for explanation. Also in the request is a consent that no second-degree amendments be in order to the amendments prior to the votes just outlined.

The amendments are as follows: Wellstone No. 3674, Helms amendment regarding school facilities, and we have just added the Harkin amendment regarding IDEA.

I will also ask unanimous consent that following those votes and the disposition of the managers' amendment, the bill be advanced to third reading and passage occur, all without any intervening action and debate.

Finally, I ask unanimous consent the Senate insist on its amendments and request a conference with the House and the Chair appoint the entire subcommittee, including the chairman and the ranking member, as conferees.

I hope all of our colleagues will agree to this consent. If not, the Senate will be in session late into the day tomorrow concluding this bill and beginning the appropriations bill on Interior.

With that, I now propound the unanimous consent just outlined.

Mr. REID. Mr. President, if I could ask my friend to add one phrase, "any amendments that may not be cleared as part of the managers' package."

Mr. SPECTER. I make that addition.

Mr. GRAMM. Reserving the right to object, parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Texas will state his inquiry.

Mr. GRAMM. Mr. President, as I read this unanimous consent request, the phrase "without intervening business" suggests to me that possibly the point of order that has been set aside against the bill could not be raised. I would like to ask if that is the case.

The PRESIDING OFFICER. The Senator's interpretation is correct.

Mr. GRAMM. Mr. President, I ask unanimous consent that the request be revised to allow me to raise the point of order. I think that was always the intention, but I would like to be sure that is the case.

The PRESIDING OFFICER. Is there objection?

The unanimous consent request is amended by the Senator from Texas.

Mr. REID. Mr. President, we just got a call in the Cloakroom. Somebody has a problem with this. We will try to take care of it as soon as we can. Should we go ahead with the vote?

Mr. SPECTER. Let us proceed with the vote, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania withdraws his unanimous consent request.

The question is on agreeing to amendment No. 3694. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—51

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voivovich
Enzi	Mack	Warner

NAYS—47

Akaka	Edwards	Lincoln
Baucus	Feingold	McCain
Bayh	Feinstein	Mikulski
Biden	Fitzgerald	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Specter
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	

NOT VOTING—2

Inouye Leahy

The amendment (No. 3694) was agreed to.

Mr. COVERDELL. I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, today the Senate voted on yet another proposal for providing patient protections to Americans enrolled in HMOs. Unfortunately, this proposal did not provide the strong safeguards and protections that I believe each and every American deserves to have.

This amendment failed on the three key areas for meaningful patient protections—fair legal accountability for denied care, the right of every American to choose their doctor, and basic patient rights for every American not just a limited few.

Under this amendment only a limited number of Americans would be provided with basic patient protections including the right for a woman to go directly to an OB/GYN and a parent to take their child directly to receive care from a pediatrician. Every American should be protected from having their doctors being “gagged” by HMO and prevented from sharing all health care information with them.

Another disturbing provision contained in this proposal was the lack of legal redress available to an individual if they did not complete the internal review process. Under this proposal if a patient died during the internal review process—which could take up to 14 days—then their surviving family would have no legal recourse against the HMO that denied or caused harm to the deceased individual. This is simply wrong and indefensible.

While I was disappointed in this proposal there were a few provisions that were applaudable and made an important step towards providing stronger protections to patients. I appreciated the efforts that were made to make the external review process more fair, unbiased and accessible. In addition I applaud the attempts made to provide patients with the right to sue including a cap on non-economic damages and no punitive damages. Both of these are items that I have consistently fought for inclusion in a HMO reform bill. People must be provided the right to sue for damages once all means have been exhausted but it must be done in a manner that does not cause excessive lawsuits and cause health care costs to exorbitantly rise.

I am disappointed that this proposal did not go far enough but I am hopeful that a strong patient protection bill can still be passed prior to Congress adjourning in the fall. It is the least we can do for America's patients.

Congress still has an excellent opportunity to show the American people that it can and will rise above partisan politics and find the consensus that serves the national interest and puts the health care needs of patients first. This is too important an issue to allow the influence of special interests to prevent us from doing what is right for all Americans and I am confident that the leaders in both the House and Senate will continue working with the conferees to ensure that an agreement is reached.

AMENDMENT NO. 3693

The PRESIDING OFFICER (Mr. GRAMS). The question is on agreeing to the DORGAN amendment.

Mr. BREAUX. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—47

Akaka	Edwards	Lincoln
Baucus	Feingold	McCain
Bayh	Feinstein	Mikulski
Biden	Fitzgerald	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Reed
Breaux	Hollings	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Conrad	Kohl	Specter
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	

NAYS—51

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Campbell	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Collins	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NOT VOTING—2

Inouye Leahy

The amendment (No. 3693) was rejected.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina wishes to be recognized to offer an amendment.

Mr. LOTT. Will the Senator from North Carolina yield so we can get an agreement on how to proceed for the remainder of the night?

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. HELMS. I yield.

Mr. LOTT. Mr. President I want to take a few moments to go over the schedule for the remainder of the night and the morning and get a final agreement on a unanimous consent request.

These were the last two votes of the night. We want to complete the offering and debating of the remaining

amendments that have been requested tonight, and then we will have those votes stacked beginning at 9:30 a.m., which is a little different from the time earlier mentioned. We had discussed 9:15 a.m. and there was a request we do that at 9:30 a.m.

I renew the unanimous consent request regarding the Labor-HHS bill which now includes possible votes tomorrow, Friday morning, beginning at the amended time, 9:30 a.m., relative to the following issues: a Wellstone amendment regarding drug pricing; a Helms amendment regarding school facilities; a Harkin amendment regarding IDEA; a Baucus amendment regarding impact aid; any amendment that is not cleared within the managers' package; disposition of the point of order; and final passage of the Labor-HHS appropriations bill.

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

Mr. LOTT. I thank my colleagues on both sides of the aisle for their cooperation.

Mr. WARNER. Mr. President, may I address my leader?

Mr. LOTT. I yield to Senator WARNER.

Mr. WARNER. Two things, Mr. President. The distinguished ranking member of the Armed Services Committee and I have a package of about a dozen amendments which we can clear tonight. They are agreed upon. We need to call up the bill.

Second, we want to discuss with our leadership the possibility of a UC which might help move our bill along. Can we give the general outline?

Mr. LOTT. That will be fine.

Mr. WARNER. It will take but a minute. I ask my distinguished colleague to generally outline what we had in mind. I ask him to articulate it if he can.

Mr. LEVIN. The idea would be, after this package of cleared amendments is adopted, we would offer a unanimous consent agreement to limit the bill to relevant amendments on the list, which would include Senator BYRD's amendment on bilateral trade because that probably is relevant under any circumstances.

Mr. WARNER. We think that is relevant, Mr. President.

Mr. LEVIN. The amendments will have to be on file no later than adjournment tomorrow for the recess. Second-degree amendments that are relevant would be in order even if they are not filed. This is just preliminary. Since the Senator from Virginia asked, I offer this at least as a suggestion preliminarily. This is what we are talking about.

Mr. WARNER. May I add, Senator DODD has an amendment in there which has been cleared.

Mr. LOTT. Mr. President, if I can respond to the comments, first, I want to make very clear I feel strongly we

should try to find a way to pass this very important Department of Defense authorization bill. It has a lot of provisions in it, changes in the law we have to get done. We need to do this for our national security and for our men and women who serve in our military.

Senator DASCHLE and I have talked about the fact we want to work together to move it forward. That is one of the many reasons we tried to find a way to conclude the disclosure requirements of the section 527 issue. We have achieved that. That is why I have been working with Senator BROWNBACK to find a way to deal with an issue that is very important to him, NCAA gaming. We want to get it done.

What I had in mind was for the managers to continue to work and clear as many amendments as they can, and the week we come back—again, I have not discussed the details of this with Senator DASCHLE, so I will not agree to anything without us both having a chance to check on both sides and clear it. But I was thinking in terms of asking the managers, who have done yeoman's work, to be prepared to work on Monday night, Tuesday night, or Wednesday night while we do other issues during the day. I am hoping one night will do the job but work a couple or three nights and complete this bill the week we come back. We are glad to work with them toward that goal. We want to get this bill in conference. I think Senator DASCHLE wants to help with that effort.

Mr. DASCHLE. Mr. President, if I can add my thoughts, I share the view expressed just now by the majority leader. We really want to help the managers finish their work on this bill. They have been working on it now for weeks. We have come a long way.

The majority leader has also indicated to colleagues who have concerns about nonrelevant amendments that we will have an opportunity to consider other vehicles immediately following the completion of the Defense authorization bill so we will be able to continue this procedure of a dual track to allow the consideration of other issues.

With that understanding, we want to work with the managers to rid ourselves of nonrelevant amendments, stick to those amendments which are relevant in an effort to, as the leader suggested, finish the bill in a matter of a night or two. I commend the managers for the effort they have made thus far. We will work with them to see we finish it.

Mr. WARNER. I thank our respected leaders very much. I told my leader and Senator LEVIN, we will work nights, we will go right straight through the evenings and stack such votes that we feel are necessary. We will achieve that.

Mr. LOTT. I yield to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I yield to the majority leader.

Mr. LOTT. I thank the Senator from North Carolina for yielding further. I ask his indulgence for a moment so the Senator from Kansas can respond.

Mr. BROWNBACK. Mr. President, I appreciate the majority leader mentioning trying to work out the issue on NCAA gaming. I hope we can get that worked out and come to a resolution and move the issue forward. I want to make sure we get that one taken care of as well.

Mr. LOTT. I thank my colleagues and yield the floor.

Mr. DASCHLE. Mr. President, if I can add one other thought.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. DASCHLE. Will the Senator yield for 30 seconds?

Mr. HELMS. I yield to the Senator.

Mr. DASCHLE. Mr. President, I would be remiss if I did not bring up also the understanding the leader and I have about further confirmation of judges. Obviously, when we come back, that is going to continue to be an important matter. The leader has certainly indicated a willingness to work with us on that.

It is also with that understanding that Senator LEVIN has some very important matters, Senator REID, and others. I appreciate very much the majority leader's commitment to work with us on that as well.

Mr. LOTT. Mr. President, if Senator HELMS will yield one second more, we are going to confirm some nominations tonight. I do note it is our intent after we complete Labor-HHS and the MILCON conference report to proceed to the Interior appropriations bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 3697

(Purpose: To prohibit the expenditure of certain appropriated funds for the distribution or provision of, or the provision of a prescription for, postcoital emergency contraception)

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3697.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ (a) None of the funds appropriated under this Act to carry out section 330 or title X of the Public Health Service

Act (42 U.S.C. 254b, 300 et seq.), title V or XIX of the Social Security Act (42 U.S.C. 701 et seq., 1396 et seq.), or any other provision of law, shall be used for the distribution or provision of postcoital emergency contraception, or the provision of a prescription for postcoital emergency contraception, to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school.

(b) This section takes effect 1 day after the date of enactment of this Act.

(c) In this section:

(1) The terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term "unemancipated minor" means an unmarried individual who is 17 years of age or younger and is a dependent, as defined in section 152(a) of the Internal Revenue Code of 1986.

Mr. HELMS. Mr. President, I further ask unanimous consent that it be in order for me to deliver my remarks at my seat.

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

Mr. HELMS. I thank the Chair.

Mr. President, Americans who follow international news will recall that the French Government recently created an uproar when it authorized its public schools to distribute the post-conception morning-after pill to girl students as young as 12 years old.

I wish parents in our country could be assured that such an initiative will never see the light of day in the United States, but no such assurance can be made under existing circumstances.

In fact, when the French Government announced that it would be distributing the morning-after pill in French schools, the Alan Guttmacher Institute—the research arm of Planned Parenthood—recommended almost immediately that the United States duplicate the Western European's approach in handing out contraceptions to teenage girls.

So, isn't it clear that attempts to distribute the morning-after pill in U.S. public schools are indeed underway in planning boards of Planned Parenthood?

Moreover, Americans will be alarmed to learn that Federal law currently gives schools the authorization to distribute these morning-after pills to schoolchildren.

In fact, the Congressional Research Service confirmed to me that Federal law does, indeed, permit the distribution of the morning-after pill at school-based health clinics receiving Federal funds designated for family planning services.

Simply put, this means that any school receiving Federal family planning money is prohibited by Federal law to place any sort of restriction on contraception. Even parental consent requirements.

In a handful of cases, the Federal courts have struck down parental consent laws, ruling that any Federal family planning program trumps a State or

county parental consent statute because Federal law prohibits parental consent requirements—even though Federal law says recipients of Federal family planning money should “encourage family participation.” I make this point because so many who oppose placing restrictions on contraception—like parental consent requirements—run for cover under this language “encourage family participation” when they know good and well that it means absolutely nothing in a court of law.

Let me reiterate a warning: There is nothing in Federal law to prevent the post-conception morning-after pill from being distributed on school grounds by clinics receiving Federal funding—regardless of whether a parental consent State statute exists.

That is why I asked the Congressional Research Service to look into whether or not school clinics are distributing the morning-after pill. What CRS found is that there is some discrepancy to the response to this question.

For example, according to CRS, the National Conference of State Legislatures spokesman said there was no knowledge that any school had distributed the morning-after pill. Yet, the National Assembly on School-Based Health Care—an organization which works closely with HHS—told Congressional Research Service that their group has recently conducted a national survey of their members, and that the resulting data reflected that out of 1,200 schools, 15 percent offer contraceptives, including the morning-after pill.

So, you see, it is not clear as to exactly what is being provided to schoolchildren these days. But it is clear that we are not just talking about condoms.

Simply put, Planned Parenthood and its cronies have been given free reign to distribute to American schoolchildren whatever they so please—to the point where schoolchildren are now being provided extremely controversial forms of contraception. And, in my judgment, this has gone on far too long.

That is why I am offering an amendment today that would forbid schools from using Federal funds from the Labor, HHS, Education appropriations bill to distribute the lawfully given morning-after pill in school.

But before the guardian angels of Planned Parenthood get themselves in a tizzy, let me make clear precisely what this amendment will and will not do.

Under the proposed measure, elementary and secondary schools will be forbidden to use funds from the Labor, HHS and Education appropriations bill to distribute to school children the morning-after pill—which is widely considered to be an abortifacient. In fact, many pharmacists nationwide have refused to fill prescriptions for

the morning-after pill because they, too, see it as an abortifacient.

This amendment will apply only to school clinics on school property.

Clearly, Congress simply must not ignore the fact that our schoolchildren deserve to be protected.

Mr. President, I ask unanimous consent that two memoranda prepared by the Congressional Research Service be printed in the CONGRESSIONAL RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, April 26, 2000.

To: Senator Jesse Helms
From: Kenneth R. Thomas, Legislative Attorney, American Law Division
Subject: Application of Parental Consent Requirements to Distribution of Emergency Contraceptives in School-Based Clinics Receiving Federal Funds

This revised memorandum is in response to your rush request to determine whether state parental notification statutes would apply to the distribution of emergency contraceptives at a school-based clinic which receives federal funds. Specifically, you requested an evaluation of whether state parental notification statutes, regulations or policies which applied to federally funded clinics distributing contraceptives would be preempted.

In a series of cases in the mid-1980's, various federal courts reviewed the application of parental notification requirements to federally funded programs which distributed contraception. In general, the courts found that the application of parental notification statutes to federally funded programs to provide contraception resulted in the frustration of the federal purpose of the statutes, and consequently the courts invalidated such restrictions.

There is currently no federal prohibition on the distribution of emergency contraceptives at school-based clinics.

If I can be of further assistance, please contact me at 7-5863.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, April 12, 2000.

To: Honorable Jesse Helms.
From: Technical Information Specialist, Domestic Social Policy Division.
Subject: School-Based Clinics.

Your office requested a memorandum describing policies of school-based clinics for distributing emergency contraceptives (more commonly known as the morning-after pill), including the number of schools estimated to be offering emergency contraception, and any existing federal prohibitions.

We contacted three different groups for this information:

(1) The National Assembly on School-Based Health Care informed us that their group has recently conducted a national survey of their members and that data reflected that out of 1200 schools, 77% do not offer contraceptives, 15% offer contraceptives, including emergency contraceptives, and the remaining 8% offer contraceptives, but not emergency contraceptives. The schools offering contraceptives are middle schools and high schools. The information is not yet available for publication.

(2) The National Conference of State Legislatures informed us that they currently have

no knowledge of any schools distributing emergency contraceptives through school-based health clinics.

(3) The Healthy Schools/Healthy Communities (HSHC) Program, Health Resources and Services Administration, Department of Health and Human Services informed us that HSHC does not provide direct dollars for specialized services, such as emergency contraceptives, but does support school-based programs that provide full and comprehensive health services. HSHC is administered as a discretionary program under the Health Centers program, Section 330 of the Public Health Service Act. Section 330 allows the provision of voluntary family planning services at health centers.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from North Carolina, is he finished with his prepared remarks on his amendment?

Mr. HELMS. Yes, I am.

Has the Chair ruled on the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HELMS. They have been ordered.

Mr. President, I am advised I should ask unanimous consent that this amendment of mine be laid aside and the vote be put in regular order tomorrow morning. I ask unanimous consent that that be the case.

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

Mr. HELMS. I thank the Chair and yield the floor.

AMENDMENT NO. 3698

(Purpose: To provide for a limitation on the use of funds for certain agreements involving the conveyance or licensing of a drug)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. JOHNSON, proposes an amendment numbered 3698.

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

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

The amendment is as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ (a) LIMITATION ON USE OF FUNDS FOR CERTAIN AGREEMENTS.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical

trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug, excluding cooperative research and development agreements between the Department of Health and Human Services and a college or university.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to any agreement entered into by a college or university and any entity other than the Secretary of Health and Human Services or an entity within the Department of Health and Human Services.

Mr. WELLSTONE. Mr. President, I offer this amendment on behalf of myself and Senator JOHNSON from South Dakota.

I am just going to take 1 minute to summarize this amendment, I say to my colleagues, and then Senator JOHNSON will proceed, and then I will come back to the amendment.

Mr. President, if you just look right here at this chart, it is very interesting. Tamoxifen and Prozac are two widely used drugs. Look at the difference between what the United States citizens pay for a vial versus what people in Canada pay.

In our country, a United States citizen pays \$241 for tamoxifen; \$34 in Canada. For Prozac, in this country it is \$105; in Canada, it is \$43.

What this amendment says—and I want to go back to Bernadette Healy's leadership at NIH. What this amendment says is that what Ms. Healy did is the right thing to do, which is to say to the pharmaceutical companies, when the NIH does the research, and then the patent is handed over to a pharmaceutical company, that pharmaceutical company—since we put the taxpayer dollars into the research—should at least agree to provide citizens in this country with a decent, affordable charge; that the pharmaceutical company should agree to an affordable price or a reasonable price which is defined specifically by the Secretary of Health and Human Services.

Again, this amendment says that pharmaceutical companies that negotiate an agreement with NIH—NIH is doing the research, helping out, the drug is then developed, the pharmaceutical company now has the patent—must sign an agreement to sell the drug at a reasonable price.

I do not think it is unreasonable from the point of view of your con-

stituents and my constituents, people in this country who pay the taxes and support our Government, who feel just a little bit ripped off by the prices today, that if we are going to put our taxpayer dollars into the research and into the support and then the pharmaceutical companies are going to get a patent, at the very minimum they ought to be willing to sell the drug to people in our country at a reasonable price defined by the Secretary of Health and Human Services.

This amendment is all about corporate welfare at its worst. It is about being there for consumers. It is about assuring people that their taxpayer dollars are contributing toward some research that will in turn contribute toward affordable drugs for themselves and their children.

I yield the floor to my colleague, Senator JOHNSON of South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I am pleased to join my colleague from Minnesota, extending strong support for his amendment.

Very simply, this amendment would require that when companies receive federally funded drug research or a federally owned drug, the benefits of that research or drug be made available to the public on reasonable terms through what is called a "reasonable pricing clause."

This issue first surfaced during the Bush administration, in fact, when the NIH insisted that cooperative research agreements contain a reasonable pricing clause that would protect consumers from exorbitant prices of products developed from federally funded research.

Two weeks ago, during floor debate in the other body on the Labor, Health and Human Services, and Education appropriations bill, a very similar amendment to this one was offered and overwhelmingly accepted by nearly three-quarters of the House of Representatives in a bipartisan vote.

The circumstances we face today are extraordinary. As an example, between 1955 and 1992, 92 percent of drugs approved by the FDA to treat cancer were researched and developed by the taxpayers through the NIH. Today many of the most widely used drugs in this country dealing with a variety of critical illnesses such as AIDS, breast cancer, and depression were developed through the use of taxpayer-funded NIH research. The Federal Government funds about 36 percent of all medical research.

The unfortunate scenario for American taxpayers is that oftentimes this drug research, done at their expense, is frequently used then by the pharmaceutical industry with no assurance that American consumers will not be charged outrageously high prescription drug prices.

Take the drug Taxol, for instance. The NIH spent 15 years and \$32 million of our money, taxpayer money, to develop Taxol, which is a popular cancer drug used for breast, lung, and ovarian cancers. Following the development of Taxol, the drug manufacturer was awarded exclusive marketing rights on the drug, and Taxol is now priced at roughly 20 times what Taxol costs the manufacturer to produce. So a cancer patient on Taxol will pay \$10,000 a year while it only costs the drug company \$500.

As reported by Fortune 500 magazine earlier this year, the pharmaceutical companies once again represent the most profitable sector of the American economy. On top of that, we are seeing drug prices soaring at unimaginable rates year after year. In the United States, drug spending is growing at more than twice the rate of all other health care expenditures. Furthermore, Americans are paying far more for prescription drugs than do the people in any other Western industrialized Nation—many of these drugs manufactured in the United States and the research having been conducted through American taxpayer dollars.

As an example, tamoxifen, a widely prescribed drug for breast cancer, recently received federally funded research and numerous NIH-sponsored clinical trials. Yet today the pharmaceutical industry charges women in this Nation 10 times more than they charge women in Canada for a drug widely developed with U.S. taxpayer support.

The evidence has shown that the pharmaceutical companies are charging enormously high rates for drugs developed with the help of taxpayer money. Americans then are forced to pay twice for lifesaving drugs: first as taxpayers to develop the drug, and then as a consumer to bolster pharmaceutical profits. Once again, who is hurt most by this? As one would expect, these costs fall hardest on those most vulnerable and least able to bear the burden, such as cancer patients, AIDS patients, and the elderly.

We have to put an end to the giveaway of billions of taxpayer dollars to finance drug research that goes on without any assurance whatsoever that the American taxpayers will not see a reasonable return on their investment in terms of affordable prescription drug prices.

I appreciate that this amendment may not be the silver bullet that solves all of the problems of assuring the American public they are receiving the return on their investment that they deserve. But it does serve as an important message that this Congress is here to protect the millions of American consumers who have invested their money in research to develop drugs that they now cannot afford to buy. Furthermore, it shows we are here to

fight for affordable prescription drugs for every American in this Nation.

This is one part of an overall strategy that this Congress needs to enact to assure that we have equity, to assure that we have tax fairness, and to assure that we maximize the number of people in America who can afford their prescriptions.

I urge my colleagues to vote for passage of this critically important amendment tomorrow when the vote is taken on this amendment. I commend and applaud my colleague from Minnesota for his work in crafting this amendment and bringing it before the body.

Mr. WELLSTONE. Mr. President, I thank the Senator from South Dakota. Again, the amendment says that when the pharmaceutical companies negotiate an agreement with the NIH to develop and market a drug based on taxpayer-financed research, there must be an agreement signed by the pharmaceutical companies that they will sell the drug at a reasonable price.

This is an eminently reasonable amendment. This amendment does not cover extramural NIH research grants, such as grants to universities. It does not cover grants to universities. It does not establish a health care price control scheme.

This amendment will reinstate the Bush administration's reasonable pricing clause which was in effect from 1989 to 1995. This amendment directs the Secretary of Health and Human Services to determine what is a reasonable price. This amendment gives the Secretary flexibility to waive the pricing clause if it is in the public interest to do so.

As my colleague from South Dakota pointed out, a similar amendment, which was introduced by Congressmen SANDERS, ROHRBACHER, DEFazio, and others passed the House of Representatives by a 3-to-1 margin, 313 to 109. It is because people in the country feel ripped off by this industry. People in the country believe that the prices should be more reasonable. Certainly our constituents believe that if we are going to be funding some of the research and these companies are going to benefit from our taxpayer dollars, then there ought to be an agreement that these companies are going to be willing to charge us a reasonable price. That is not too much to ask.

This amendment is supported by Families U.S.A., the National Council of Senior Citizens, and the Committee to Preserve Social Security and Medicare.

I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FAMILIES USA,
Washington, DC.

Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: We applaud your amendment that would require that a price agreement be part of agreements between NIH and companies who do research on new drugs.

Currently, once NIH has successfully developed a new drug it signs over the commercial rights to pharmaceutical companies that charge American consumers as much as they want. Americans are forced to pay twice for lifesaving drugs, first as taxpayers to develop the drug and then as consumers to the drug companies for the product. These costs fall hardest on those least able to bear the burden such as seniors and the uninsured, although all consumers wind up paying more than they should have to.

Your amendment would help correct this burdensome situation. Please let us know how we can help make this amendment in law.

Sincerely,

RONALD F. POLLACK,
Executive Director.

NATIONAL COUNCIL
OF SENIOR CITIZENS,

Silver Spring, Maryland, June 29, 2000.

Senator PAUL WELLSTONE,
Washington, DC.

DEAR SENATOR WELLSTONE: The National Council of Senior Citizens fully supports your amendment to the FY 2001 Labor HHS appropriations bill to require that the Federal government negotiate a reasonable and fairer price for all drugs developed with public funds. The Federal government has for too long sold its most precious research findings for a mess of pottage to the pharmaceutical cartels. The drug companies, in turn, sell these findings back to the American people at unconscionably high retail prices. Pharmaceutical retail price reform must start at the source—where public drug research and development investment has borne fruit.

Your bill defines the public interest as requiring hard bargaining by the N.I.H. in behalf of the public when selling patents to drug companies. We also note that your amendment only covers intramural N.I.H. research. We call on your colleagues to support this needed amendment.

Sincerely,

DAN SCHULDER,
Director, Legislation & Public Affairs.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY AND MEDICARE,
Washington, DC, June 29, 2000.

Hon. PAUL WELLSTONE,
U.S. Senate, Washington, DC.

DEAR SENATOR WELLSTONE: It has come to our attention that the Senate is likely to consider H.R. 4577, an amendment to the Labor, Health and Human Services, and Education appropriations bill. The amendment would require drug companies to sell drugs at a reasonable price if the drugs were developed based on intramural research done by the National Institute of Health. On behalf of the members and supporters of the National Committee to Preserve Social Security and Medicare, I strongly support your proposed amendment.

When pharmaceutical companies build on NIH research they are using taxpayer money. A Congressional Joint Economic Committee report revealed that seven out of the top 21 most important drugs introduced

between 1965 and 1992 were developed with federally funded research. Taxpayers deserve some return on their investment in terms of lower prices. This amendment will help to ensure that.

We appreciate your leadership on this important issue.

Sincerely,

MARTHA A. MCSTEEN,
President.

Mr. WELLSTONE. I will quote from Ron Pollack, executive director of Families U.S.A.:

Currently, once NIH has successfully developed a new drug it signs over the commercial rights to pharmaceutical companies that charge American consumers as much as they want. Americans are forced to pay twice for lifesaving drugs, first as taxpayers to develop the drug and then as consumers to the drug companies for the product. These costs fall hardest on those least able to bear the burden such as senior citizens and the uninsured, although all consumers wind up paying more than they should have to.

I want to simply quote from a piece in the New York Times from April 23, which challenged the drug industry's contention that R&D cost justify the prices they charge the American consumer. That is what we keep hearing, that it is the R&D cost. That is why they have to charge so much. I quote from the New York Times piece of April 23:

The industry's reliance on taxpayer-supported research—characterized as a "subsidy" by the very same economists whose work the industry relies on—is commonplace, the examination also found. So commonplace, in fact, that one industry expert is now raising questions about the companies' arguments.

The expert, Dr. Nelson Levy, a former head of research and development at Abbott Laboratories, who now works as a consultant for industry and the Federal Government on drug development, bluntly challenged the industry's oft-repeated cost of developing the drug. "That it costs \$500 million to develop a drug," Dr. Levy said in a recent interview, "is a lot of bull."

Finally, the examination found that Federal officials have abandoned or ignored policies that could have led to lower prices for medicines developed with taxpayer dollars. That is partly because the Government has lost track of what drugs have been invented with its money, and partly, officials say, because the industry has resisted any Government effort to insist that they charge people—our constituents—a reasonable price. As Dr. Bernadine Healy, a former Director of the NIH, said in a recent interview, "We sold away Government research so cheap."

Again, it is not a new issue. During the Bush administration, the NIH, from 1989 to 1995, insisted there be some reasonable pricing clause. There was heavy pressure from the pharmaceutical industry. They abandoned this practice. We are saying that we ought to be going back to it.

There are multiple factors contributing to the prescription drug cost crisis in our country today. I realize that

this reasonable pricing clause is not a panacea for these egregiously high drug costs for America's seniors—and, for that matter, for families in our country—but this amendment makes it clear the Congress will not allow taxpayers to spend all of the money for this kind of research and then not get any kind of break in return.

For the most part, most of the drugs that are developed with taxpayer money are then given over to the pharmaceutical industry with no assurance whatsoever that Americans will not be charged outrageously high prices—in fact, no assurance that they won't be charged the highest prices in the world. Tamoxifen is a very important drug to women struggling with breast cancer. This is what a prescription costs that is getting filled. In Canada, it is \$34. In the United States, it is \$241. Prozac is \$43 in Canada, and in the U.S. it is \$105.

Here is the next chart. This amendment will ensure that we get some fair return on our investment and that we don't get the highest prices for medications in the world. Let me restate that. I don't think it ensures that, but it can only help. I have given some examples up here. Let me simply point out to colleagues that the cost of prescription drugs has skyrocketed. Our people in this country this past year paid 17 percent more.

Let me also point out that we are paying the highest costs for pharmaceutical drugs of any people anywhere in the world—exorbitant prices. I have this chart—The Fleecing of America—just to look at some of the profits of companies. Let me give some examples: entertainment companies, \$4.2 billion; airline companies, \$4.7 billion; oil companies are doing pretty well right now at \$13.6 billion; auto companies, \$15.4 billion; the drug companies, \$20 billion.

As the Fortune 500 magazine said, this past year has been a "Viagra" kind of year for these drug companies. But do you know what. It is the consumers who paid the price. We are charged the highest prices of any country in the world, and I think it is time to say to the pharmaceutical companies that enough is enough.

This industry has opposed every measure that has been introduced in this Congress to try to lower prices and to provide a decent prescription drug benefit to senior citizens. Frankly, I hate talking about it in terms of senior citizens because there are a lot of working families being hurt by this.

I think the amendment we have introduced tonight is a small step, but I think it is a step in the right direction. It is not unreasonable to say to these companies that if we are going to finance the research, if NIH is going to do the research, if you are going to get valuable data and information from NIH to use to develop your drugs, and you are going to get the patent, at the

very least you have to agree to charge a reasonable price.

That is all this amendment says. This is what we did under Dr. Healy's leadership. The pharmaceutical companies hated it. They were able to knock it out sometime around 1995. But do you know what. A lot has changed, I say to Democrats and Republicans alike, since 1995. People in our States are absolutely furious about the prices they are being charged by the pharmaceutical industry. This industry has basically become a cartel. I wish there were a lot of free enterprise. I wish there were a lot of competition. But that is not so. They basically have administered prices; they basically have price gouged; and they have made an immense amount of profit—an exorbitant amount of profit—based upon the sickness and misery and illness of people. That, in and of itself, is an obscene proposition.

This amendment goes after the worst of corporate welfare. This amendment is eminently reasonable, and I hope that my colleagues will support it.

Again, I point out the support of Families U.S.A. I think I will read from the letter of the National Council of Senior Citizens:

The National Council of Senior Citizens fully supports your amendment to the FY2001 Labor HHS appropriations bill to require that the Federal government negotiate a reasonable and fairer price for all drugs developed with public funds.

Ask the people back home. Do any of our constituents think it is unreasonable for us to ask these companies that benefit from our taxpayer dollars and benefit from Government research to charge our citizens, our constituents, a reasonable price?

They go on to say:

The Federal Government has for too long sold its most precious research findings for a mess of pottage to the pharmaceutical cartels. The drug companies, in turn, sell the findings back to the American people at unconscionably high retail prices. Pharmaceutical retail price reform must start at the source—where public drug research and development investment has borne fruit.

Finally, from the National Committee to Preserve Social Security and Medicare:

On behalf of the members and supporters of the National Committee to Preserve Social Security and Medicare, I strongly support your proposed amendment.

When pharmaceutical companies build on NIH research they are using taxpayer money. A Congressional Joint Economic Committee report revealed that seven out of the top 21 most important drugs introduced between 1965 and 1992 were developed with federally funded research. Taxpayers deserve some return on their investment in terms of lower prices. This amendment would help to ensure that.

This amendment would help to ensure that, and I don't know why the Senate tomorrow morning cannot go on record saying that when we, a Government agency supported by taxpayer

dollars, by our constituents, do the research, provide the data, provide the information to these companies, which in turn get a patent for the drug, those companies will sign an agreement that they will charge the citizens in this country a reasonable price.

They make all the arguments about how they need all of these exorbitant profits for their research. But there is not a shred of evidence to support that. Their profits are so exorbitant that it goes way beyond any cost of research. We all know that. That is what is behind the record profits they make.

They make these arguments that I cannot believe—that if NIH is going to force us to sign an agreement, since we benefit from your research and the taxpayer money, we will charge people a reasonable price, then we may not even be willing to do this research. That is blackmail, or white mail, or whatever you want to call it. It is outrageous. These companies dare to say to the NIH—or dare to say to the Government, or to our constituents—if the Government says to the pharmaceutical companies that get the research dollars, do the work and research and get the patent, that they should charge a reasonable price, we might not do the research at all, enough is enough.

My final point: I think this is a reform issue as well. I think Senators vote their own way. But, honest to God, I think, at least speaking as a Senator from Minnesota, I am just tired of the way in which—if Fanny Lou Hammer were on the floor she would say "sick and tired"—this industry pours the dollars in, makes these huge contributions, has all of these lobbyists, has all of this political power, and is so well represented to the point where they believe they run the Congress. They do not.

This amendment with very similar language passed the House of Representatives by a huge margin. Very similar language, the same proposition, and the same subject matter passed the House of Representatives by a huge margin.

I hope tomorrow on the floor of the Senate there will be a strong vote for this amendment that I bring to the floor with Senator JOHNSON of South Dakota.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, it is just simply wrong that Americans are forced to pay extraordinarily high prices for prescription drugs and then have to cross the border to Canada and Mexico to buy those drugs manufactured in the United States at far lower prices. It is simply wrong. But it is doubly wrong when the U.S. taxpayers have paid for part of the research that produced those very same prescription drugs.

Many of us have constituents who go to Canada just for this purpose; they are unable to afford prescription drugs here in the United States. Sometimes they go great distances to cross the border to Canada or to Mexico in order to buy prescription drugs at prices they can afford.

We did a survey of a number of prescription drugs. These are seven of the most popular prescription drugs. We took a look at those seven drugs and then did a survey of the cost of those prescription drugs in Michigan and in Ontario across the border. Premarin, \$23.24 in Michigan, \$10.04 in Ontario; Synthroid, \$13 compared to \$8; Prozac, \$82 compared to \$43; Prilosec, \$111 compared to \$48; Zithromax, \$48 compared to \$28; Lipitor, \$63 compared to \$42; Norvasc, \$76 compared to \$41.

When particularly seniors—sometimes by the busload—gather together, drive to a border point, and cross the border to get a 30- or 60-day supply of prescriptions, and then come back into Michigan or other States with prescription drugs that they cannot afford to buy in their own hometown, something is fundamentally wrong with that system.

These are the percentages of those top seven drugs. The U.S. prices are above the Canadian prices based on that survey. That was a survey of prices in Detroit compared to Ontario across the border.

For the first one, Premarin, the U.S. price is 131 percent higher than the Canadian price; Synthroid is 63 percent higher than for Ontario purchasers; Prozac is 878 percent higher for Americans than for Canadians; Prilosec is 132 percent higher; for Zithromax, Americans are paying 674 percent more than Canadians; Lipitor is 51 percent more than for Canadians; and Norvasc is 783 percent more than for Canadians.

That is unconscionable. It is wrong. It is infuriating. It is costly. We have to do something to change the system that allows this to happen. But it is doubly wrong when U.S. taxpayers have paid for part of the research that produced those very same prescription drugs.

I don't know which of these particular prescription drugs were produced with U.S. taxpayer dollars or partly with U.S. taxpayer dollars. I don't have that data. But that is not the point of the amendment of the Senator from Minnesota. For the drugs produced with U.S. taxpayer dollars, there should be an agreement that the manufacturer will charge a fair price as determined by the Department of Health and Human Services.

That is a very reasonable approach, it seems to me. There are other approaches which have been suggested to address this issue. I think there are other approaches also worthy of consideration. But the approach before us today is an approach which I believe is

eminently fair, which simply says if you want to use taxpayer dollars in your research, that you make sure your pricing system is fair to Americans who helped to fund that very research.

I hope we will adopt the amendment of the Senator from Minnesota. I think it is a fair approach. It is based on the contribution Americans have made to the creation of the very prescription drugs which too many Americans find they cannot afford.

We want pharmaceutical companies to be profitable. We want pharmaceutical companies to engage in robust research and development. But we do not and should not, as Americans, pay the share of research and development that consumers in other countries should be shouldering. We can't afford to subsidize other countries, and it is particularly wrong where we have originally done some of the subsidy of the very research and development which produced the drug which is now sold for so much less in those other countries.

I commend the Senator from Minnesota. I support his amendment. I hope we will adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from Michigan for his remarks. I am very proud to have his support.

AMENDMENT NO. 3699

(Purpose: To fully fund IDEA)

Mr. HARKIN. Mr. President, I send my amendment to the desk on the Individuals With Disabilities Education Act.

The PRESIDING OFFICER. The pending amendment is laid aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, and Mr. WELLSTONE, proposes an amendment numbered 3699.

Mr. HARKIN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 60, line 16, strike "\$7,357,341,000" and insert "\$15,800,000,000".

On page 60, line 19, strike "\$4,624,000,000" and insert "\$13,071,659,000".

Mr. HARKIN. Mr. President, this is a very simple amendment. It is very straightforward. It does not include a lot of pages of text. All it does is fully fund the Individuals With Disabilities Education Act. By passing this amendment, we meet our goal of paying 40 percent of the average per pupil expenditure.

For years, many on both sides of the aisle have agreed that the Federal Government should increase our support for States' efforts to provide children

with disabilities a free and appropriate public education. With this amendment we can do just that.

Congress enacted the Education for All Handicapped Children Act, which is now known as IDEA, for two reasons. To establish a consistent policy of what constitutes compliance with the equal protection clause of the 14th amendment with respect to the education of kids with disabilities, and to help States meet their constitutional obligations.

Mr. President, I ask unanimous consent to add Senator WELLSTONE as a cosponsor.

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

Mr. HARKIN. Mr. President, there has been a lot of misperception about IDEA. That misperception is amplified in statement after statement until it almost becomes a state of fact that IDEA is a Federal mandate on the States. I hear it all the time: a Federal mandate that is not fully funded.

IDEA is not a mandate of the Federal Government on the States. The fact that the Federal courts have said if a State provides a free and appropriate public education to its children—and States don't have to do that—but if a State provides a free and appropriate public education for all of its kids, it cannot discriminate on the basis of race, it cannot discriminate on the basis of sex, or national origin, and in two court cases the court said it cannot discriminate on the basis of disability.

Simply because a child has a disability doesn't relieve the State of its obligation under the equal protection clause to provide that child a free and appropriate public education.

In 1975, the Congress said because this would be such a burden on the States, we will pass national legislation to help the States meet their constitutional obligation to educate kids with disabilities. That is what IDEA is. The Federal Government said, OK, if you meet these certain requirements, you will be eligible for IDEA for this money. If we had no legislation at all, if there were no Individuals With Disabilities Education Act, the States would still have to fund the education of kids with disabilities—not because the Federal Government says so, but because the Constitution of the United States says so. As long as a State is providing a free public education to other kids, they have to provide it to kids with disabilities. It is not a Federal mandate. It is a constitutional mandate.

We have said in the Federal Government, when we passed IDEA, we will help. Furthermore, we said in the authorizing legislation, that it would be a goal of the Federal Government to provide for 40 percent of the cost of the average per pupil expenditure for all other kids. We have never reached that

40 percent. It was a goal then. It is still a goal. Senators on both sides of the aisle talked about meeting this goal. Now we have the opportunity to do so.

My amendment is a win-win situation for everyone. We are able to fully fund both the IDEA and our general education priorities so that all kids, with and without disabilities, get the education they deserve and they are guaranteed by the Constitution of the United States.

Over the past 5 years, I have worked hard with my colleagues on the Appropriations Committee to more than double the appropriation for Part B of IDEA. This year we have included an additional \$1.3 billion. Senator SPECTER and I, in a bipartisan fashion, worked very hard to get this increase. Because of the amendment offered by Senator JEFFORDS yesterday and the statements made on the floor, it became clear to me that there is a strong will on both sides of the aisle to fully fund IDEA to meet that 40-percent obligation.

Now we can step up to the plate and do it. This week the OMB informed us that the non-Social Security surplus will reach up to \$1.9 trillion over the next 10 years. I believe we ought to use these good economic times to prepare for the future.

So, Mr. President, as I said, OMB has informed us we are going to have \$1.9 trillion over the next 10 years in non-Social Security surplus. That means we can use some of this for a lot of different things: Pay down the national debt, shore up Social Security, Medicare, and make appropriate investments in education. One of the most appropriate investments we can make is to fully fund the Individuals with Disabilities Education Act. But there are a lot of other ways we can help pay for this. For example, we could save dollars by cracking down on Medicare waste fraud and abuse. The HHS Inspector General said last year, Medicare made \$13.5 billion in inappropriate payments. Eliminating that waste alone would more than pay for the entire IDEA expenditure. Yet the House-passed Labor-HHS bill actually cuts the funding for detecting waste, fraud and abuse. I hope we can take care of that in conference. My point is we have a lot of waste, fraud, and abuse in Medicare we can cut out to help pay for this.

We have a lot of other things we can do also: Cutting out Radio Marti, and TV Marti; spending by Government agencies on travel, printing and supplies and other items could be frozen. This could save \$2.8 billion this year, about \$12 billion over 5 years. Pentagon spending could be tied to the rate of inflation. This would force the Pentagon to reduce duplication and other inefficiencies. This change would save taxpayers \$9.2 billion this year alone; \$69 billion over 5 years. Enhancing the

Government's ability to collect student loan defaults would be \$1 billion over 5 years.

The reason I cite these examples is to show there is a lot of waste and a lot of spending we can tighten down on to help pay for IDEA. We have the surplus, however. All this money that we found out there—as we go through this year, you wait and see, transportation will take a little bit of that money; housing will take a little bit of that money; defense will take a big chunk of that; the Finance Committee will have tax provisions—they want to do away with all the estate taxes now. That will take away a big chunk. I hope we don't pass it but I assume something will come through.

There is a big surplus out there and bit by bit special interests are going to come and take some of it away. Now is our time to get in there and say we are going to take enough to fully fund the Individuals with Disabilities Education Act. We can do it. We have the money to do it. And, if I listened correctly to my friends on both sides of the aisle, we seem to have the will to do it.

I just point out a range of organizations fully support full funding. It is one of the National Governors' Association top priorities. The Education Task Force of the Consortium for Citizens With Disabilities advocates full funding. The National School Boards Association just sent me a letter last week requesting an increase in funding for IDEA.

In January of 1997 the majority leader, Senator LOTT, announced that fully funding IDEA was a major component of the Republican agenda. Later, Senator GORTON said that failure to fully fund IDEA is fundamentally wrong—*CONGRESSIONAL RECORD*, May 13, 1997.

In January of 1998 the majority leader and other Republican Senators held a major press conference to announce they were going to introduce a bill, S. 1590, that would, among other things, fully fund IDEA.

Senator COVERDELL said the resolution of the issues in that bill were:

As important a battle as the country has ever dealt with.

On his Web site, Senator GREGG from New Hampshire, who has always been a proponent of fully funding IDEA said that:

He will continue to lead the fight to have the Federal Government meet its commitment to fund 40 percent of the special education costs.

On his Web site, Senator SANTORUM of Pennsylvania supports full funding for IDEA.

Last night, Senator VOINOVICH of Ohio said it is about time we paid for 40 percent of IDEA. That was last night.

And last night Senator JEFFORDS, with whom I have worked many years on this issue, said:

This body has gone on record in vote after vote that we should fully fund IDEA.

Senator JEFFORDS also said:

If we can't fully fund IDEA now with budget surpluses and the economy we have, when will we do it? I do not believe that anyone can rationally argue that this is not the time to fulfill that promise.

The reason I opposed the JEFFORDS amendment last night, and I said so openly last night in debate, is because his amendment would have taken money out of class-size reduction and out of funding for school modernization and construction to fund IDEA. I said we should not be robbing Peter to pay Paul. We need to reduce class sizes. We need school construction money.

In fact, some of the biggest beneficiaries of school construction and modernization are kids with disabilities.

Now we have an opportunity to fully fund IDEA because we have these big surpluses, as I said, \$1.5 trillion on-budget surpluses over the next 10 years, not counting Social Security. To fully fund IDEA would amount to less than 6 percent of that over the next 10 years. And, like I said before, we wouldn't have to touch the surplus if we just implemented one of my proposals to close up special interest tax loopholes, eliminate wasteful government spending, including Pentagon waste, or deal with Medicare waste, fraud and abuse. If you want to give a gift to the States this year, if you really want to help our local school districts, this is the amendment with which to do it, to fully fund IDEA once and for all.

I yield for any comments or suggestions my colleague from Minnesota might have.

Mr. WELLSTONE. Mr. President, I am going to be very brief. Staff is here, and it is late. It has been a long week. I can do this in a couple of minutes. I wanted to stay with Senator HARKIN because I think this amendment goes right to the heart of what we are about. It is a win-win-win-win amendment. I do not know how many times I said "win." It is a win for us because we should match our budgets and our votes with the words we speak. Just about everybody on the floor of the Senate said they are for the Federal Government meeting this commitment of 40 percent funding of IDEA. It is also a win for children with special needs. It is about children. We ought to do well for all of our children.

Maybe it is because I am getting a little older and have six grandchildren, but I think all children are beautiful and all children have potential and all children can make contributions. We should do everything we can to nurture and support them. That is what this program has been about.

The Senator from Iowa has been, if not the leader, one of the great few leaders from early time on for kids with special needs. It is also a win because I do think our States and school

districts, if we can do better by way of our investments, I say to Senator HARKIN, will not only be able to live up to this commitment but will have more resources to invest in other priority areas. One of the things that has troubled me is, the Senator talked about the surplus. What is it over 10 years, \$1.9 trillion?

Mr. HARKIN. Mr. President, \$1.5 trillion, non-Social Security.

Mr. WELLSTONE. It is \$1.5 trillion non-Social Security over the next 10 years. Some of what has been discussed is a zero-sum gain, whether we are faced with the choice of do you support low-income kids with title I or do you support IDEA or do you support a lower class size or do you support trying to get more teachers into our schools, or do you support rebuilding crumbling schools. I believe we have a chance right now with the surplus, with these additional resources, to make these decisive investments. I cannot think of anything more important than making this investment in children and education.

My last point is, all of us—and I will even make this bipartisan, seeing Senator CHAFEE presiding, whom I think cares deeply about children and education, just like his dad did, and I mean that sincerely—we are all going to have to make some decisions about consistency.

It is like the old Yiddish proverb: You can't dance at two weddings at the same time. We cannot do everything. Some people want to put yet more into tax cuts, including Democrats, more here and more there. Ultimately, we have to decide what is most important. We have this surplus and we have the opportunity. We have had all the debate and discussion, and now we have an opportunity, with this amendment—of which I am proud to be a cosponsor—to match our votes with our rhetoric. We should do that. I hope there is a strong vote for this from Democrats and Republicans. I am proud to be a cosponsor. I yield the floor.

Mr. HARKIN. Mr. President, I thank my colleague for his words of support, not only tonight but for all the time I have known him and all the years he has been in the Senate for making kids and education, especially special needs kids, one of his top priorities.

I could not help but think when I was listening to the Senator speak, this vote on this amendment—I do not mean to puff it up bigger than it is. We are going to be faced the remainder of this year with vote after vote on what to do with that surplus. We may disagree on whether it is the estate tax cut or marriage penalty—whatever it might be. There might be other things coming down the pike, and we will have our debates and disagreement, but it seems to me that before we get into all that, we ought to do something for our kids with disabilities and we ought

to do something that is right and is supported broadly, in a bipartisan way, and supported by our States.

I can honestly say to my friend from Minnesota, if every Senator voted for this amendment, they would not get one letter, one phone call taking them to task for their vote in support of this amendment. I believe I can say that without any fear that I would ever be wrong; that no Senator, whoever votes for this amendment, would ever get one letter or one phone call from anyone saying they voted wrong. I believe that because it is so widely supported.

Then we can go on with our other debates on tax cuts and other issues with the surplus and how we will deal with it.

At this point in time, let us say we are going to take this little bit and invest it in the Individuals With Disabilities Education Act and, once and for all, meet that 40-percent goal, and we will not have to be talking about it anymore.

As I said, this is a very simple and very straightforward amendment, but I will admit, for the record, it is going to take 60 votes. I understand that. It will take 60 votes, but I believe if Senators will just think about what they have said about IDEA and fully funding it and think about that big surplus we have and all of the demands that will be made on that surplus in the future, they just might think: Yes, we ought to carve out a little bit right now and put it into IDEA. It would help our States and our schools and, most of all, help our families who have special needs children who may not have all of the economic wherewithal to give their kids the best education.

As I understand it, this is the first vote up or down vote on fully funding IDEA ever. Let's make it our last.

I thank the Senator from Minnesota for his support. I yield the floor.

Mr. JEFFORDS. Mr. President, I rise to commend Chairman STEVENS, Chairman ROTH, and Chairman SPECTER for their commitment to working in conference to restore funding to the Social Services Block Grant (Title XX), the Temporary Assistance for Needy Families (TANF) program and for the State Children's Health Insurance Program (S-CHIP). These programs provide a vital safety net for our most vulnerable citizens.

The Social Services Block Grant program provides critical services for abused children, low-income seniors, and other families in need of assistance. For example, my own State of Vermont uses 80 percent of its Title XX funds to help abused and neglected children. Much of this money goes to assist the roughly 300 children in foster care in our State. This block grant was created under the Reagan Administration to provide States with a source of flexible funding to meet a variety of human service needs. It was the suc-

cess of the Social Services Block Grant that paved the way for welfare reform.

When welfare reform was passed, Congress made several agreements with the states. One such agreement was that funds for the Social Services Block Grant would be reduced to \$2.38 billion with States permitted to transfer up to 10 percent of allocated TANF funds into the block grant to "make up the difference."

Since making that agreement in 1996, Congress and the Administration have repeatedly cut the funds appropriated for the Block Grant to its current year funding level of \$1.775 billion. I am grateful that there is a strong commitment to maintain this year's funding level in conference. However, the reduction of the amount of TANF funds that States can transfer also must be addressed. Vermont is one of several States which transfer the entire 10 percent that is allowable under TANF. Unfortunately, even with full use of the transferability, many states are no longer able to make up for the repeated reductions in Social Service Block Grant funds.

I believe that the amount of TANF funds that States are permitted to transfer should not be cut in half, as current law requires, but should be increased to help mitigate the loss of Title XX funds that States have experienced since the 1996 agreement. The commitment to restore Social Services Block Grant funds to the current level is a good first step, but we should keep in mind that it is just a first step.

In creating the TANF program, the Federal Government limited the amount of welfare funds that would be provided to States in exchange for giving States more flexibility in the use of those funds. The booming economy combined with successful State efforts to move more people from welfare to work have allowed States to reduce the costs of welfare. Congress urged States to save a portion of their TANF grants for the inevitable "rainy day" when additional funds would be needed. Many States did save part of their TANF allocation, and Congress has threatened to reduce the TANF allocations promised to the States, because the funds have not been fully expended. I thank Senators STEVENS, ROTH, and SPECTER for their commitment to uphold the promises we made in 1996 during conference negotiations on the Labor-HHS appropriations bill.

My home State of Vermont has an unparalleled track record in extending health insurance coverage to children and families, and the S-CHIP has played a key part in contributing to this success. While Vermont has achieved its enrollment goals for this program to date, it continues to reach out to enroll eligible children. Restoration of the S-CHIP funding is essential for Vermont and other States in order for them to continue enrolling children

in this program. It is essential for Congress to keep its commitment to the S-CHIP program, otherwise States are not likely to continue their aggressive outreach and enrollment efforts and children may be left without health care.

I believe strongly that it is important for Congress to keep its agreements with the States—particularly regarding the Social Services Block Grant, TANF, and S-CHIP. The success of States in implementing these programs and the extent to which Congress and the administration maintain promised funding levels for these critical programs will help determine the future of State block grants.

How can we expect States and advocates to agree to flexible block grant initiatives, if Congress cannot fulfill its promise to maintain adequate funding?

Mr. ALLARD. Mr. President, I would like to make a statement concerning the Federally funded research that is conducted at the various Centers for Disease Control (CDC) around the country.

February of this year I met with the Director of the CDC, Jeffrey Koplan. CDC was highlighted in newspaper articles concerning the misuse of research funds targeted for hantavirus disease. Because of the presence of this disease in our state, as with other neighboring states, I am very concerned at the lack of accountability from the CDC.

I expressed my concern for the correct utilization of funding for the disease research programs that are mandated by Congress. I stressed the importance of CDC's accountability and obligation to carry out the letter of our laws. Mr. Koplan assured me that they have taken measures to complete a full audit of the misdirected funds and that they will follow the intent of Congress in the future.

Being a member of Congress, I for one can fully understand that the process of appropriating funds for research is complicated at best. Although Congress designates specific funds for certain diseases, there are several levels of bureaucracy through which the dollars must pass before they are received by the appropriate agency. This still does not account for an agency's lack of dedication in meeting congressional direction that is law. Part of my responsibility as a U.S. Senator is the oversight of various agencies and their accountability to Congress to carry out the language of our laws.

Hantavirus outbreaks have rapidly affected the U.S., reaching as far as Vermont. Most recently, a 12-year-old girl who lives in Loveland—my hometown—was diagnosed with the disease. Doctor's believe she may have contracted the disease while visiting a ranch in Arizona last April. Once hantavirus is contracted it can be anywhere from one week to as little as one

day before symptoms appear. Once symptoms are prevalent, it rapidly progresses to respiratory distress as the lungs fill with fluid.

Colorado has had 23 cases of hantavirus since 1998—with three cases already this year. It is time to act with no further delay by the CDC laboratory.

I hope that the CDC has worked out its problems and will carry out what Congress expects of an agency.

Mr. FEINGOLD. Mr. President, I rise today to describe why I opposed the amendment offered by the senior Senator from Arizona, Mr. MCCAIN, to this legislation on the issue of schools and libraries blocking children's access to certain materials on the Internet, and supported the alternative amendment on this topic offered by Senator SANTORUM.

The McCain amendment prohibits schools and libraries from receiving federal funds under the E-Rate program if they do not install software to block children's access to two specific kinds of information: materials that are obscene and materials that constitute child pornography. The Santorum amendment contains a similar prohibition on funding, but gives the local community the flexibility to decide what materials are inappropriate for children's viewing and to implement a comprehensive policy on minors' Internet use if they want to continue to receive the E-Rate. I feel that local communities, not the federal government, should decide what materials are suitable for children's viewing. Wisconsin communities may want to address or restrict whether children have access to adult chat rooms even though the chat may not be about child pornography or may not contain technically obscene topics of conversation. They also may want to restrict whether they post identifying information or photographs of students on school sponsored web sites. I simply feel that these decisions are best made locally.

Second, I am concerned that the McCain amendment imposes an additional cost to obtain filtering software upon schools and libraries without adequate input from those institutions. The McCain amendment relies upon the technical fix of filtering and imposes filtering software on all computers in a facility. The Santorum amendment allows a school or library to determine which computers are available for student access and then install blocking software upon those computers. Software licensing costs are not inexpensive, and requiring that software be installed on every machine may be financially difficult for small communities.

Finally, though I am concerned about protecting children on the Internet, I am also concerned about the constitutionality of blocking material on

the Internet for adult computer users. The Santorum amendment allows communities to develop common sense solutions to protect the rights of adults to access information over the Internet in a place like a public library. A Wisconsin community could decide, under the Santorum amendment, for example, that it wanted to have a locked room in its public library with computers in it that only adults could use to access the Internet and not install blocking software on those machines. There are ways to block children's access to computers that are structural, Mr. President, like a locked door, that would still protect the First Amendment right of adults. These options are not available under the McCain amendment.

I appreciate the Senate's interest in protecting children from inappropriate material on the Internet, but I feel that the McCain amendment does not go far enough to ensure that local governments, libraries, schools, and individuals rights are protected.

Mr. WELLSTONE. Mr. President, I thank Chairman SPECTER and ranking member, Senator HARKIN, for working with me to see that funding is increased for the Perkins Loan Cancellation Program. I filed an amendment that would have increased the level of the Perkins Loan Cancellation Program by \$30 million to \$90 million. I am very appreciative that the committee increased funds for this valuable program by \$30 million—especially given the terrible budget constraints on this bill. I am especially thankful that the Managers of this bill have agreed to raise the appropriation by another \$15 million. This will get the government half way to where it needs to be to reimburse Perkins Revolving Funds for what they have lost to the Loan Cancellation Program. It is an important step.

The reason I asked for more is simple. If we give the extra \$30 million, the federal government can pay back what it owes to the universities and colleges for the loans that have been canceled. This amendment would simply fulfill its IOUs to the Perkins program. Mr. President, we have a \$1.9 trillion surplus, it is ironic and probably an oversight that we are still in debt to America's colleges and universities that provide loans to low income students, but it is a debt that I think we can and should repay. That is why I am thankful for the Managers' efforts, and that is why I will continue to push for the full \$90 million in the future.

Both the cancellation program and the Perkins Loan Program are seriously undermined if the government does not fulfill its debt obligations to the universities and colleges that choose to administer it.

The Perkins Loan Program (formerly called the National Defense Student Loan Program) provides long-term,

low-interest (5% per year) loans to the poorest undergraduate and graduate students. 25 percent of the loans go to students with family incomes of \$18,000 or less, and 83% of the loans go to students with family incomes of \$30,000 or less. Since its inception, 11 million students received \$15 billion in loans through the Federal Perkins Loan Program. In the academic year 1997/98, 698,000 students received Perkins loans.

Perkins is exceptional because it is a public/private partnership that leverages taxpayers' dollars with private sector funding. The yearly Federal contribution to Perkins Loans revolving funds leverages more than \$1 billion in student loans. This is because Perkins Loans are made from revolving funds, so the largest source of funding for Perkins Loans is from the repayment of prior-year loans.

The Perkins Loan Cancellation Program entitles any student who has received a Perkins loan who enters teaching, nursing and other medical services, law enforcement or volunteering to cancel their loans. This past year, more than 45,000 low income students who chose to enter these important professions were able to have their loans canceled. Last year, 26,000 teachers, 10,500 nurses and medical technicians, 4,000 people who work with high-risk children and families, 4,000 law enforcement and 700 volunteers had their loans canceled under this program.

This year, thanks to the efforts of Senator DURBIN and others, it looks like we may be able to expand the professions eligible for cancellation to include public defenders.

The value of Perkins loans is enormous. Since 1980 to 1998, the cost of higher education has almost tripled, leading to a decline in the purchasing power of federal grant programs. The maximum Pell grant this year is worth only 86% of what it was worth in 1980, making the Perkins program, and all loan programs, a more important part of low income students' financial aid packages.

The value of the cancellation program is also enormous. It provides the lowest income people who want to enter public service a small break from the crushing debts they incur attending higher education. Offering loan cancellation also highlights the need for well-trained people to enter public service and honors those who choose to enter public service. This is the kind of incentive and reward we should be doing more of and I thank the Senate for accepting my amendment earlier that would provide Stafford loan forgiveness for child care workers.

Mr. President, I am here today because the future of both of these programs is in great jeopardy because we are unable to repay the universities' revolving funds what they are owed for the cancellation program. There are colleges that receive only 47% of what

they are owed by the government. They are given the rest on an IOU.

Because Perkins loans are funded through revolving loans, the people who end up paying the price for this IOU are low income students who are eligible for Perkins loans in the future. As loans are canceled, and the government is unable to reimburse the revolving funds, there is less and less money available in the funds to generate new loans. It is estimated that 40,000 fewer students will be eligible for Perkins loans because of the declining money available in the revolving fund.

When you combine the pressure from the unfulfilled government obligations with recent cuts to the Perkins program in general, I believe that both these key programs are at risk. Congress has cut the yearly Federal contributions to the Perkins Loans revolving funds by \$58 million since fiscal year 1997. Since 1980, the Federal Government's contributions have declined by almost 80%. 900 colleges and universities around the country have cut their Perkins programs at least in part because they were not economically viable. In MN, colleges such as Metro State University have ended this valuable program in large part because they cannot afford to keep it going.

This means one thing and one thing only. There are less and less loans available for the lowest income students. The \$15 million the manager's package will provide will go far to reverse this situation.

Reducing the number of loans available is not the direction we want to be going given what we know about the rising importance of college education and the increasing need for financial aid.

A study from Minnesota indicates that for every \$1 that is invested in higher education, \$5.75 is returned to Minnesota's economy. A 1999 Department of Education study indicates that the real rate of return on investment in higher education is 12% based on earnings alone. This does not include savings on health care and other factors. Further, a recent poll found that 91% of the American Public agree that financial aid is an investment in America's future (Student Aid Alliance, 1999).

The numbers indicate that this is true. In 1998, men who had earned a bachelors degree earned 150% more than men who had received only a high school diploma. Women earned twice as much. (NCES, "Condition of Education, 2000," 2000). College graduates earn on average \$600,000 more in their lifetime than people with only a high school diploma. (US Department of Commerce, Bureau of the Census, 1994).

Despite the obvious benefits of investments in higher education, funding is declining. Since 1980 to 1998, the cost of higher education has almost tripled, leading to a decline in the purchasing

power of federal grant programs. The maximum Pell grant this year is worth only 86% of what it was worth in 1980, making the Perkins program a more important part of low income students' financial aid package. Yet, the numbers of institutes of higher education offering the Perkins Loan Program has declined by 80% over the past 20 years. During the last decade, student aid funding has lagged behind inflation, yet in the next ten years, more than 14 million undergraduate students will be enrolled in the nation's colleges and universities, an increase of 11 percent. One-fifth of these students are from families below the poverty line. Many of them are the first in their families to go to college.

The effect of the decline in funding has a disproportionate impact on low income students—the very students that Perkins is designed to help. Studies show that an increase in tuition of \$100 lowers the enrollment of low income students by 1%. (McPherson and Shapiro, 1998). In Minnesota, students from families that make \$50,000 per year or more are three times as likely to attend a four year college as students from families who make \$30,000 per year or less (and I remind my colleagues that 83% of Perkins loans would go directly to these students with incomes less than \$30,000.) Further, more than 1/3 of students who enter college drop out. Often this is because they cannot afford to continue.

The Perkins Loan Program is vital to helping these low income students enter and stay in college. It would be a shame if the program failed because the government failed to pay universities back the money it owes this valuable program. By increasing the appropriation for the cancellation program, the managers have taken a strong step toward getting the government out of debt. I am also committed to seeing that this program is fully funded in the future. We have on-budget surpluses of \$1.9 trillion. We should use this appropriation to ensure that we are not in debt to the 40,000 fewer students who will not receive the Perkins loans they once could have because the federal government did not meet its obligation to pay for its own cancellation program.

These are America's poorest students who are simply trying to afford a college education. With a \$1.9 trillion surplus, we owe it to them to pay it back.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business and return to the pending business when I complete these remarks.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent to speak in morning business for 10 minutes.

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

APPROPRIATIONS

Mr. KENNEDY. Mr. President, before the Senate are the appropriations bills which provide the funding for education, health, and training programs. As I have mentioned over the past few days, I respect the work by Senator SPECTER and Senator HARKIN in trying to shape that proposal. We have some differences, even within the limited budget figures that were allocated, in areas we feel were shortchanged. We tried to bring some of those matters to the floor yesterday.

On the issues of making sure we will reach out in the areas of recruiting teachers, providing professional development for teachers, and mentoring for teachers, we received a majority of the Members of the Senate. I believe it was 51 votes. A majority of the Members felt that should be a higher priority than designated. Even in the majority party, there is a clear indication, particularly against the backdrop of the announcements made in the past 2 days with these enormous surpluses, that one of the priorities of the American people is investing the surpluses in the children of this country.

I think that is something that needs to be done. We are going to proceed during the course of this day on amendments which I think are very important. The next one, which will be offered by Senator DASCHLE to deal with issues of genetic discrimination and employment discrimination, is very important. We will go on, as has been agreed to by the leaders.

But as we are going through this debate, I cannot remain silent on the allocating of resources. We are hopeful, as a result of the action of the President of the United States, there will be a different form and shape of this appropriations bill by the time it comes back from the conference, or by the time it is actually enacted in the fall. We are not giving the priorities in the areas of education, and I must say even in the health area, that I think the American people want and deserve. The principal reason for that is there is an assumption within the Republican leadership that there will be a tax break of some \$792 billion. So if you are going to write that into the budget, or parts of that into the budget, you are going to squeeze other programs. That is really what has happened.

I daresay that at a time when we are gaining increased awareness and understanding about what actually helps children expand their academic achievement and their accomplishments, as a result of some dramatic reports, which I find compelling—and ac-

tually self-evident—we find we are really not taking the benefits of those reports and using them in ways that can benefit the greatest number of children in this country.

I think again of the excellent presentations of the Senator from Washington, Mrs. MURRAY, when she spoke time and time again about the importance of smaller class sizes. She referred again and again to the excellent studies done in Tennessee with thousands of children, going back to 1985, that resulted in smaller class sizes, and we find that children have made very significant progress.

I remember Senator MURRAY mentioning the SAGE Program in Wisconsin, which has been enacted in recent years. I myself met these past weeks with members of the school board, parents and teachers out in Warsaw, WI, who participated in that program and commented about the importance of investing in children with smaller class sizes. So we know this is something that works. If we are going to have scarce resources, we ought to give focus and attention to something that works, as Senator MURRAY has pointed out. I think she brings credibility to this issue because she is a former school board member and a former first grade teacher herself. She has been in the classroom and knows what works. We have been very fortunate to have her presentation on this issue and her enthusiasm for it.

We also know, looking over the recent history, that we have actually had bipartisan support for smaller class sizes. We saw yesterday her amendment was not successful, but it was very closely fought in a divided Senate, and I am hopeful, with the strong support of the Senate, we can finally persuade Congress, as we have in the past, to move ahead in that direction.

We have to understand this legislation is going to go to the House of Representatives, which has seen a very sizable reduction in its commitment to the funding of these various programs. Whatever we do here is going to be knocked back significantly. That is why many of us were very hopeful we could go ahead and add some additional resources so at least coming out of the conference we would have something worthy of the children of this country. But we have been unable to do that. We have to look back over the years and see what has happened, ultimately, in allocating funding resources in the area of education when we have had Republican leadership. We hear a great deal about the importance of investing in children, but the tragic fact is that it is not reflected in the requests by the Republicans either in the House or the Senate in recent years.

I remember very clearly the 1995 rescission because I remember the debate in 1994, when we had a rather significant enhancement in our investment in

children. The ink was hardly dry, the results were in, and the results of 1994 and 1995 were that we had a very vigorous debate on rescinding money that had already been appropriated and signed by the President. After the extraordinary efforts made by the Republican leadership to actually rescind those funds, we had those rescissions in 1995.

Then the House bill in 1996 was \$3.9 billion below what was actually enacted in 1995. Then in 1997, the Senate bill was \$3.1 billion below the President's request; the House and Senate bill in 1998 was also below the President's request. This was a time when the Republicans were trying to abolish the Department of Education.

I think most parents feel it is important to have a Cabinet Member sitting in the Cabinet room so that every time the President of the United States meets with the Cabinet to make decisions on priorities, there will be someone in there to say, "What are we going to do on education, and particularly education that is going to affect the elementary and secondary schoolchildren of this country, particularly at a time when we have exploding numbers of children who are going into our classrooms?"

Nonetheless, what we continue to see, in 1999, is the House was \$2 billion below the President's request; in 2000, \$2.8 billion below the President's request; and in 2001, \$2.9 billion below the President's request. This is what has happened.

Members ask: "Why do the Democrats try to force these issues? Why don't we just go ahead and accept what these appropriations committees have done?" They try to defend their positions with all these facts about what is really happening out there in education, but when you add them all up, this is what you are finding: The Federal share of education funding has declined. If you look at higher education, from 1980 to 1999, the federal share declined from 15.4 percent to 10.7 percent.

If you look at elementary-secondary education, from 1980 to 1999, we see a decline from 11.9 percent to 7.7 percent. Only 7.7 percent of every dollar spent locally is Federal money, and this is perhaps the lowest figure we have had in elementary-secondary education. In terms of the amount of our budget, which is \$1.8 trillion, this is less than one percent. It is less than one penny per dollar. If you combine the elementary and higher education, you may be getting close to two pennies. That, I think, is what concerns many of us, particularly at a time when we are finding out the total number of children is increasing.

We recognize there should be a partnership among the Federal, State, and local governments in enhancing academic achievement. We have learned important lessons: Smaller class sizes

work and better trained teachers work. Take the two States that have invested in teachers: North Carolina and Connecticut. They are seeing dramatic results in academic achievement.

We have been fighting to provide the resources to do that. That is what the debate is about. We have, I think, demonstrated to this body and, hopefully, the American people the seriousness of our purpose in allocating resources to what the American families want, and they want to invest in children and education. We believe that is quite preferable to the large tax breaks which have been included in the overall budget. We will continue this battle.

I yield the floor.

THE RURAL RECOVERY ACT OF 2000

Mr. DASCHLE. Mr. President, yesterday I introduced the Rural Recovery Act of 2000 to help address the economic malaise that has gripped certain rural areas of our country. The legislation will authorize the Department of Agriculture to provide grants to rural communities suffering from out-migration and low per-capita income.

Rural areas of our nation continue to experience an erosion in their economic well-being. Statistics bear out the decline in rural economic activity, but they fail to fully capture the human suffering that lies just beyond the numbers. Economic downturns lead to the migration away from farm-dependent, rural communities, further stifling economic opportunities for those left behind. The 1990 Census highlighted these migratory trends, and I anticipate that similar trends will be captured by the 2000 Census, as well.

In short, the prosperity from which many Americans have benefited from during the past decade has left many rural areas standing by the wayside. If this trend continues, more and more young people will be forced to leave the towns they grew up in for opportunities in urban areas. In towns like Webster, Eureka, and Martin, South Dakota, we are seeing farm families broken up, populations decline, and main street businesses close their doors. While there is no doubt that economic growth in our urban areas has benefited our nation, the disparity of economic development between our rural and urban areas cannot be ignored. If nothing is done to address the economic challenges facing these areas, we will jeopardize the future of rural America.

That is why I have introduced legislation to provide the nation's rural areas with the resources necessary to make critical investments in their future and, by doing so, to create economic opportunities that will help them sustain a valuable and important way of life. It also will help rural areas provide basic services at times when they are losing a significant part of

their tax base. While federal agencies, such as the United States Department of Agriculture's Office of Rural Development and the Economic Development Administration, provide assistance for rural development purposes, there are no federal programs that provide a steady source of funding for rural areas most affected by severe out-migration and low per-capita income. For these areas, the process of economic development is often most arduous. This legislation will provide the basic, long-term assistance necessary to aid the coordination efforts of local community leaders as they begin economic recovery efforts and struggle to provide basic public services.

County and tribal governments will be able to use this federal funding to improve their industrial parks, purchase land for development, build affordable housing and create economic recovery strategies according to their needs. All of these important steps will help rural communities address their economic problems and plan for long-term growth and development.

Mr. President, I believe this legislation holds great potential for revitalizing many of our nation's most neglected and vulnerable areas. I urge my colleagues to support its enactment.

COMMEMORATING SENATOR DANIEL INOUE: RECIPIENT OF THE CONGRESSIONAL MEDAL OF HONOR

Mr. DOMENICI. Mr. President, I rise today to join my fellow Senators in honoring Senator DANIEL INOUE with the Congressional Medal of Honor. This man is a representative of our nation who has persevered through war, debate, and many hard fought campaigns. I have had the pleasure of working with Senator INOUE and applaud my colleagues for bestowing this great honor upon him.

Senator DANIEL INOUE is a Veteran of World War II and was a captain in the Army with a Distinguished Service Cross (the second highest award for military valor), a Bronze Star, a Purple Heart with cluster, and several other medals and citations. Serving in the Senate almost 40 years, Senator INOUE is also the first Congressman from the state of Hawaii. His courage in combat is a testament to the Senator's true commitment to his country and to freedom. Serving on the Defense Appropriations Committee, I know how much Senator INOUE cares about the protection of our country and his professionalism and dedication to finding a balance for defensive spending. His diligence and dedication speak for themselves and I am proud to serve our Armed Forces with a man of this caliber near the helm.

I have also had the pleasure of working with Senator INOUE on the Indian

Affairs Committee for over 20 years and know first hand that his bravery did not cease on the battlefield, but still continues today. When he was chairman of the Senate Committee on Indian Affairs, Senator INOUE was highly regarded among tribal leaders for his efforts to re-establish their sovereignty over their own people and their own affairs. Tribal leaders consider Senator INOUE to be a true leader and friend to the Indian people to this day. I thank Senator INOUE for his leadership and dedication to service to our country, and I thank him for his friendship and example.

Mr. President, inscribed on the medal is the word "Valor." Senator INOUE is one of the most valiant men I know. I praise the Members of Congress for honoring him and hope that our young people may see that it takes courage, bravery, and valor to enjoy the freedom which so many men like Senator INOUE fought to protect. Thank you, once again, to Senator INOUE for your example, and thank you to all of the veterans who have served to protect liberty and justice.

VICTIMS OF GUN VIOLENCE

Mr. MOYNIHAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

June 29, 1999: Rokisha Denard, 18, Trenton, NJ; Herman Eastorly, 79, St. Louis, MO; Scott M. Echoles, 27, Chicago, IL; William Hunter, 33, Nashville, TN; Elton James, 28, New Orleans, LA; Craig Jones, 28, New Orleans, LA; Bernard Lathan, San Francisco, CA; Jackie Lee Nabor, 39, Detroit, MI; Billy J. Phillips, 43, Chicago, IL; Richard Rogers, 16, Fort Wayne, IN; Sidney Wilson, 14, Fort Wayne, IN; Tonya Tyler, 24, Nashville, TN; Unidentified male, 16, Chicago, IL.

POSITION ON VOTES

Mr. JOHNSON. Mr. President, I was absent from the Senate last Thursday afternoon to attend the high school graduation of my daughter, Kelsey. I missed two different votes, and I would like to state for the RECORD, how I would have voted in each instance.

I would have voted "yes" on rollcall vote number 141, the third reading of

the Foreign Operations, Export Financing, and Related Programs Appropriations Act for the fiscal year 2001.

I would have voted "yes" on rollcall vote number 142, the motion to instruct the Sergeant at Arms during the consideration of HR 4577, the Labor-HHS-Education Appropriations Act for fiscal year 2001.

I also was unavoidably detained due to a family commitment on the evening of June 27, and I missed one vote during that time. I would have voted "yes" on rollcall vote number 149, Senate amendment number 3610, a McCain amendment as amended to HR 4577, the Labor-HHS-Education Appropriations Act for fiscal year 2001.

SEPARATING THE FACTS FROM THE PARTISAN RHETORIC

Mr. LEAHY. Mr. President, this statement is part of my continuing effort to bring clarity to the facts underlying the oversight investigations on campaign finance being pursued by Senator SPECTER within the Subcommittee on Administrative Oversight and the Courts. Staying focused on the facts becomes even more important as the volume of the political rhetoric continues to increase.

Although oversight is an important function, there are obvious dangers of conducting oversight of pending matters. Applying, or seeming to apply, political pressure to pending matters has real consequences, which we are now seeing first-hand. Recently, the Judiciary Committee received requests for information from the defense attorney for Wen Ho Lee, a criminal defendant facing charges of improperly downloading classified information from computers at Los Alamos Nuclear Laboratory. Mr. Lee's defense attorney wants the Republican report on this matter, as well as other documents gathered during oversight, presumably to aid his defense or at least to get potential impeachment materials for prospective government witnesses.

Just today we learned that the Committee has now also been dragged into the pending case of Maria Hsia, a criminal defendant who was recently convicted of campaign finance violations and is awaiting sentencing. Ms. Hsia's attorney apparently found the questioning of the Justice Department prosecutor in charge of her case at last week's hearing so offensive that it is now the basis for a claim that Ms. Hsia's sentencing should be delayed because to set a sentencing date now would only serve political purposes.

Indeed, at a hearing of the Specter investigation on June 21, 2000, a Republican member of the Judiciary Committee queried Robert Conrad, the current head of the Justice Department Campaign Financing Task Force about the Hsia sentencing, despite Conrad's statements that he could not properly

discuss pending matters. The Republican member stated that he expected Conrad to pursue Hsia's sentencing vigorously, and asked whether the government had filed a sentencing memorandum. After Conrad explained that the sentencing submissions had not yet been made, the Republican member stated: "I would expect that you would pursue vigorously the sentencing phase of that case and that you personally would oversee it . . . I have seen some cases previously involving these very matters in which I believe the Department of Justice was not sufficiently aggressive toward sentencing." He then expounded his view that the "only way" a person convicted at trial could get a downward departure at sentencing is to cooperate fully and stated "I would expect that you would treat this like any other case, that unless the defendant was prepared to testify fully and completely and provide information that you can verify, that you would not accept a recommendation of any downward departure." These comments clearly conveyed the Republican member's view that Maria Hsia should be treated harshly at sentencing.

The Specter investigation has broken long-standing precedent and routinely demanded documents and testimony involving ongoing criminal matters. I have warned repeatedly that such interference risks that prosecutions may be compromised, more work will be generated for prosecutors, and political agendas will appear to take precedence over effective and fair law enforcement. Nevertheless, at Senator SPECTER's request, the majority on the Judiciary Committee has approved subpoenas in a number of ongoing criminal cases, including Wen Ho Lee, Peter Lee, who remains on probation and under court supervision, multiple campaign finance cases and investigations, and the Loral/Hughes matter.

With respect to the Loral/Hughes matter, the Judiciary Committee approved issuance of a subpoena on May 11, 2000, to the Justice Department for "any and all" Loral and Hughes documents, over the objection of Wilma Lewis, the United States Attorney in D.C., which is conducting the investigation. Ms. Lewis explained that the United States Attorney's Office has "an open active investigation" into allegations of the unlicensed export of defense services and that thousands of documents in the possession of her office could be responsive to the pending requests from this Committee. Ms. Lewis explained that her office is at an "important point" in the investigation and will be making "critical prosecutorial decisions and recommendations" in the near future. She noted that if this Committee were to subpoena responsive documents from her office, not only would we adversely affect the investigation from a litigation standpoint, we also would be diverting the

attention of the key prosecutors in that case. Instead of working diligently to conclude their investigation, these prosecutors would now be required to sift through thousands of documents and to redact those documents to protect grand jury material. The majority on the Senate Judiciary Committee refused to honor the U.S. Attorney's request and approved the subpoena.

The subject of the Vice President's attendance at coffees was the focus of inquiry at the Judiciary Committee's recent hearing with the Attorney General this week. In summary, the Vice President indicated in response to general questions during an interview with Justice Department prosecutors on April 18, 2000, that he had no concrete recollection of attending the coffees though may have attended one briefly. He fully acknowledged the fact that coffees took place and explained his understanding of their purpose.

Two days after the interview, on April 20th, the Vice President's attorney, James Neal, sent a letter to Conrad clarifying the Vice President's recollection since he had not been advised before the interview that this subject matter would come up. Neal explained that the Vice President "understood your questions about Coffees to concern the Coffees hosted by the President in the White House." Based upon a record review, the Vice President "was designated to attend four White House Coffees. The Vice President hosted approximately twenty-one Coffees in the Old Executive Office Building. He did not understand your questions to include the OEOB Coffees." Indeed, Conrad refers repeatedly in his questions on this subject to "White House coffees" or "White House hosted . . . coffees".

There is absolutely nothing unusual about witnesses in depositions or even in testimony at Congressional hearings supplementing or clarifying the record after the completion of their testimony. In fact, this common practice is embodied in Rule 30 of the Federal Rules of Civil Procedure, which grants deponent thirty days after the transcript is available to review the transcript and recite any changes in the testimony given. The same rules apply to depositions taken in criminal matters, under Rule 15(d) of the Federal Rules of Criminal Procedure.

At the June 27th Judiciary Committee hearing, one Republican member asserted that "there is a question of the coffees," without identifying the question. To the extent this implies that there is something wrong with clarifying a record with a letter shortly after providing testimony, this can be summed up as just more partisan haze.

GUN TRAFFICKING REPORT

Mr. LEVIN. Mr. President, last week the Bureau of Alcohol, Tobacco and

Firearms (ATF) released a new report about the illegal firearms market. The ATF's report documents 1,530 criminal investigations involving firearms traffickers for the time period between July 1996 and December 1998. These trafficking investigations led to the recovery of more than 84,000 illegal firearms and the prosecution of more than 1,700 defendants.

The ATF report provides significant insight in to the gun trafficking trade. The investigation reveals that too many loopholes in our national framework for firearms distribution permits traffickers to divert legal guns to the illegal marketplace. The vulnerabilities in our law, identified by the ATF, are a result of corrupt federal firearms licensees, who were associated with only 10 percent of the investigations in the report but accounted for nearly half of the firearms involved, a staggering 40,000 guns; gun shows, which supplied channels for 26,000 guns, the second highest number of illegally trafficked firearms in the investigation; straw purchasers, who bought and transferred firearms to unlicensed sellers or prohibited users; unlicensed sellers, who were not required to conduct Brady background checks or maintain records of their sales; and firearms theft.

Mr. President, we can no longer afford to ignore the deficiencies in our federal firearm laws. Gun trafficking gives criminal users and young people access to tens of thousands of illegal guns. If Congress wants to reduce firearm trafficking, then first and foremost, we must close the gun show loophole. Secretary Lawrence Summers, who oversees the ATF explained "This report . . . shows that we must do more to close every trafficking channel, starting with closing the gun show loophole . . ." Furthermore, we must increase criminal penalties for traffickers and crack down on corrupt federal firearms licensees, straw purchasers, and unlicensed sellers. I urge Congress to pay attention to this report and pass sensible gun measures that will end the deadly flow of firearms to the illegal marketplace.

I request an article be printed in the RECORD entitled "The Biography of a Gun," which explains how a single gun makes the transition from legal to illegal commerce.

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

[From the New York Times, Apr. 9, 2000]

THE NATION—THE BIOGRAPHY OF A GUN

(By Jayson Blair and Sarah Weissman)

In America, more than 200,000 guns are traced by law enforcement each year. This is the story of one of those weapons—named after its serial number—No. 997126, a 12-shot, 9 millimeter Jennings semi-automatic.

The gun, made mostly of plastic, was manufactured in 1995, at a factory near John Wayne International Airport in Costa Mesa,

Calif. It is now wrapped in plastic, locked in a police property clerk's office near the New York State Supreme Court building in downtown Brooklyn. In between, the gun is believed to have been used in at least 13 crimes—including the murder of 2 people and the wounding of at least 3 others in the Brownsville section of Brooklyn.

The dead were a 16-year-old boy who was sitting on top of a mailbox and a 48-year-old shopkeeper who was the father of 4 children. The injured were a man who got in the way during a robbery, a Jehovah's Witness from Chicago who had moved to Brooklyn to do volunteer work, and a rookie New York City police officer.

In New York, about 6 in 10 murder victims are killed with firearms.

No. 997126 is 6 inches long and weighs 16 ounces. It was made at the Bryco Arms plant, where more than 200,000 inexpensive handguns are manufactured each year.

Byrco is owned by Janice Jennings, the former daughter-in-law of George Jennings, who founded the first in what became a cluster of Southern California gun manufacturers known collectively as the Ring of Fire.

From Byrco, the gun was shipped to B.L. Jennings, Inc., a Carson City, Nev., distributor owned by George Jennings's son and Janice's ex-husband, Bruce. No. 997126 was bought by Acua Sport Corporation, a federally licensed wholesaler in Bellefontaine, Ohio. Acua sold it, for about \$90, to Classic Pawn and Jewelry, Inc. in Chickamauga, Ga.

In August 1998, Classic resold the gun to a Georgia woman for about \$150. Investigators believe that the woman was buying the 9 millimeter gun as a straw purchaser on behalf of Charles Chapman. He was prohibited by federal law, because of a previous felony conviction, from purchasing firearms. Investigators say they believe Mr. Chapman drove the firearm to New York, where it was sold to a member of the Bloods gang. And that is how, investigators say, the gun got to Demeris Tolbert.

The police say No. 997126 was recovered when Mr. Tolbert was arrested on the roof of the Howard Houses after the shooting of a New York police officer, Tanagiot Benekos, who was looking for suspects in the killing of a pawnbroker earlier that afternoon.

Mr. Tolbert had been paroled the previous January after serving three years of a nine year sentence for drug possession. Prosecutors say that after the New York City Police Department's ballistics laboratory linked the gun to slugs recovered from the earlier shootings, Mr. Tolbert, 32, of Brownville confessed.

Investigators say he also took responsibility for a 1990 shooting of a clerk at an East New York bodega, the 1991 killing of a Crown Heights security guard, four other shootings and an attempted murder.

The Brooklyn District Attorney's office has charged him with murder, attempted murder and attempted murder of a police officer.

The ballistic information and serial number were matched against a Bureau of Alcohol, Tobacco and Firearms database, which prompted a federal gun-smuggling investigation. Special Agent Edgar A. Domenech, who oversees the bureau's New York and New Jersey division, said the A.T.F. traced the weapon and 30 others to Charles Chapman. He is being held, along with alleged accomplices, on charges of gun trafficking and conspiracy to illegally purchase firearms and transport them for sale to criminals in New York, where more stringent laws bar the sort of wholesale purchases permitted in Georgia.

Howard Safir, the New York City police commissioner, has proposed tighter, uniform national licensing regulations, and the annual registration of firearms to hold owners accountable for the illegal sales of weapons they purchase.

SOCIAL SECURITY ADMINISTRATIVE EXPENSES

Mr. CONRAD. Mr. President, I wanted to draw the attention of the Senate to an important funding issue that is pending in the Senate version of the Labor/HHS Appropriations bill. The funding level for Social Security administrative expenses doesn't receive much attention, but it is critical to the effective delivery of Social Security benefits to those who are entitled to them.

Social Security administrative expenses are actually partially funded from the Social Security trust funds, and they ensure that the programs administered by the Social Security Administration are delivered to the American public in an efficient, timely, and professional manner. In addition, SSA maintains records of the yearly earnings of over 140 million U.S. workers and provides them with annual estimates of their future benefits. The agency will also administer the Ticket to Work Program, and the administrative workload associated with the Retirement Earnings Test.

I am concerned that the level of funding contained in the Labor/HHS Appropriations bill is not sufficient, and does not recognize the administrative challenges Social Security will be facing in the near future. Last year the Social Security Administration provided service to 48 million people. In 2010 SSA will be providing services to 62 million people, due to the retirement of many baby boomers. During this same period, the SSA will lose nearly half of its staff to retirement, including many individuals who staff the offices located in our states and who work directly with the public.

In North Dakota, there have been large staff reductions in some of my state's main SSA offices. These shortages have affected timely completion of continuing disability reviews, and service delivery has been difficult to maintain for those who live in rural areas.

The Social Security Advisory Board—a bipartisan Congressionally mandated Board—recently issued a report on "How the Social Security Administration Can Improve Its Service to the Public," which stated that "there is a serious administrative deficit now in that there is a significant gap between the level of services the public needs and that which the agency is providing. Moreover, this gap could grow to far larger proportions in the long term if it is not adequately addressed."

The Senate Labor/HHS bill includes a funding level that is \$123 million below

the President's request. I hope that as the appropriations process moves forward, the Congress will work to ensure an adequate level of funding for SSA administrative expenses.

Mr. FEINGOLD. Mr. President, I rise today to celebrate National Dairy Month, and the wonderful history of our nation's dairy industry. During June Dairy Month we in Wisconsin take a special opportunity to celebrate Wisconsin dairy's proud tradition and heritage of quality. This month provides an opportunity for all Wisconsinites—both those on and off the farm—a special time to reflect on the historical importance, and future of America's dairy industry.

This month is especially important to my home state of Wisconsin, America's Dairyland. What many of my colleagues may not know is that Wisconsin became a leader in the dairy industry well before the 1930's when it was officially nicknamed America's Dairyland. It was soon after the first dairy cow came to Wisconsin in the 1800's that we began to take the dairy industry by storm.

In fact, before Wisconsin was even a state, Ms. Anne Pickett established Wisconsin's first cheese factory when she combined milk from her cows with milk from her neighbor's cows and made it into cheese.

Over the past month, Wisconsinites have recognized this proud tradition by holding over 100 dairy celebrations across our state, including dairy breakfasts, ice cream socials, cooking demonstrations, festivals and other events.

These functions help to reinforce the consumer's awareness of the quality variety and great taste of Wisconsin's dairy products and to honor the producers who make it possible.

Unfortunately, the picture for producers has not been that bright. Dairy prices for this year's National Dairy Month, along with most of the first half of this year, have reached all time lows.

Low milk prices—the lowest since 1978—are wreaking havoc on Wisconsin's rural communities. In addition to these low prices, dairy farmers are also facing month to month price fluctuations of up to 40 percent.

What is so troublesome is that farmers are experiencing these low prices while the retail price continues to increase. In fact, thanks to a 20 percent jump last year in the retail price, the farm retail price spread for dairy products has more than doubled since the early 1980s.

Because of this concern, earlier this year, Senator LEAHY and I asked the General Accounting Office to conduct a thorough investigation into the increasing disparity between the prices dairy farmers receive for their milk, and the price retail stores charge for milk.

In the study, GAO will focus its attention on the impact of market con-

centration in the retail, milk processing, procurement and handling industries and describe the potential risks of any such concentration for dairy farmers and federal nutrition programs.

Specifically, we asked the GAO to identify the factors that are depressing the price farmers receive for their milk, and why this trend has persisted while retail prices continue to rise. After all, this trend defies economic expectations, and frustrates the aspirations of hardworking farmers, with no apparent benefit to consumers.

During June Dairy Month, the dairy industry also called for mandatory price reporting for manufactured products. In early June, the sudden discovery of 24 million pounds of butter shined the spotlight on the need for an effective reporting system for storable dairy products.

The Chicago Mercantile Exchange (CME), which tracks domestic butter stocks, discovered a new warehouse that hadn't been reporting its butter inventory. When this huge quantity of butter was finally reported, prices went down sharply, and so did the dairy industry's faith in the reporting system for storable dairy products.

Wall Street would never put up with this kind of reporting errors in its markets, and neither should the agriculture industry.

Regardless of where the dairy industry chooses to get its information, through the National Agricultural Statistics Service or the Chicago Mercantile Exchange, that information must be accurate. These costly mistakes happen because the current reporting system is voluntary, leaving room for serious errors.

To address this growing concern, Senator CRAIG and I introduced the Dairy Market Enhancement Act of 2000, which takes the next step toward fair and accurate reporting. It would mandate reporting by dairy product manufacturing plants, would subject that reporting to independent verification, and would require the USDA to ensure compliance with the mandatory reporting and verification requirements.

Our bill also would direct the Commodities Futures Trading Commission to conduct a study on the reporting practices at the CME and report its findings to Congress.

We must also ensure that America's dairy farmers are put on a level playing field in the world economy. As I travel to each county in Wisconsin, I hear a growing concern over efforts to change the natural cheese standard to allow dry ultra-filtered milk in natural cheese.

Our dairy farmers have invested heavily in processes that make the best quality cheese ingredients, and I am concerned about recent efforts to change the law that would penalize

them for those efforts by allowing lower quality ingredients to flood the U.S. market.

Senator JEFFORDS and I introduced the Quality Cheese Act of 2000 to respond to the call of our nation's dairy farmers.

Our legislation would disallow the use of so called "dry" ultra-filtered milk—milk protein concentrate and casein—in natural cheese products, and require USDA to consider the impact on the producer before any other changes may be made to the natural cheese standard.

I recognize that these efforts are only a step in the right direction.

In addition to addressing the increased market concentration, enacting mandatory price reporting, and protecting the natural cheese standard, Congress must also provide America's dairy farmers with a fair and truly national dairy policy and one that puts them all on a level playing field, from coast to coast.

TESTIMONY BY THE SECRETARY OF THE SMITHSONIAN INSTITUTION

Mr. DODD. Mr. President, this week the Committee on Rules and Administration held an oversight hearing on the Smithsonian Institution and received testimony from the new Secretary, Lawrence M. Small. Although he has only served in this capacity for a short 6 months, it is already clear that Secretary Small's vision for the Smithsonian will have a lasting impact on this uniquely American institution.

Secretary Small envisions the Smithsonian as ". . . the most extensive provider, anywhere in the world, of authoritative experiences that connect the American people to their history and to their cultural and scientific heritage." In other words, the Smithsonian documents who and what we are as Americans. And not surprisingly, over 90 percent of all visitors to the Smithsonian come from the United States.

Who are these visitors and what makes the Smithsonian such a draw? They are families who come to see the relics of our history, such as the Wright brothers' flyer or the Star Spangled Banner which moved Francis Scott Key to pen our national anthem. They are school children who are learning about the ancient inhabitants of this land, whether dinosaurs or insects. They are young parents retracing the pilgrimage to our nation's Capitol that they made as children. They are new immigrants and Americans of all ages who come to see the treasures that are housed in America's attic.

There are nearly 141 million objects in the Smithsonian's collections, fewer than 2 million of which can be displayed at any given time in the 16 museums that make up the Smithsonian.

On average, there are nearly 39 million visitors a year to the Smithsonian's museums and the national zoo. The fact is, 3 of the most visited museums in the world are right here on the mall.

They are the Smithsonian's Air and Space Museum, the Natural History Museum and the Museum of American History. And yet even with those amazing numbers, Secretary Small advised the Rules Committee this week that he believes the Smithsonian can do even better in making the Smithsonian accessible to the public, both in terms of the quality and quantity of the exhibits and the condition of the physical space.

But all of this popularity comes at a price, and that price is the physical wear and tear on the Smithsonian's buildings and exhibits. The buildings of the Smithsonian are in and of themselves historic monuments and landmarks within our nation's capital. The Smithsonian Castle, a fixture on the mall since the cornerstone was laid in 1847, receives nearly 2 million visitors a year, even though it houses no museum.

The oldest building, the Patent Office Building, houses the National Portrait Gallery and the National Museum of American Art. Construction of this Washington landmark was begun in 1836 and was the third great public building constructed in Washington, following the Capitol and The White House.

The National Museum of Natural History, home to the Hope Diamond and the Smithsonian elephant, opened its doors in 1910. This year, nearly 1.3 million visitors toured this museum in the month of April alone. The popularity of these grand and historic buildings is taking its toll, and they are quite simply in need of significant renovation and repair.

Secretary Small is committed to preserving not only the aging buildings of the Smithsonian, but to upgrading the exhibits as well to ensure that they provide a continuing educational experience. He is in the process of developing a 10-year plan to facilitate the necessary restorations and renovation.

These buildings are part of the historic fabric of this capital city, and it would be very short-sighted of Congress not to provide for their adequate maintenance and repair. I commend Secretary Small for his vision in this regard and believe that Congress should act on his recommendations when they are received. An op-ed piece by Secretary Small appeared in Monday's Washington Post in which he described his vision of the Smithsonian and the need to preserve these historic landmarks.

I urge my colleagues to acquaint themselves with the needs of this great American institution as it faces the opportunities and challenges of the 21st century.

I ask unanimous consent that the article by Secretary Small be included in the RECORD following my remarks.

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

[From the Washington Post, June 26, 2000]

AMERICA'S ICONS DESERVE A GOOD HOME

(By Lawrence M. Small)

A recent report from the General Accounting Office identified 903 federal buildings around the country that are in need of some \$4 billion in repairs and renovations. The buildings are feeling the effects of age. It's a feeling we know all too well at the Smithsonian.

Construction on the Patent Office Building, the Smithsonian's oldest, began in 1836. The cornerstone of the original Smithsonian Castle on the National Mall was laid in 1847; the National Museum building adjacent to it was completed in 1881, and the National Museum of Natural History opened in 1910.

The age of these four buildings would be reason enough for concern, but there's a significant additional stress on them. The Smithsonian's museum buildings are open to the world. They exist to be visited and to be used—and they've been spectacularly successful at attracting the public.

Attendance in recent months at the Natural History Museum has made it the most-visited museum in the world, a title held previously by our National Air and Space Museum. In the years ahead, the Smithsonian will be working to open its doors wider still and to attract even more visitors. So, what time doesn't do to our buildings, popularity will—and thank goodness for that.

More than 90 percent of Smithsonian visitors are Americans, many traveling great distances on a pilgrimage to the nation's secular shrines—the Capitol, the White House, the Library of Congress, the many memorials to brave Americans. The history of the nation is built into such structures. They're the physical manifestation of our shared sense of national identity.

Smithsonian Institution buildings belong in the company of those other monuments, because the Smithsonian is the center of our cultural heritage—the repository of the creativity, the courage, the aspirations and the ingenuity of the American people. Its collections hold a vast portion of the material record of democratic America.

The most sophisticated virtual representation on a screen cannot match the experience of standing just a few feet from the star-spangled banner, or the lap-top desk on which Thomas Jefferson wrote the Declaration of Independence, or the hat Lincoln wore the night he was shot, or the Wright brothers' Flyer and the Spirit of St. Louis. All those icons of America's history, and countless others of comparable significance, are at the Smithsonian.

And yet the experience of viewing them is compromised by the physical deterioration of the Smithsonian's buildings, which are becoming unworthy of the treasures they contain. The family on a once-in-a-lifetime trip to Washington and the Smithsonian should not have to make allowances—to overlook peeling paint, leak-stained ceilings and ill-lit exhibition spaces.

We can try to hide the problems behind curtains and plastic sheeting. But the reality cannot be concealed: The buildings are too shabby. In the nation's museum—to which Americans have contributed more than 12 billion of their tax dollars over the years—this embarrassment is not acceptable. It's no way to represent America.

The Smithsonian has hesitated in the past to put before Congress the full scale of its repair and renovation needs. It has tried instead to make do. But it will be undone by making do, and the American people will be the losers.

So we intend to face the problem and to transform the physical environment of the Smithsonian during the coming decade. The United States is in a period of immense public and private prosperity, and we should take every opportunity to turn that wealth to the long-term well-being and enhancement of the nation. Restoring the museums of the Smithsonian to a condition that befits the high place of our nation in the world will be a splendid legacy from this generation to future generations of Americans.

In January the nation will swear in the new century's first Congress and inaugurate its first president. They must be committed to preserving the nation's heritage. At the same time, we as private citizens must do our part to meet this critical need.

Americans should not have to wonder why their treasures are housed in buildings that seem to be falling apart. Instead they should marvel at the grandeur of the spaces and at the objects that are the icons of our history.

CHINA PERMANENT NORMAL TRADE RELATIONS LEGISLATION

Mr. BAUCUS. Mr. President, I would like to spend a few moments talking about the issue of PNTR, Permanent Normal Trade Relations, with China. Last month, the House passed H.R. 4444. That bill authorizes PNTR for China once the multilateral protocol negotiations are completed and the WTO General Council approves China's accession. The bill includes a solid package of provisions that establishes a framework for monitoring progress and developments in China in the human rights area. It also provides for enhanced monitoring of China's compliance with its trade commitments.

Now, it is our turn in the Senate to act. We have two challenges. First, we need to debate the bill now, not later. And, second, we need to pass the bill without amendment. I call on the Majority Leader to set a date certain in July to start this process.

Extending permanent normal trade relations status to China. Regularizing our economic and trade relationship with China. Bringing China into the global trade community. Helping the development of a middle class in China. Developing an environment between our two countries where we can productively engage China in significant security, regional, and global discussions. These are not Democratic issues. These are not Republican issues. These are national issues. Passage of PNTR is a first step, and it is critical to America's national economic and security interests.

Support in the Senate is strong. I believe there will be an overwhelming vote in favor of final passage. Republicans and Democrats. Small states and large. East and West. North and South. Conservative and liberal. Most of us

recognize how important this is to our country, to the region, and to the world.

That is why I will continue to urge the Majority Leader to set a firm date to bring the PNTR bill to the floor so we can move this legislation. I ask my colleagues, Republican, as well as Democrat, to join me in delivering that message to the Majority Leader.

Once it comes to the floor, there will likely be a plethora of amendments, some germane and others non-germane. The Senate has its own rights and prerogatives. I will always defend the right of Senators to offer amendments to a bill. But, I am concerned that amendments in the Senate, which would force the bill into a conference with the House, would lead to delaying, and perhaps jeopardizing, final passage of this landmark legislation. We cannot afford such a development.

H.R. 4444 is a very balanced bill. It deals with the major concerns relative to China's entry into the global trading system. Therefore, along with many of my colleagues, I have made a commitment to oppose any amendment to H.R. 4444, no matter how meritorious the amendment might be on its own terms. Prompt passage and enactment of this bill should be a top bipartisan priority. I urge all my colleagues to join me in making the commitment to oppose any attempt to amend this legislation.

H.R. 4444 ensures that future U.S. administrations will closely monitor China's compliance with its WTO obligations and with other trade agreements made with the United States. It will make the administration in the future act promptly in the case of damaging import surges. It provides for a vigorous monitoring of human rights, worker rights, and the import of goods produced by forced or prison labor. H.R. 4444 also provides for technical assistance to help develop the rule of law in China. It enhances the ability of U.S. government radios to broadcast into China. And it states the sense of Congress regarding Taiwan's prompt admission to the WTO.

To repeat, extending PNTR to China is vitally important to America's economic and strategic interests. Our top priority should be a bill approved by the Senate identical to H.R. 4444 so that it can immediately be sent to the President for signature. I hope we complete action rapidly in July.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 28, 2000, the Federal debt stood at \$5,649,147,080,050.00 (Five trillion, six hundred forty-nine billion, one hundred forty-seven million, eighty thousand, fifty dollars and no cents).

One year ago, June 28, 1999, the Federal debt stood at \$5,640,294,000,000 (Five trillion, six hundred forty billion, two hundred ninety-four million).

Five years ago, June 28, 1995, the Federal debt stood at \$4,948,205,000,000 (Four trillion, nine hundred forty-eight billion, two hundred five million).

Twenty-five years ago, June 28, 1975, the Federal debt stood at \$535,337,000,000 (Five hundred thirty-five billion, three hundred thirty-seven million) which reflects a debt increase of more than \$5 trillion—\$5,113,810,080,050.00 (Five trillion, one hundred thirteen billion, eight hundred ten million, eighty thousand, fifty dollars and no cents) during the past 25 years.

ADDITIONAL STATEMENTS

HOW NOT TO SQUANDER OUR SUPERPOWER STATUS

• Mr. BIDEN. I rise today to comment briefly on an extremely thought-provoking opinion piece by Josef Joffe in the June 20th edition of the New York Times. The article was entitled "A Warning from Putin and Schroeder." It describes how the current global predominance of the United States is being countered by constellations of countries, which include allies and less-friendly powers alike, and how American behavior is aiding and abetting this development.

Mr. Joffe is the co-editor of the prestigious German weekly *Die Zeit*. He received his university education in the United States and is well known and respected in American foreign policy circles. In short, his thoughts are advice from a friend, not hostile criticism from an embittered or jealous antagonist.

The take-off point of the article, from which its headline is derived, was the recent summit meeting in Berlin between German Chancellor Gerhard Schroeder and Russian President Vladimir Putin during which Putin employed the classic Muscovite tactic of wooing Europe's key country in an effort to have it join Russia as a counterweight to us.

Fair enough, Joffe says. Whenever the international system has been dominated by one power, a natural movement to restore the balance has arisen. With regard to the United States, this is nothing new—the Chinese, as well as the Russians, have been decrying a "unipolar world" and "hegemonism" for years.

But Germany—the country the United States practically reinvented from the ashes of World War II, ushered back into the civilized family of nations, and then stood out as the only champion of re-unification only a decade ago? No matter how gushy a host he wished to be, how could the Chancellor of this Germany suddenly be calling for a "strategic partnership" with Russia?

One answer, according to Joffe, is the obvious and passionate hostility to the

U.S. national missile defense project, known popularly as NMD, which the Russians and our German allies—for that matter, all of our European allies—share.

A second reason can be traced to the obvious shock at the overwhelming American military superiority shown in last year's Yugoslav air campaign. The manifest European military impotence impelled the European Union to launch its own security and defense policy, which NATO is now struggling to integrate into the alliance.

To some extent, then, the very fact of our current power—military, economic, and cultural—makes attempts at creating a countervailing force nearly inevitable.

But there is more. It is not only the policy that spawned NMD that irritates our European allies. What also irks them is the cavalier way in which we neglected to consult with them in our rush to formulate that policy. As Joffe trenchantly puts it, "America is so far ahead of the crowd that it has forgotten to look back."

In this, the second half of his explanation, I fear that Joffe is on to something: a new kind of American hubris. Again, his use of English is enviable. He describes the behavior of Congress these days as "obliviousness with a dollop of yahooism" (I assume he isn't talking about the search engine).

Mr. President, no one loves and respects this body more than I do. I believe that the American people is exceedingly well served by the one hundred Senators, all of whom are intelligent and hard-working.

Nevertheless, I note with dismay an increasing tendency in this chamber—I will leave judgments of the House of Representatives to others—for Members to advocate aspects of foreign policy with a conscious disregard, occasionally even disdain, for the opinions of our allies and the impact our policies have on them.

This kind of unilateralism was exhibited in the floor debate last fall on ratification of the Comprehensive Test Ban Treaty by one of my colleagues who, in responding to an article jointly authored by British Prime Minister Tony Blair, French President Jacques Chirac, and German Chancellor Schroeder, declared: "I don't care about our allies. I care about our enemies."

No one, Mr. President, is advocating abandoning or compromising the national interest of the United States simply because our allies oppose this or that aspect of our foreign and security policy.

But power—in the current context, our unparalleled power—must be accompanied by a sense of responsibility.

Mr. Joffe alludes to this power-and-responsibility duality in recalling the golden age of bipartisan American foreign policy in the years immediately following the Second World War, when

Republican Senator Arthur Vandenberg and Democratic President Harry S. Truman collaborated on halting the spread of communism and on helping create the international institutions that remain the cornerstones of our world more than half a century later. As he puts it "responsibility must defy short-term self-interest or the domestic fixation of the day."

Mr. President, one does not have to agree with all of Joffe's arguments to admit that his assertions at least merit our serious consideration. For if we do not begin to realize that even the United States of America needs to factor in the opinions of its friends when formulating foreign policy, it may not have many friends to worry about in the future.

And if that development occurs, we will almost certainly no longer retain the sole superpower status that we now enjoy. ●

TRIBUTE ON THE 100TH ANNIVERSARY OF MANCHESTER, VERMONT

● Mr. JEFFORDS. Mr. President, I rise today to note the 100th anniversary of the Charter of Manchester Village.

Manchester Village lies in the valley of the Battenkill River nestled between the Green Mountains to the east and the Taconic Mountains to the west. Due to its geography and topography, Manchester Village has been at the crossroads of the earliest trails and roads in Vermont. The slopes of Mount Equinox, which rise 3,800 feet above the village, provide numerous fresh water streams and natural springs for the enjoyment of the resident and visiting populations.

From its earliest days to the period of the Civil War, Manchester was very much frontier country with numerous inns and taverns at its crossroads. In 1781, according to the town history detailed in the 1998 Village Plan, "there were no churches, but there were four taverns, a jail, a pillory and a whipping post." But by 1840, Vermont was the slowest growing state in the Union, as much of the natural resources of the state had been depleted, and wool imports from Australia had brought an end to a brief boom of sheep raising in Manchester and other parts of the state.

Beginning just prior to the Civil War, however, tourists began to discover Manchester. In 1853, the Equinox Hotel was opened by Franklin Orvis, who converted an inn that had begun in 1770. In 1863, when Mrs. Abraham Lincoln and her son, Robert Todd, stepped off the ten o'clock train, Manchester's reputation was made. Later, Presidents Ulysses S. Grant, William Howard Taft, Benjamin Harrison, Theodore Roosevelt, and Vice-President James S. Sherman would follow as visitors to Manchester Village.

Today, the Equinox remains as one of Vermont's grandest establishments. The Village is also home to Hildene, the summer home of Robert Todd Lincoln and now operated as a house museum. The Southern Vermont Art Center, the Mark Skinner Library, Burr and Burton Academy, and two world class golf courses can be found in Manchester Village, along with numerous delightful inns and hotels, charming churches, exquisite restaurants, engaging museums, enchanting galleries and unique shops.

Manchester Village thrives today in large part due to careful planning and the guardianship of an impressive streetscape characterized by marble sidewalks, deep front lawns, large, historic buildings, and an absence of fences. Village residents have faced the challenge of responsible and active stewardship since the tourist boom of the second half of the 19th century, and the Village Charter is an important part of that history.

For some details of the genesis of the incorporation of Manchester Village 100 years ago, I turn to "The Manchester Village Charter," written by Mary Hard Bort and reprinted here by permission of the Manchester Journal. Congratulations to the Village of Manchester on the event of its 100th birthday. I ask that that be printed in the RECORD.

The material follows.

THE MANCHESTER VILLAGE CHARTER

(By Mary Hard Bart)

By 1900 a building boom was flourishing in Manchester Village. It was nearly impossible to hire a carpenter and the "summer people" who intended to build "cottages" that year often found it necessary to hire labor from out of town.

Some twenty years earlier in 1880 Village boundaries had been laid out by the town's selectmen and approved by the Vermont Legislature for the purpose of providing fire protection in Fire District #2 (the Village).

In 1894 John Marsden came to Manchester from Utica, NY and contracted to purchase the springs on Equinox Mountain from the Fire District and rights of way for a water system. Prior to this time water for fighting fires was stored in huge barrels strategically placed throughout the Village and individual households were supplied by wells, or springs, or cisterns.

Pipes were laid, a reservoir built and The Manchester Water Company was formed in October 1894. The company had purchased all the water contracts, springs, rights of way and conduits from the Marsden family. Officers of the corporation included Mr. Marsden, Mason Colburn of Manchester Center, J.W. Fowler of Manchester Depot and E.C. Orvis of the Village. The Marsden family continued to manage the water company until it was purchased by the Town of Manchester in 1980.

With a water system in place, the need for a sewage system was pressing. The inadequacy of the open trench installed by Franklin Orvis in 1882 was apparent and, in the spring of 1900, public spirited Village residents borrowed enough capital to build proper sewer lines through District #2. Many householders put in bathrooms at this time

and eschewed the outhouses that had served their modest needs up til then. These sewer lines emptied directly into the Bauerkill and it was not until 1935 that a modern sewage treatment plant was built with federal funds, appropriated Village funds and private contributions.

Back in 1858 citizens of the Village had petitioned the Legislature for authority to create a charter and had received permission to do so but no action had ever been taken. Now, at the end of the century, an entity with the authority to purchase and construct a sewer, to provide street lights, to regulate the width and grade of roads and sidewalks, to prohibit certain activities, regulate others and to protect property was clearly in order.

The desire on the part of Village leaders to develop Manchester as a fine summer resort with all the amenities city people expected proved to be a strong incentive for action. These men whose vision of a thriving summer resort led to the building of elegant summer cottages, a golf course and the opening of new streets were not satisfied with the progress being made by the town in providing services they deemed essential.

Village voters were called to a series of meetings at the Courthouse where the need for a charter was explained and by October a bill was presented by Edward C. Orvis. He was the son of Franklin Orvis and the current operator of the Equinox House, a selectman for eight years and a representative and, later, senator in the Vermont Legislature. Also on the committee were William B. Edgerton, well-known realtor and creator of several spacious summer estates, and Charles F. Orvis, now elderly but with a wisdom greatly valued and respected in the village. He was the proprietor of the Orvis Inn as well as the manufacturer of fishing equipment.

On November 11, 1900 the Bill of Incorporation for the Village of Manchester, Vermont passed in the House of Representatives and was signed by the governor.

On December 3, 1900 the voters of Fire District #2 met at the Courthouse and following an explanation of the provisions of the charter, adopted the Village Charter, unanimously. The Charter compels the Village to assume the obligations and duties of Fire District #2, which ceased to exist with the adoption of the charter. Also incumbent upon it is care of its highways, bridges and sidewalks. Permitted are improvements to public grounds, sidewalks and parks and ordinances compelling property owners to remove ice, snow and garbage from their property. Also allowed are street lights provided by the Village and the purchase or construction of sewers as well as the regulation of the width and grade of streets and sidewalks.

Elected to serve this new Village of Manchester were: Edward C. Orvis, as president, D.K. Simonds, clerk, George Towsley, treasurer and Trustee; C.F. Orvis, Hiram Eggleston, M.J. Covey and Charles H. Hawley. Promptly on January 10, 1901, according to provisions in the Charter, the Village of Manchester purchased from private investors, the sewer that served it.

Quickly following on the heels of incorporation, the Manchester Development Association was formed in 1901 to promote tourism in the area. This group, made up of full-time and summer residents, underwrote the printing of 15,000 promotional booklets extolling the virtues of Manchester-in-the-Mountains as a summer resort. Its newly opened golf course (the Ekwanok), its pure spring water, its "salubrious" climate were sure to bring people here.

In 1912 the Village hired a special police officer for the summer to control the traffic. The mix of automobiles and horses had created some dangerous situations and some automobile drivers were accused of driving too fast for conditions.

In 1921, the year after women secured the vote, Mrs. George Orvis, who had taken over the Equinox Hotel after her husband's death, was elected president of the Village.

Assaults on the integrity of the Village as a separate entity have been vigorously repelled. In 1956 a measure to consolidate the Village with the Town was soundly defeated and, though fire protection and police protection are provided by the Town of Manchester, the Village retains its own planning and zoning boards and its own road department and the privilege of hiring additional police officers if it deems that necessary.

Numerous amendments had been made to the charter over time. As estates bloomed land was added to the Village, other amendments brought the charter up to date as time went on. A new document was written to bring the charter up to date in language and in provision and it was approved by the Town of Manchester and by Village voters and by the Legislature in 1943.

For one hundred years Manchester Village has existed as a recognized legal entity with the rights, privileges and obligations that follow. Its officers today guard its integrity with as much vigor as did their predecessors.

July 2000.●

TRIBUTE TO JIM DUNBAR

● Mrs. BOXER. Mr. President, on July 14, Jim Dunbar will rise well before dawn, drive to San Francisco, and broadcast his morning show on KGO radio. As he has done each weekday for the past quarter century, Jim will read and comment on the news, tell a few stories, and take listeners' calls. He will help his audience start their day in a good mood, armed with good information about the world.

For 37 years, Jim Dunbar has served KGO and the people of the Bay Area with dignity, intelligence, and good humor. He blends solid reporting with amiable companionship without compromising either his journalist's integrity or his personal charm. He gives his listeners a good morning and his profession a good name.

Speaking as one of his many listeners, I must add the one piece of sad news in this story: Although Jim Dunbar will still contribute radio essays and special reports for KGO, July 14 will be his last morning show. Like thousands of others, I will miss Jim Dunbar in the morning, and I wish him all the best in his future endeavors.●

FAIRFAX COUNTY URBAN SEARCH AND RESCUE TEAM

● Mr. WARNER. Mr. President, I rise today to honor a fine group of Americans who have performed a remarkable service to this country and to our global community. The Fairfax County Urban Search and Rescue Team were honored on June 27, 2000 in a ceremony held at The Pentagon for their extraor-

inary efforts over the past 14 years. The following remarks were delivered on this occasion by Secretary of Defense William Cohen:

Senators Warner and Robb, Congressmen Moran and Davis, thank you all for joining us here today and for your tireless efforts on behalf of our men and women in uniform. Deputy Secretary DeLeon; Assistant Chief of Fairfax County Urban Fire and Rescue Team, Mark Wheatly; members of the Fairfax County Urban Search and Rescue Team and your families and friends; distinguished guests—including our canine friends; ladies and gentlemen. It is a pleasure to welcome all of our guests, whether they arrived on two legs or on four.

Two years ago, I received a call in the middle of the night. It was the tragic news of the embassy bombings in Kenya and Tanzania. And I think all Americans—indeed, people the world over—were simply stunned by the unspeakable cruelty and inhumanity of that act, the lives of 267 innocent men and women snuffed out in a single instant of indiscriminate violence.

Such moments force us to pause and reflect on the thinness of the membrane that separates this life from the next, on how quickly our hearts can be stopped and our voices can be silenced. And there is the futile wish that we all experience in grief: the wish to turn back the hand of time, to reverse what fate has just dictated. Of course, we cannot. But what we can do is renew our appreciation of the precarious and precious nature of our lives, resolve to use our time and energy to preserve and protect the sanctity of life and freedom, and rededicate ourselves to those principles of humaneness and generosity.

Today, we are here to honor and express our thanks to a group of men and women who have taken that ideal to its highest expression, who have made that ideal both a career and a calling. Time after time over the past 14 years, those of you in the Fairfax County Urban Search and Rescue Team have responded to some of the worst disasters of our time: Mexico City, Armenia, Oklahoma City, Turkey, the Philippines, and Taiwan. You have gone into cities whose devastation could vie with Dante's vision of hell. And upon your arrival, there has been no food, no water, no electricity. On every block, horrific scenes of carnage. On every face, confusion, fatigue, and grief. But in every case, you have used your energy, innovation, and skill to make a tangible difference in the lives of disaster victims.

Sometimes it has been risky and harrowing, such as in the Philippines, where your team worked more than 9 hours in a collapsed hotel to free a trapped man while ground tremors from the earthquake continued.

Sometimes it has been a combination of thoughtful planning and sheer luck, such as when a special camera was able to locate an 8-year-old boy, who had practically been buried alive when his bunk bed collapsed under the weight of a crushed building in Turkey. Sometimes it has been grim and bitter-sweet, such as when you were able to save an elderly woman in Armenia who was the sole survivor from her building.

The rest of us can only imagine the physical and psychological toll that these types of missions take on each of you: day upon day of work without sleep, the chaos of the circumstances, the calls for help and relief that far outnumber your resources and manpower.

So we wanted, on behalf of the Department of Defense, to pay tribute to your efforts and

say thank you; in particular, for the aid that you provided during our response to the tragedy in Kenya and Tanzania; but more broadly, for your sacrifices and those of your families and friends, who have provided so much support during your deployments.

We want to commend you for the message of friendship that you have sent to the people of other nations on behalf of the United States. When you go to a foreign country and raise your tents, with those American flags sewn on top, and use your skill, patience, courage, and compassion to help other people, that sends a powerful message of goodwill to other nations.

That is precisely the type of positive example that we in the Department of Defense encourage in our soldiers, sailors, airmen, Marines, and Coast Guardsmen when they are abroad. Because it is a very eloquent and enduring statement about what America stands for.

I cannot tell you how many times my counterparts abroad have expressed to me their gratitude—to the United States and the American people—for some type of assistance or aid. That type of relationship—including the trust, respect, and appreciation that you earn—is indispensable to diplomacy, stability, and peace. And so we thank you.

Finally, I want to congratulate you for the example that you have set for cooperation between the military community and the civilian community. Several of you have already participated in our Domestic Preparedness Program, and your efforts are going to be even more important in the future as terrorism and weapons of mass destruction become greater threats here in the United States. Every time we work with you to get your gear and trucks onto an air transport or fly you to a distant location, our partnership becomes more valuable for you and for us. Ultimately, when the sirens sound the next time, that experience will allow even more lives to be saved.

Just across the hall from my office here in the Pentagon there is a painting of a soldier in prayer. It is graced with an inscription taken from the Book of Isaiah. In the passage, God asks: "Whom shall I send? And who will go for us?" And Isaiah answers: "Here I am. Send me."

Today it is my pleasure to honor an extraordinary group of Americans who, in the dark and decisive hours after tragedies, have always been willing to say, "Here I am. Send me." You proudly represent not only Fairfax County and the state of Virginia, you represent the best of America and the better angels of our nature.

TRIBUTE TO LUCY CALAUTTI

● Mr. REID. Mr. President, I rise today to pay tribute to a woman who has dedicated her career to public service and is a good friend, Lucy Calautti.

I have known Lucy Calautti for twenty years, since she was the Chief of Staff for then Congressman DORGAN, even before becoming his chief of staff in the U.S. Senate. Throughout the years I have been inspired by her intelligence and political skills in the service of the United States Congress.

Many people on the Hill know about Lucy's professional accomplishments, but few of them know about the incredible service she has rendered our nation before she can to Washington. Lucy

Calautti's extensive and varied career in the interest of the public, includes service in the United States Navy as an aerial photographer during the Vietnam War. After that her inspiration to serve the American people never faded—in fact it was enhanced—as she photographed protesters outside the 1968 Democratic convention. Her experience in Chicago at the convention of the social turmoil in our country at that time were some of the experiences that has made Lucy the dynamic and sensitive person she is.

Lucy headed west to North Dakota from her birthplace in Queens, New York. She fell in love with the people and land of North Dakota as much as the people and land of North Dakota fell in love with her. She admired North Dakotans' independence, their hard work, and their idealism. It wasn't long after Lucy arrived in North Dakota that she began working with now Senator DORGAN when he became the elected State Tax Commissioner. Theirs was a unique working partnership—one that has lasted more than a quarter of a century.

In her lifetime, Lucy has also been a champion for the rights of women, children, and working families. Some may not know how tirelessly Lucy Calautti has fought for women's rights throughout her career. Lucy began her dedication to the rights of women when she participated in landmark anti-discrimination litigation. As a female GI, she was a courageous pioneer who realized first-hand that the benefits extended to women paled in comparison to the benefits extended to her male colleagues. Lucy took up the cause, and made sure that, for the first time, full GI benefits were provided to women serving in the military. Lucy continued her career in grassroots organizing on behalf of the Women's Democratic Caucus in North Dakota. In fact, The Hill newspaper would later anoint Lucy the "best political organizer the state of North Dakota has ever seen." And while so many people would have stopped with just these accomplishments, Lucy continued to establish the first public child care center in North Dakota, extending the most necessary service to women who juggle work, family, and far too often, poverty.

Lucy's career in public service has also included one of the most important positions in American society today—teaching. Lucy shaped the minds of our future leaders through her years as a high school and college-level teacher. To this day, Lucy continues her commitment to our nation's children, reading to DC-area children every week. Truly, an inspiration.

Lucy has, literally, shifted the political landscape in North Dakota and the U.S. Senate. As campaign manager Lucy Calautti engineered a come-from-behind victory for KENT CONRAD in the

1986 U.S. Senate race against a seated Republican, marking the first time since 1944 that an incumbent North Dakota Senator lost a reelection bid. Her knowledge of the people of North Dakota coupled with her superior grassroots organizing skills and her media savvy resulted in a campaign that is so respected, it was the subject of a book entitled "When Incumbency Fails."

Contemporaries know Lucy most for her leadership in the office of Senator DORGAN, as she has served as Chief of Staff to Senator DORGAN for more than twenty years. During this time, Lucy performed a key role in shepherding key legislation through the United States Senate. It wasn't too long ago that Lucy played an instrumental role with the Democratic party, staving off the Republican push for a Balanced Budget Amendment, and worked to push an amendment that would not harm Social Security. In those tense days, Lucy was the calm inside the storm, as she quickly worked for a common-sense approach to the issue at the same time she helped bring the state of North Dakota into the limelight. For her skills in politics and legislation, Lucy has been praised universally by her peers. A former aide to the late Senator Quentin Burdick lauded Lucy Calautti as "incredibly astute about politics and human nature, and absolutely brilliant at running a campaign." Former coworkers reserve the highest accolades for Lucy, including one, who praised Lucy as "smart, analytical, meticulous, loyal, and a hard worker." The Hill newspaper even crowned Lucy Calautti with the title of "most powerful woman in the nation's capital."

Now, we are losing Lucy to one of her lifetime loves—baseball. I suppose it is only natural that Lucy return to one of her first and most ardent interests. Growing up in Queens, Lucy lived not too far from Shea Stadium where she began her love of our nation's favorite pastime. Last week, her father passed away. He instilled in her a love of the game of baseball, among so many other attributes. She walks in her father's footsteps, and I'm sure he's the proudest Dad in the world. It is with a great deal of respect that I pay tribute to Lucy Calautti today. Soon, Lucy will join the Major League Baseball Organization as Director of Government Relations. She'll still be playing ball with us, and it's be fun.

Thank you, Lucy, for the time we have been able to enjoy your magnificent intellect and skills in the United States Senate. I thank you for your hard work, your dedication, your idealism, and your service to our country and most of all for you and KENT being the good friends you have been to Landra and to me.●

TRIBUTE TO R. GENE SMITH

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to my good friend and philanthropist, R. Gene Smith.

I have had the privilege of knowing Gene for many years, and have always been able to witness his compassion for others on numerous occasions. Gene has a kind heart and a giving spirit, and constantly thinks of ways to help those less fortunate than himself. Eight years ago, he offered another of his generous gifts to a fourth grade class in Louisville. In a spectacular show of kindness, Gene promised an all-expense paid college education to 58 students at Jefferson County's poorest school, Engelhard Elementary. The students' part of the deal entailed completing high school and gaining acceptance to a post-secondary college or university. As fourth graders, these children probably couldn't grasp the incredible opportunity they were offered then, but they certainly understand it now.

As Gene often does, he went the extra mile on his promise and committed to helping each of the 58 students graduate from high school. He created the R. Gene Smith Foundation to meet the academic, social, and emotional needs of each child. Over the students' eight-year journey to graduation, the Foundation served as a haven for the children and facilitated learning and personal growth opportunities. In spite of numerous obstacles, Gene and his students exceeded expectations and recently celebrated the graduation of 31 of the original 58 students.

Gene gave an amazing gift. Not only did Gene provide a free college education, but he provided each of the students and their parents with compassion, motivation, and peace of mind over the last eight years. He prevented 31 sets of parents from having to worry about whether they would have the money to pay for their child's education. He provided 31 students with hope for a bright and successful future.

Although this latest act of compassion is extraordinary, it is only one example of Gene's generosity. Gene chaired fund-raising efforts for Neighborhood House, a community center in a poverty-stricken area of Portland, Kentucky. He supports a preschool program for underprivileged children in Kentucky, called Jump Start. Additionally, he donated \$1 million towards redevelopment of the Louisville waterfront. Gene also lends his support to such civic groups as the Speed Art Museum, the Cathedral Heritage Foundation, the University of Louisville Hospital Foundation, and Greater Louisville, Inc.

On behalf of myself and my colleagues in the United States Senate, I offer heartfelt thanks to Gene for his continuing commitment to helping others and a hearty congratulations to

the 31 hardworking high school graduates.●

MARIA'S CHILDREN AND RUSSIAN ORPHANS

● Mr. DODD. Mr. President, I want to advise our colleagues and their staff, and their constituents visiting Washington, of an educational exhibit in the Russell Rotunda next week. The exhibit will include examples of colorful murals used by the volunteer group, Maria's Children, a Moscow-based arts rehabilitation center, as arts therapy and training for Russian orphans with learning difficulties. This therapy has produced encouraging results.

Maria's Children is a Moscow-based foundation, with U.S.-based Board members and volunteers, established to help children in Russian orphanages recognize their creative potential, thereby developing their talents and self-esteem so as to improve their chances of successful integration into Russian society. Created in 1993 by Maria Yeliseyeva, a local Moscow artist, and her friends, the project quickly found that through art, these orphans could come to express themselves in ways they had not known before, improving both their social and psychological development. Through a combination of arts therapy and exposure to normal family life, Maria's Children have literally given these children a second chance. The program has expanded over time and has started a summer art camp for orphans and is associated with Dr. Patch Adams annual clown tours of Moscow. The art work of the children has been featured in several Moscow exhibits and is helping to change Russian attitudes and views of what orphans are capable of achieving.

The exhibit will show in the Russell Rotunda from July 3-7. From there, it will move to the Russian Cultural Centre, here in Washington, and will be on display from July 8-21. The exhibit will also show across the United States throughout the summer, appearing in New York City at the National Art Club from July 28-August 6; at the Edina Southdale Court in Minneapolis from August 11-19; and at the Bumbershoot Festival in Seattle from September 1-4.

I invite our colleagues and their staff to visit this exhibit and learn about the important work that is being done by Maria and her colleagues to improve the opportunities for orphans in Russia.●

IN MEMORY OF MR. ARTHUR SALTZMAN

● Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mr. Arthur Saltzman, of Franklin, Michigan, who passed away on June 18, 2000, at the age of 79. Mr. Saltzman was not only a

friend, but an inspiration—a man who dedicated much of his life to improving the State of Michigan.

Born in New York City in 1920, Mr. Saltzman came to Michigan to work for Ford Motor Company, where he was in charge of training/management programs for salaried employees.

After Mr. Saltzman retired from Ford, he worked for the Greater Detroit Chamber of Commerce, was a consultant with the U.S. Department of Energy in Washington, DC, and was Director of the Michigan State University Advanced Management Program in Troy, Michigan. He also was Director of the Michigan Economic Opportunity Office and a member of the Oakland University Charter Board of Trustees.

Mr. Saltzman earned his Bachelor's, Master's and Doctoral degrees from New York University. During World War II, he was with the Army Specialized Training Program, serving in both the Philippines and Tokyo.

Surviving Mr. Saltzman are his wife, Florence, with whom he celebrated his 50th Anniversary on January 30, 1999; daughters Amie R. Saltzman and Sarah Saltzman; his sister, Doris Chartow of Syracuse, New York; grandchildren, Joshua and Joanna; five nephews and four nieces.

Mr. President, Arthur Saltzman was a leader in the Michigan Republican Party at both the State and County level. I had the privilege to work with him on many occasions, and I found it to be a wonderful experience each and every time. Arthur was a man who truly enjoyed life, and his love for living was infectious. I am sure that he will be deeply missed by everyone who knew him.●

CHILD HANDGUN INJURY PREVENTION ACT

● Mr. KERRY. Mr. President, yesterday I introduced legislation, along with my good friend from Ohio Senator DEWINE, that will set minimum standards for gun safety locks. There has been a lot of discussion swirling around the U.S. Congress and in State legislatures throughout the country about the use of handgun safety locks to prevent children from gaining access to dangerous weapons. In fact, just last week New York became the latest State to require that safety locks be sold with firearms. Seventeen states have Child Access Protection, or CAP laws in place, which permit prosecution of adults if their firearm is left unsecured and a child uses that firearm to harm themselves or others.

An important element that is largely missing from the debate over the voluntary or required use of gun safety locks is the quality and performance of these locks. Mr. President, a gun lock will only keep a gun out of a child's hands if the lock works. There are many cheap, flimsy locks on the mar-

ket that are easily overcome by a child. In fact just last week in Dale City, VA there was an absolutely heart-wrenching accidental shooting of a 10-year-old boy by his 13-year-old brother. The parents of these young boys purchased both a lock box and a trigger lock and I'm sure they assumed that they were safely storing their weapon.

But, as was reported in Saturday's Washington Post, the boys easily got past the flimsy lock box and then got around the lock. This incident ended in unspeakable, but all too common tragedy with the death of a 10-year-old boy at the hands of his brother.

Mr. President, the legislation Senator DEWINE and I introduced yesterday might have prevented the accidental shooting of that young boy last week. Our legislation gives authority to the Consumer Product Safety Commission to set minimum regulations for safety locks and to remove unsafe locks from the market. Our legislation empowers consumers by ensuring that they will only purchase high-quality lock boxes and trigger locks.

Storing firearms safely is an effective and inexpensive way to prevent the needless tragedies associated with unintentional firearm-related death and injury. And I am pleased that several states, including my home state of Massachusetts, have required the use of gun safety locks. Last July here in the U.S. Senate we passed an amendment that would require the use of gun safety locks.

So, while I am encouraged by this trend of increasing the use of gun safety locks, I am genuinely concerned that with the hundreds of different types of gun locks on the market today it is difficult—probably impossible—for consumers to be assured that the lock they are purchasing will be effective.

The latest data released by the Centers for Disease Control in 1999 revealed that accidental shootings accounted for 7 percent of child deaths and that more than 300 children died in gun accidents, almost one child every day. A study in the Archives of Pediatric and Adolescent Medicine found that 25 percent of 3- to 4-year-olds and 70 percent of 5- to 6-year-olds had sufficient finger strength to fire 59 (or 92 percent) of the 64 commonly available handguns examined in the study. Accidental shootings can be prevented by simple safety measures, one of which is the use of an effective gun safety lock.

As I have already mentioned, Mr. President, the use of gun safety locks is increasing in the United States. Despite the growing use of gun safety locks, such products are not subject to any minimal safety standards. Many currently available trigger locks, safety locks, lock boxes, and other similar devices are inadequate to prevent the accidental discharge of the firearms to which they are attached or to prevent

access and accidental use by young children. Consumers do not have any objective criteria with which to judge the quality of gun safety locks.

My colleagues on both sides of the aisle should be able to support this amendment. The legislation does not require the use of gun safety locks. It only requires that gun safety locks meet minimum standards. The legislation does not regulate handguns. It applies only to after-market, external gun locks.

The Senate has been gridlocked since last July over the issue of gun control. And you can be sure that young lives have been needlessly lost due to our inaction. This legislation—which I truly believe every Senator can support—would make storing a gun in the home safer by ensuring safety devices are effective. It would empower consumers. And most importantly it would protect children and decrease the numbers of accidental shooting in this country.

We simply cannot stand by any longer and watch our young children fall victim to accidental shootings. We cannot hear about tragedies like the one last week in Dale City, VA without responding. This legislation is a step in the right direction, one I believe every Senator should support.●

CAREY FAMILY REUNION

● Mr. BURNS. Mr. President, I rise today to acknowledge the achievement of the Carey Cattle Operation in Boulder, Montana.

In the late 1800's Bart Carey settled in the Boulder Valley. Two of his sons worked the mines and mills in Montana and Idaho hoping to stake their own ranches in the Valley.

Frank, the patriarch of the operation, followed the gold rush north to Alaska, enduring shipwreck and a winter living with an Eskimo family. After returning to the Valley he established a ranching legacy that endures to this day. Frank and his wife Mary Ellen have 12 children and 45 grandchildren.

Their legacy of cussed independence, integrity, and determination instilled in their children the qualities of hard work, responsibility and most importantly a deep abiding faith in God.

This attitude of responsibility fostered a deep sense of patriotism and resulted in their son, Martin B., answering his nation's call during World War II. He was joined by four sisters—Lillian, Agnes, Eleanor, and Josephine—who served as Navy nurses.

Service to our country, in spite of the demands of managing a thriving cattle operation, and the concessions that were available under such conditions saw their youngest son Tom, the current patriarch, answering the call during the Korean conflict.

As the only remaining son, Tom and his extraordinary wife Helen, carry on the tradition. Operating out of the

main ranch they have endeavored to instill these same values in their children and grandchildren. In spite of the current condition of American agriculture they are making every effort to ensure that their children and the children of Tom's siblings have every opportunity to continue their ranching legacy.

As the Carey family gathers for a reunion this Fourth of July they will find a base of operation being restored to its original state. They understand the importance of preserving history and their role in this dwindling aspect of the great American west.

I would like to extend my congratulations and sincere best wishes to the Carey family for high grass, plentiful water, and most importantly a fair market price for the fruits of their labor.●

RECOGNITION OF LOYAL CLARK AS NATIONAL FOREST SERVICE EMPLOYEE OF THE DECADE

● Mr. BENNETT. Mr. President, I rise today to recognize the accomplishments of Ms. Loyal Clark, Public Affairs Specialist and administrator of the Senior, Youth, and Volunteer Program in the Uinta National Forest located in my home state of Utah.

Ms. Clark has been instrumental in developing a model volunteer program that is clearly the largest in the nation, averaging 10,000 volunteers a year for the past decade. Ms. Clark has worked to ensure that the Uinta National Forest can accommodate and provide quality experiences for the numerous volunteer groups and individuals. When there have been more volunteers than available work, she has not turned them away, but has been able to direct their enthusiasm to adjacent forests and other state, county, and community projects. She is a key contact with the community, ensuring that volunteers know about opportunities and that they are matched with jobs they want to do.

Ms. Clark developed and presented a proposal to the forest supervisor to establish volunteer coordinators on each of the ranger districts in the forest. These coordinator positions have helped to provide the necessary staff for the Uinta to manage its huge volunteer program and to complete millions of dollars worth of vital project work, increasing the effectiveness of the Forest's budget by as much as twenty to thirty percent.

Ms. Clark has taken an active role to ensure various volunteers are recognized and rewarded. She has organized volunteer award ceremonies in the forest and actively ensures the nominations of volunteers for forest, regional, and national recognition. She is currently the team leader for the Uinta National Forest partnership team, which is active in pursuing new partner-

ships with the forest while also maintaining its current relationships.

She has not only made a difference in the Uinta National Forest, but has also visited many of the forest management teams throughout the Intermountain Region and shared her wealth of knowledge and experience in the management of effective volunteer programs.

Because of Ms. Clark's career-long commitment to working with volunteers, the United States Forest Service recently presented her with an award for being the National Forest Service Employee of the Nineties. I congratulate Ms. Clark on her well-deserved award from the Forest Service.

In closing, I am pleased to recognize and thank Ms. Loyal Clark today for her sustained efforts to enlist and encourage citizens to take ownership in their national forests and communities through volunteering.●

TRIBUTE TO GARFIELD AND SUNNYSIDE ELEMENTARY SCHOOLS

● Mr. CRAPO. Mr. President, I rise today to commend two Idaho schools, Garfield Elementary School in Boise and Sunnyside Elementary School in Kellogg for their high standards and excellent teaching records.

Last month, these two schools were recognized by the U.S. Department of Education and the National Association of Title I Directors as Distinguished Title I Schools. These two elementary schools were among the ninety schools nationwide to be recognized for their efforts toward student achievement in schools that teach students from low-income households. Garfield Elementary and Sunnyside Elementary exemplify Idaho's high education standards and I am honored to congratulate these two schools for receiving this national award.

This national honor is especially impressive when one recognizes that more than fifty thousand schools across the country use Title I funds to boost the achievement levels of students from low-income households. The distinction of 2000 Distinguished Title I School is awarded to schools whose programs offer children from educationally disadvantaged communities access to effective academic lessons. Education is crucial to the well-being of these future adults because it is often their means of upward mobility. Improved education opportunities allows these children to become better citizens and achieve their education and career goals, including higher paying jobs, and a better quality of life.

Much of Sunnyside Elementary's success can be attributed to an active parent volunteer program. For example, while the school has only 300 students, approximately 124 parents volunteer their time at least once a year and forty-nine parents volunteer at the school on a regular basis. A web page,

maintained by Principal Steve Shepperd and monthly school newsletters inform parents of school activities and highlight ways parents can get involved. The suggested tasks are often as simple as helping children with homework assignments.

Principal Shepperd says, "Just because sixty percent of the students we teach come from households that are at or near the poverty level, it doesn't mean that they cannot learn. We concentrate on setting high standards and we help the kids meet them by offering encouragement and extra assistance with their lessons." Principal Shepperd credits the dedicated teachers of Sunnyside Elementary for putting in extra time and for bringing so much of their energy into the classroom.

Garfield Elementary is noted for its tremendous community involvement. Student volunteers from Boise State University, most of them studying to be teachers, regularly tutor students after school. Garfield hosts an annual Career Day in which professionals from the community describe their careers and how they pursued them. The school also has a fifteen-member mentor program. Although none of the tutors have children of their own who attend Garfield, they come to the school frequently during lunchtime to read with children. This extensive community involvement is one of the reasons why the Iowa Test of Basic Skills for students at Garfield Elementary have risen as much as thirty points on a 100-point scale for some grades.

In addition to volunteering, parents at Garfield Elementary are encouraged by Principal Elaine Eichelberg to join one of the school's many committees. At the beginning of the year, each household receives a questionnaire that lists specific ways to help and asks parents to indicate their interest and availability. Principal Eichelberg says, "One of the best things parents can do to improve their child's education is to keep close tabs on their child's progress themselves and work with teachers when problems at school arise."

The national recognition that Sunnyside Elementary and Garfield Elementary have received reaffirms my belief that Idaho has some of the best teachers and administrators in the nation. Backed by strong involvement from parents and encouragement from the community, these elementary schools have demonstrated success in teacher training, utilized community resources, and established partnerships with parents.

There has been much debate about the success of the Title I program in the Elementary and Secondary Education Act. Schools like Garfield and Sunnyside show us that the programs implemented with the use of Title I funds do work. When we invest in quality education programs that focus on

basic skills, such as reading and mathematics, our low-performing students will improve. The methods employed in Idaho serve as a reminder that community and parental support often make the biggest difference in elementary education.

I am very proud of the accomplishments of these two schools. Their steady focus on hard work has put their students on a path of continued academic success.●

IN MEMORY OF MRS. JACQUELYN STEWART

● Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of a dear friend of mine, Mrs. Jacquelyn Stewart, who passed away on June 19 at the age of 59. Mrs. Stewart was not only a friend, but a truly special woman. She believed deeply in the ideals of the Republican Party, and worked extremely hard to fight for these ideals.

Mrs. Stewart was born in Detroit, Michigan. After attending Henry Ford Community College in Dearborn, Michigan, she attended the Oakland County Police Academy. She spent 15 years as an investigator with the Oakland County Prosecutor's Office.

On May 8, 1989, Mrs. Stewart was appointed to the Michigan Liquor Control Commission as an Administrative Commissioner. In 1997, Governor John Engler elevated her to position of Chairwoman of the Commission. For her work in that position, Mrs. Stewart is credited with restoring credibility to an agency that had fallen under controversy.

Mrs. Stewart also served the Oakland County Republican Party in many ways, most prominently as one of the top aides to former prosecutor and current County Executive, L. Brooks Patterson. In the mid-1980's, she led a petition drive that fell just short of placing a proposed restoration of the death penalty on the Michigan ballot.

Mrs. Stewart is survived by her husband, Mr. James Stewart, former longtime Huntington Woods Police Chief, as well as her sons, Chris and Timothy Boelter; daughter Elizabeth Rose; step-son James Stewart, and two brothers.

Mr. President, I consider it a privilege to have been able to know and work with Jackie Stewart. She was a woman of complete integrity, who fought for what she believed regardless of the odds against her. Her energy and boundless efforts were an inspiration to men and women throughout the State of Michigan, and I am sure she will be dearly missed by everyone who knew her.●

THE CHALLENGER LEARNING CENTER OF ALASKA

● Mr. MURKOWSKI. Mr. President, I rise to offer my congratulations to the

Challenger Learning Center of Alaska, its Board of Directors, and staffers, on their Official Launch Ceremony on July 7, 2000.

The Challenger Learning Center of Alaska will be part of the national network of 50 Learning Centers operating in the United States, Canada, and England established in memory of the 1986 Challenger Space Shuttle crew. Located in Kenai, Alaska, the Challenger Learning Center of Alaska simulates space missions to give students the opportunity to explore the endless possibilities available in science and technology fields.

Mr. President, currently 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's twelfth graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses. If we are going to turn these dismal statistics around this country needs an innovative approach to teaching. The Challenger Learning Center of Alaska is working towards ensuring that our elementary and secondary students of today are the best-educated and motivated college graduates of tomorrow.

The Challenger Learning Center programs will not only create an environment conducive to pursuing the sciences, they will also assist students in developing skills vital to every field. In the Alaska workplace of the 21st century, survival will depend on teamwork, problem solving, communication and decision-making. Like no other educational program, the Challenger Learning Center of Alaska will help all of Alaska's students develop these critical skills while providing the solid educational content that promotes science literacy.

Mr. President, educators continue to site education as the number one determinant in an individual's success. I believe that the Challenger Learning Center of Alaska will profoundly affect the future of Alaska. I commend the Challenger Learning Center staff, Board of Directors, NASA and statewide communities for their tireless efforts and dedication to our young Alaskans.●

MESSAGES FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 4680. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

H.R. 3240. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States.

ENROLLED BILLS SIGNED

At 8:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

At 9:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the Senate to the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3240. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify certain responsibilities of the Food and Drug Administration with respect to the importation of drugs into the United States; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on June 28, 2000, he had presented to the President of the United States the following enrolled bill:

S. 1309. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9482. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 Series Airplanes; re-

quest for comments; docket No. 99-NM-253 [5-12/5-22]" (RIN2120-AA64 (2000-0268)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9483. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Maule Aerospace Technology, Inc. M4, M5, M6, M7, MX7 and MXT7 Series Airplanes & Models MT7235 and M8235 Airplanes; request for comments; docket No. 2000-CE-04 [5-9/5-22]" (RIN2120-AA64 (2000-0269)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9484. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Unalaska, AK; docket No. 99-AAL-18 [4-24/5-22]" (RIN2120-AA66 (2000-0111)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9485. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Albion, NE, direct final rule, request for comments; docket No. 99-ACE-30 [5-5/5-22]" (RIN2120-AA66 (2000-0112)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9486. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishing of Class E Airspace; Salem, MO; docket No. 00-ACE-6 [5-5/5-22]" (RIN2120-AA66 (2000-0113)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9487. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Cuba, MO; direct final rule, confirmation of effective date; docket No. 00-ACE-3 [5-2/5-22]" (RIN2120-AA66 (2000-0114)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9488. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Sayer, MI and K.I. Sawyer, MI; new effective date; docket No. 99-AGL-42 [5-2/5-22]" (RIN2120-AA66 (2000-0116)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9489. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Visual Flight Rules; direct final rule; confirmation of effective date [5-19/5-22]" (RIN2120-AG94 (2000-0002)) received on May 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9490. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mitsubishi Heavy Industries, Ltd. MU-2B Series Airplanes; docket No. 97-CE-21 [5-15/5-18]" (RIN2120-AA64 (2000-0244)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9491. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc RB211-535 Series; docket No. 2000-NE-04 [5-12/5-18]" (RIN2120-AA64 (2000-0245)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9492. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200 Series Airplanes equipped with GE CF6-80C2 Series Engines; request for comments; docket No. 2000-NM-93 [5-4/5-18]" (RIN2120-AA64 (2000-0246)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9493. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes equipped with GE CF6-80C2 Series Engines; request for comments; docket No. 2000-NM-94 [5-4/5-18]" (RIN2120-AA64 (2000-0247)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9494. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company CF6-6, CF6-45, and CF6-50 Series Turbofan Engines; docket No. 98-ANE-41 [4-24/5-18]" (RIN2120-AA64 (2000-0256)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9495. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CF6-80A, CF6-80C2, and CF6-80E1 Series Turbofan Engines; docket No. 98-ANE-49 [4-24/5-18]" (RIN2120-AA64 (2000-0257)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9496. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE GE90 Series Turbofan Engines; docket No. 98-ANE-39 [4-24/5-18]" (RIN2120-AA64 (2000-0258)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes; docket No. 99-NM-231 [5-1/5-18]" (RIN2120-AA64 (2000-0259)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 and 727C Series Airplanes; docket No. 98-NM-293 [5-1/5-18]" (RIN2120-AA64 (2000-0260)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives: MD Helicopters, INC, Model 369D, 369E, 500N, and 600N Helicopters; request for comments; docket No. 2000-SW-02 [5-5/5-18]" (RIN2120-AA64 (2000-0263)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company AE3007 Series Turbofan Engines; docket No. 99-NE-46 [5-5/5-18]" (RIN2120-AA64 (2000-0264)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Andres-Murphy, NC; correction; docket No. 00-ASO-4 [5-12/5-18]" (RIN2120-AA66 (2000-0110)) received on May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, -200, -300, 747SR, and 747 SP Series Airplanes; docket No. 97-NM-88 [5-26/6-1]" (RIN2120-AA64 (2000-0291)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: New Piper Aircraft, Inc., Models PA46310P and PA46350P Airplanes; docket No. 99-CE-112 [5-25/6-1]" (RIN2120-AA64 (2000-0292)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737 Series Airplanes; docket No. 2000-NM-111 [5-26/6-1]" (RIN2120-AA64 (2000-0293)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Equipped with P & W JT9D-70 Series Engines docket No. 99-NM-65 [5-26/6-1]" (RIN2120-AA64 (2000-0294)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, LTD, model 1125 Westwind Astra and Astra SPX Series Airplanes; docket No. 99-NM-360 [5-26/6-1]" (RIN2120-AA64 (2000-0295)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket No. 99-NM-28 [5-26/6-1]" (RIN2120-

AA64 (2000-0296)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320 Series Airplanes; docket No. 98-NM-99 [5-26/6-1]" (RIN2120-AA64 (2000-0297)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Industrie Model A300, A300-600, and A310 Series Airplanes; docket No. 99-NM-251 [5-26/6-1]" (RIN2120-AA64 (2000-0298)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SE3160, SA316B, SA316C, SA319B, SA330F, SA330G, SA330J, SA341G, and SA342J Helicopters; docket No. 99-SW-04 [5-25/6-1]" (RIN2120-AA64 (2000-0299)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Salisbury, MD; docket No. 99-AEA-07 [5-25/6-1]" (RIN2120-AA66 (2000-0125)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Alexandria England AFB, LA; Revocation of Class D Airspace; Alexandria Esler Reg Airport, LA; and Revision of Class E Airspace, Alexandria, LA; docket No. 2000-ASW-10 [5-26/6-1]" (RIN2120-AA66 (2000-0126)) received on June 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E; Waco, TX; docket No. 2000-ASW-08 [5-25/6-1]" (RIN2120-AA66 (2000-0127)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Fort Stockton, TX; docket No. 2000-ASW-09 [5-25/6-1]" (RIN2120-AA66 (2000-0128)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Englewood, CO; docket No. 00-ANM-01 [5-25/6-1]" (RIN2120-AA66 (2000-0129)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9516. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changes to the International Aviation Safety Assessment (IASA); Policy Statement; 14 CFR Part 129 [5-25/6-1]" (RIN2120-ZZ26) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Parks Air Tour Management; Notice of Statutory Requirement 14 CFR Part 91 [5-26/6-1]" (RIN2120-ZZ27) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Commander Aircraft Company Model 114TC Airplanes; docket no. 99-CE-81 [6-1/6-8]" (RIN2120-AA64 (2000-0301)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (60); No. 1991; [5-19/6-8]" (RIN2120-AA65 (2000-0029)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Willits, CA; docket no. 00-AWP-1 [5-26/8-10]" (RIN2120-AA66 (2000-0131)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Type of Certification Procedures for Changed Products; request for comments; docket no. 28903 [6/7-6/8]" (RIN2120-AF68) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for FAA Services for Certain Flights; interim final rule with request for comments; notice of public meeting; docket no. FAA-00-7018;" (RIN2120-AG17 (2000-0001)) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Smoking on Scheduled Passenger Flights; Docket No. FAA-2000-7467 [6/9-6/8]" (RIN2120-AH04) received on June 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332L2 Helicopters; docket no. 99-SW82 [6-14/6-15]" (RIN2120-AA64 (2000-0320)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CF6-45/50 Series Turbofan Engines; docket no. 98-ANE-32 [6-13/6-15]" (RIN2120-AA64 (2000-0321)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9526. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56-2, 2A, 2B, 3, 3B, 3, 3C, 5, 5B, 5C, and 7B Series Turbofan Engines; docket no. 98-ANE-38 [6-13/6-15]" (RIN2120-AA64 (2000-0322)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Bae Model ATP Airplanes; docket no. 99-NM-230 [6-13/6-15]" (RIN2120-AA64 (2000-0323)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: bombardier Model DHC-8-100 and 300 Series Airplanes; docket no. 98-NM-380 [6-13/6-15]" (RIN2120-AA64 (2000-0324)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400 and 747-200 and 300 Series Airplanes powered by P & W Model PW4000 Series Engines; docket no. 99-NM-208 [6-13/6-15]" (RIN2120-AA64 (2000-0325)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9530. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200 and 300 Series Airplanes; docket no. 98-NM-313 [6-13/6-15]" (RIN2120-AA64 (2000-0326)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9531. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 2000-NM-138 [6-13/6-15]" (RIN2120-AA64 (2000-0327)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A320-232 and 233 Series Airplanes; docket no. 2000-NM-222 [6-13/6-15]" (RIN2120-AA64 (2000-0328)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9533. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A310 and A300-600 Series Airplanes; docket no. 99-NM-128 [6-13/6-15]" (RIN2120-AA64 (2000-0329)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9534. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320 and A321 Series Airplanes; docket no. 2000-NM-139" (RIN2120-AA64 (2000-0330)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9535. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2000-NM-53 [6-13/6-15]" (RIN2120-AA64 (2000-0331)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9536. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket No. 99-NM-331 [6-13/6-15]" (RIN2120-AA64 (2000-0332)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9537. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: International Aero Engines AG V2500-A1-A5-D5 series Turbofan Engines; docket No. 99-ANE-45 [6-12/6-15]" (RIN2120-AA64 (2000-0333)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9538. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (43); Amdt. No. 1996 [6-14/6-15]" (RIN2120-AA65 (2000-0033)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9539. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 1995 [6-14/6-15]" (RIN2120-AA65 (2000-0034)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9540. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Jackson, WY, Establishment of effective date; docket no. 99-ANM-11 [5-22/6/15]" (RIN2120-AA66 (2000-0123)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9541. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Revocation of VOR and Colored Federal Airways and Jet Routes; AK; docket No. 98-AAL-26 [6-6/6-15]"

(RIN2120-AA66 (2000-0135)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9542. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Orange City, IA; Correction; docket No. 00-ACE-9 [6-9/6-15]" (RIN2120-AA66 (2000-0136)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9543. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Yukon-Kuskokwim Delta, Alaska; docket No. 99-AAL-24 [6-13/6-15]" (RIN2120-AA66 (2000-0137)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9544. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation for Restricted Area R-7104, Vieques Island, PR; docket No. 00-ASO-8 [6-13/6-15]" (RIN2120-AA66 (2000-0138)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9545. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Correction to Class E Airspace; Unalaska, AK; docket No. 99-AAL-18 [6-14/6-15]" (RIN2120-AA66 (2000-0139)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9546. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Jet Route; TX; docket No. 99-ASW-33 [6-14/6-15]" (RIN2120-AA66 (2000-0140)) received on June 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9547. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC-12 and PC12/45; docket No. 99-CE-36 [6-2/6-12]" (RIN2120-AA64 (2000-0302)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9548. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor Incorporated Model AT-301, AT-401, and AT-501 Airplanes; docket No. 2000-CE-21 [6-2/6-12]" (RIN2120-AA64 (2000-0303)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9549. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. ALF502R and LF507; docket No. 99-NE-36 [6-5/6-12]" (RIN2120-AA64 (2000-0304)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9550. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives: Boeing Model 777-200 Series Airplanes; docket No. 99-NM-307 [6-5/6-12]" (RIN2120-AA64 (2000-0305)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9551. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA 365N1, AS 365N2, and SA 366G1 Helicopters; docket No. 99-SW-45 [6-7/6-12]" (RIN2120-AA64 (2000-0306)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9552. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Ayres Corp S2R Series and Model 600 S2D Airplanes; docket No. 98-CE-56 [6-7/6-12]" (RIN2120-AA64 (2000-0308)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9553. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L 1011 385 Series Airplanes; docket no. 98-NM-311 [6-7/6-12]" (RIN2120-AA64 (2000-0309)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9554. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Allison Engine Company AE3007A and AE 3007C Series Turbofan Engines; docket no. 99-NE-07 [6-8/6-12]" (RIN2120-AA64 (2000-0310)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9555. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99-NM-343 [6-1/6-12]" (RIN2120-AA64 (2000-0311)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9556. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 and 767 Series Airplanes Powered by GE Model CF6 80C2 Series Engines; docket no. 99-NM-228 [6-1/6-12]" (RIN2120-AA64 (2000-0312)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9557. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 200, 300, and 400 Series Airplanes; docket no. 99-NM-30 [6-1/6-12]" (RIN2120-AA64 (2000-0313)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9558. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 98-

NM-316 [6-1/6-12]" (RIN2120-AA64 (2000-0314)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9559. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Falson 2000, Mystere-Falcon 900, Falcon 900EX, Fan Jet Falcon, Mystere-Falcon 50, Mystere-Falcon 20, and Mystere-Falcon 200 Series Airplanes—docket no. 2000-NM-109 [6-1/6-12]" (RIN2120-AA64 (2000-0315)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9560. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA-365C, C1, C2, N, and N1; AS 365N2 and N3; and SA366G1 Helicopters; Docket no. 99-SW-62 [6-1/6-12]" (RIN2120-AA64 (2000-0316)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9561. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F28, Mark 1000, 2000, 3000, and 4000 Series Airplanes docket no. 99-NM-358 [6-6/6-12]" (RIN2120-AA64 (2000-0317)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9562. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls Royce plc Rb211 Series Turbofan Engines; docket n. 94-ANE-16 [6-6/6-12]" (RIN2120-AA64 (2000-0318)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9563. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (49); Amdt. 1994 [6-2/6-12]" (RIN2120-AA65 (2000-0030)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9564. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (72); Amdt. 1993 [6-2/6-12]" (RIN2120-AA65 (2000-0031)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9565. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Changing Using Agency for Restricted Area R2602 Colorado Springs, CO; docket no. 99-ANM-06 [6-2/6-12]" (RIN2120-AA65 (2000-0132)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9566. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment and Establishment of VOR Federal Airways, KY and TN; Docket no. 97-ASO-18 [6-2/6-12]" (RIN2120-AA65 (2000-0133)) received on June 12, 2000; to the

Committee on Commerce, Science, and Transportation.

EC-9567. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the San Francisco Class B Airspace Area; CA; docket no. 97-AWA-1 [6-7/6-12]" (RIN2120-AA66 (2000-0134)) received on June 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9568. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (34); Amdt. no. 422 [5-9/5-25]" (RIN2120-AA63 (2000-0003)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9569. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-400 Series Airplanes; docket no. 2000-NM-75 [5-24/5-25]" (RIN2120-AA64 (2000-0270)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9570. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, B2, A300B2K, A300 B4-2C, A300 Br-100, and A300 B4-200 Series Airplanes; docket no. 98-NM-56 [5-24/5-25]" (RIN2120-AA64 (2000-0271)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9571. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model As350B, BA, B1, B2, and D and Model AS355E, F, F1, F2, and N Helicopters; Docket no. 99-SW-39 [5-22/5-25]" (RIN2120-AA64 (2000-0273)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9572. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, BA, B1, B2, B3, and AS355E, F, F1, F2, and N Helicopters; docket no. 99-SW-36 [5-22/5-25]" (RIN2120-AA64 (2000-0274)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9573. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canda Model 222, 222B, 222U, and 230 Helicopters; docket no. 99-SW-43 [5-22/5-25]" (RIN2120-AA64 (2000-0275)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9574. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries Ltd Model 1124 and 1124A Westwind Airplanes; docket no. 2000-NM-42 [5-22/5-25]" (RIN2120-AA64 (2000-0276)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9575. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G-159 Series Airplanes; docket no. 99-NM-138 [5-22/5-25]" (RIN2120-AA64 (2000-0277)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9576. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters Inc Model MD900 Helicopters; docket no. 2000-SW-04 [5-17/5-25]" (RIN2120-AA64 (2000-0278)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9577. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10 Series Airplanes; docket no. 99-NM-213 [5-17/5-25]" (RIN2120-AA64 (2000-0279)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9578. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA365N1, AS365N2, and SA366G1 Helicopters; docket no. 99-SW-34 [5-17/5-25]" (RIN2120-AA64 (2000-0280)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9579. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland CmbH Model EC 135 Helicopters; docket no. 99-SW-05 [5-17/5-25]" (RIN2120-AA64 (2000-0281)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9580. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L-1011 385 Airplanes; docket no. 99-NM-221 [5-12/5-25]" (RIN2120-AA64 (2000-0282)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9581. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300-600 Series Airplanes; docket no. 99-NM-362 [5-12/5-25]" (RIN2120-AA64 (2000-0283)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9582. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, -200, 747Sp, & 747SR Series Airplanes Equipped with Pratt & Whitney JT9D-7, -7A, -7F, and -7J Series Engines; docket no. 99-NM-242 [5-12/5-25]" (RIN2120-AA64 (2000-0284)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9583. A communication from the Program Analyst, Federal Aviation Administration,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: EMBRAER Model EMB-145 Series Airplanes; docket no. 99-NM-305 [5-12/5-25]" (RIN2120-AA64 (2000-0285)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9584. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-10-10, -15, -30, -30F, and -40 Series Airplanes and KC-10A Airplanes; docket no. 99-NM-212 [5-12/5-25]" (RIN2120-AA64 (2000-0286)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9585. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon (Beech) Model 400A and 400T Series Airplanes; docket no. 99-NM-372 [5-12/5-25]" (RIN2120-AA64 (2000-0287)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9586. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, A321, A330, and A340 Series Airplanes; docket no. 99-NM-103 [5-15/5-25]" (RIN2120-AA64 (2000-0288)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9587. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Jetstream Model 3201 Airplanes; docket no. 99-CE-72 [5-15/5-25]" (RIN2120-AA64 (2000-0289)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9588. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace for Rapid City, SD; Rapid City Ellsworth AFB, SD; and Modification of Class E Airspace; Rapid City, SD; docket no. 00-AGL-03 [5-15/5-25]" (RIN2120-AA66 (2000-0118)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9589. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Yankton, SD; docket No. 98-AGL-78 [5-15/5-25]" (RIN2120-AA66 (2000-0119)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9590. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Ely, MN; docket No. 00-AGL-04 [5-25/5-15]" (RIN2120-AA66 (2000-0120)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9591. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Establishment of Class D & E Airspace; Belleville, IL; docket

No. 00-AGL-01 [5-15/5-25]" (RIN2120-AA66 (2000-0121)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9592. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hampton, IA, direct final rule, request for comments; docket No. 00-ACE-7 [5-23/5-15]" (RIN2120-AA66 (2000-0122)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9593. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Jackson WY, delay of effective date; docket No. 99-ANM-11 [5-22/5-25]" (RIN2120-AA66 (2000-0123)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9594. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Passenger Facility Charges; Docket No. FAA-2000-7402 [5-30/5-25]" (RIN2120-AH05) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9595. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA-365N, AS-365N1, AS-365N2 and AS-365N3 Helicopters; docket No. 99-SW-86 [5-22/5-25]" (RIN2120-AA64 (2000-0272)) received on May 25, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, with amendments:

S. 2507: An original bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 106-325).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 869: A bill for the relief of Mina Vahedi Notash.

S. 2413: A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. DEWINE, Mr. KOHL, Mr. FEINGOLD, and Mr. KENNEDY):

S. 2812. A bill to amend the Immigration and Nationality Act to provide a waiver of

the oath of renunciation and allegiance for naturalization of aliens having certain disabilities; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 2813. A bill to provide for a land exchange to fulfill the Federal obligation to the State of Arizona under the State's enabling act, and to use certain Federal land in Arizona to acquire by eminent domain State trust land located adjacent to Federal land for the purpose of improving public land management, enhancing the conservation of unique natural areas, and fulfilling the purposes for which State trust land is set aside, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 2814. A bill to amend title XI of the Social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of medicare cost-sharing assistance to eligible low-income medicare beneficiaries; to the Committee on Finance.

By Mr. CLELAND (for himself and Ms. SNOWE):

S. 2815. A bill to provide for the nationwide designation of 2-1-1 as a toll-free telephone number for access to information and referrals on human services, to encourage the deployment of the toll-free telephone number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. AKAKA, Mr. L. CHAFEE, and Mr. MCCAIN):

S. 2816. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System, to commemorate the heritage of people of the United States to invest in the legacy of the National Park System, and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself and Mr. GORTON):

S. 2817. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 2818. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REED (for himself and Mr. JEFFORDS):

S. 2819. To provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (by request):

S. 2820. A bill to provide for a public interest determination by the Consumer Product Safety Commission with respect to repair, replacement, or refund actions, and to revise the civil and criminal penalties, under both the Consumer Product Safety Act and the Federal Hazardous Substances Act; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 2821. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service performed for the

Federal Deposit Insurance Corporation creditable for retirement purposes; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN:

S. 2822. A bill for the relief of Denes and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. DODD, Mr. COVERDELL, and Mr. BIDEN):

S. 2823. A bill to amend the Andean Trade Preference Act to grant certain benefits with respect to textile and apparel, and for other purposes; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. JOHNSON, Mr. WARNER, Mr. KERREY, Mr. HAGEL, Mrs. MURRAY, Mr. MCCAIN, Mr. ROBB, Ms. SNOWE, Mr. BIDEN, Mr. BURNS, Mr. GRAHAM, Mr. HELMS, Mr. EDWARDS, Mr. THURMOND, Mr. KOHL, Mr. DOMENICI, Mr. DURBIN, Mr. MACK, Mr. TORRICELLI, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. SHELBY, Mrs. LINCOLN, Mr. GRASSLEY, Mr. REED, Mr. ALLARD, Mr. KERRY, Mr. INHOFE, Mr. LAUTENBERG, Mr. HATCH, Mrs. BOXER, Mr. BENNETT, Mr. LEVIN, Mr. JEFFORDS, Mr. BAUCUS, Mr. L. CHAFEE, Mr. REID, Mr. SMITH of New Hampshire, Mr. DASCHLE, Mr. COVERDELL, Mr. BYRD, Mr. CRAIG, Mr. WELLSTONE, Mr. ABRAHAM, Mr. FEINGOLD, Mrs. HUTCHISON, Mr. SCHUMER, Mr. CAMPBELL, Mr. DORGAN, Mr. COCHRAN, Mr. CONRAD, Ms. COLLINS, Mr. HOLLINGS, Mr. KYL, Mr. ROCKEFELLER, Mr. FRIST, Ms. MIKULSKI, Mr. SANTORUM, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. BRYAN, Mr. LEAHY, Mr. BINGAMAN, and Mr. WYDEN):

S. 2824. A bill to authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mr. BREAU):

S. 2825. A bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. ROCKEFELLER):

S. 2826. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 2827. A bill to provide for the conveyance of the Department of Veterans Affairs Medical Center at Ft. Lyon, Colorado, to the State of Colorado, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. SHELBY, Mr. BAUCUS, Mr. THOMAS, and Mr. COCHRAN):

S. 2828. A bill to amend title XVIII of the Social Security Act to require that the Secretary of Health and Human Services wage adjust the actual, rather than the estimated, proportion of a hospital's costs that are attributable to wages and wage-related costs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. GORTON, Mr. COVERDELL, and Mr. INHOFE):

S. 2829. A bill to provide of an investigation and audit at the Department of Education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 2830. A bill to preclude the admissibility of certain confessions in criminal cases; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2831. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve conservation and management of sharks and establish a consistent national policy toward the practice of shark-finning; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE:

S. 2832. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 2833. A bill to amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INHOFE:

S. Res. 330. A resolution designating the week beginning September 24, 2000, as "National Amputee Awareness Week"; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 331. A resolution to authorize testimony, document production, and legal representation in United States v. Ellen Rose Hart; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. DODD, Mrs. FEINSTEIN, Mr. DEWINE, Mr. KOHL, Mr. FEINGOLD, and Mr. KENNEDY):

S. 2812. A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities; to the Committee on the Judiciary.

WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES

● Mr. HATCH. Mr. President, I rise today with my colleagues, Senator CHRISTOPHER DODD and others, to introduce a simple but highly significant bill which will confer the treasured status of American citizenship on individuals with disabilities.

Under current law, the Attorney General possesses the authority to waive certain requirements of naturalization, such as the English and civics test requirements, for disabled applicants. The law, however, has been construed to stop short of granting the Attorney

General authority to waive the requirement for the oath of renunciation and allegiance for disabled adult applicants.

Consequently, even though such persons are able to fulfill all other requirements of naturalization, or it is clear that the Attorney General can waive them, certain individuals with disabilities may never become citizens.

This is the sad situation that a young man from my home state of Utah is facing. Gustavo Galvez Letona, a 27-year-old immigrant from Guatemala, suffers from Down's syndrome. Mr. Letona's entire family are already American citizens. But, while Mr. Letona is otherwise able to become a citizen, despite his developmental disability, the fact that the Attorney General's authority to waive the oath is unclear will prevent Mr. Letona from enjoying the same status as a naturalized American citizen.

Imagine a family in which mother, father, brothers and sisters could become U.S. citizens, but one sibling could not only because of a disability. I believe all my colleagues would agree that this would be a sad and tragic situation. It is discriminatory to boot.

This bill would not affect a large number of people. A recent estimate was that only about 1100 individuals with disabilities would possibly be eligible for such a waiver. Moreover, I used the word "possibly" because the waiver would not be automatic. The waiver would be granted at the discretion of the Attorney General and is not intended to confer citizenship on individuals—regardless of a disability—who would not otherwise qualify for citizenship. It would not apply to every individual with a disability, most of whom would not need such a waiver.

Today's legislation remedies this unfortunate scenario facing Gustavo Letona by extending the Attorney General's authority to waive the taking of the oath if the applicant is unable to understand or communicate an understanding of the oath because of disability. This simple solution allows Mr. Letona and others the privilege of becoming American citizens.

I would like to express my gratitude to Senator DODD for his willingness to make this a bipartisan effort. I would also like to thank my Utah Advisory Committee on Disability Policy, and particularly Ron Gardner, who brought this problem to my attention and who works tirelessly to protect the rights of the disabled.

I ask unanimous consent that the text of the bill be placed in the RECORD following my remarks.

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

S. 2812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF OATH OF RENUNCIATION AND ALLEGIANCE FOR NATURALIZATION OF ALIENS HAVING CERTAIN DISABILITIES.

(a) IN GENERAL.—The last sentence of section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended to read as follows: "The Attorney General may waive the taking of the oath if in the opinion of the Attorney General the applicant for naturalization is an individual with a disability, or a child, who is unable to understand or communicate an understanding of the meaning of the oath. If the Attorney General waives the oath for such an individual, the individual shall be considered to have met the requirements of section 316(a)(3) as to attachment to the Constitution and well disposition to the United States."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who applied for naturalization before, on, or after the date of enactment of this Act. •

Mr. DODD. Mr. President, I rise with Senator HATCH, Senator FEINGOLD, Senator KENNEDY, Senator DEWINE, Senator FEINSTEIN, and Senator KOHL to introduce a bill to resolve a rare but serious problem for some American families.

I want to tell you a story about a young man named Mathieu, a resident of Connecticut. Mathieu's family—his mother, his father, and his sister—have all become naturalized U.S. citizens. But Mathieu has not been allowed to become a citizen because he's a 23-year-old low-functioning autistic man who cannot meet a very technical requirement of the naturalization process, namely that he be able to swear an oath of loyalty to the United States. His naturalization request has been in limbo since November of 1996 because Mathieu could not understand some of the questions he was asked by the INS agent processing his application for citizenship. All of the other members of Mathieu's family have become U.S. citizens. Now Mathieu's mother lives with the fear that when she dies her most vulnerable child could be removed from the country and sent to a nation that he hardly knows, and where he has no family and no friends. Mathieu's mother—again, an American citizen—wants what every American wants—she wants to know that her child will be treated fairly by her government even when she's no longer capable of taking care of him herself. Mathieu's life is here. His friends and caregivers are here. His family is here. Mathieu's place is here and but for his disability, he would be allowed to stay here where he belongs. He would be allowed to become a citizen and his mother's fears would be relieved. Mr. President, this is a problem that a compassionate nation can fix. This is a problem that we have the power to solve.

Under current law, a very small subgroup of people with severe mental disabilities cannot become citizens because they lack the capacity to take

the oath of renunciation and allegiance. Since the Immigration and Nationality Act (INA) does not contain explicit statutory authority for the Immigration and Naturalization Service (INS) to waive the oath, people with brain injuries and other mental disabilities are routinely denied citizenship—even when the rest of their families are already U.S. citizens.

Congress has previously recognized the injustice of denying citizenship to individuals based on their disabilities and has attempted to resolve the problem. In fact, in 1991 Congress created a procedure for expedited administration of the oath for applicants who have special circumstances, including disabilities, that prevents them from personally appearing at a scheduled ceremony. And in 1994, Congress exempted certain applicants with disabilities who are unable to learn from taking the English and civics tests. Unfortunately, these efforts have not effectively addressed the problem of individuals who are unable to take the oath because of mental incapacity, leaving the oath as the only barrier to citizenship for such individuals.

The legislation we introduce today would amend the Immigration and Nationality Act to give the INS the discretion to waive the oath of allegiance for certain individuals who lack the mental capacity to comprehend the oath.

Waiving the oath is really a technical amendment. There is no indication that Congress ever intended to split up families or cast doubt on the futures of family members not able to utter the oath by virtue of a mental disability.

Waiving the oath does not defeat the purpose of Naturalization or the oath requirement. Individuals with disabilities who receive oath waivers would still have to fulfill the other requirements of naturalization, including good moral character and residency. Remember the main purpose of the oath requirement is to prevent the naturalization of people who are hostile to the government of the United States, or the principles of the Constitution. People with severe disabilities who lack the capacity to understand the oath cannot form the intent to act against the government. Waiving the oath poses no danger and manifests America's best, most compassionate characteristics.

Let me conclude by saying that this is not a problem that faces millions of people—or even many thousands of people, but it is an important issue for the few families that are affected. Mr. President the United States should not force the break up of families. This bill will right an injustice and I urge its passage.

By Mr. McCAIN:

S. 2813. A bill to provide for a land exchange to fulfill the Federal obligation to the State of Arizona under the

State's enabling act, and to use certain Federal land in Arizona to acquire by eminent domain State trust land located adjacent to Federal land for the purpose of improving public land management, enhancing the conservation of unique natural areas, and fulfilling the purposes for which State trust land is set aside, and for other purposes; to the Committee on Energy and Natural Resources.

THE ARIZONA LAND EXCHANGE FACILITATION
ACT OF 2000

Mr. MCCAIN. Mr. President, I rise to introduce legislation that authorizes the Secretary of the U.S. Department of Interior and the Governor of Arizona to carry out a federal-state land exchange in order to protect environmentally significant lands in the state and enhance the state education trust fund to benefit Arizona's schoolchildren.

I must first make mention that Interior Secretary Bruce Babbitt and Governor Jane Hull of Arizona are currently involved in negotiating a comprehensive state-federal land exchange agreement. The Secretary and the Governor have been engaged in land exchange negotiations since January of this year, which so far have been very productive and positive. If their negotiations are successful and a land trade is agreed upon, legislation will be necessary to authorize that exchange.

To express my strong support for a potential exchange, I am introducing this bill as a place holder for the necessary authorization to implement any agreement for a land exchange. This legislation is in no way intended to override or influence ongoing negotiations, nor do I intend to force either party to accept a proposal that is not in their best interests.

The purpose of this legislation is two-fold. One, it is simply a framework for a future agreement. It is intended to facilitate discussion to define the necessary legislative authority to implement a state-federal land exchange in Arizona. If the details of a land exchange are agreed upon between the Secretary and the Governor, those specifics can be incorporated into this legislation.

The second purpose is to define the necessary legislative language that will accommodate existing Arizona Constitutional and Arizona Enabling Act restrictions that require state trust lands to be managed for the benefit of education and other public purposes. In addition, the bill recognizes the important goal of resolving the federal government's land "debt" to Arizona as a result of not receiving the state's full allotment at statehood. This legislation proposes to use federal friendly-condemnation authority to effect other aspects of a comprehensive exchange to address the current Arizona constitutional restriction on land trades.

In recent years, the people of Arizona have embraced the idea of promoting conservation as part of the state's land management objectives. Through public referenda and other proposals, the people of Arizona have strongly supported the concept of a state-wide effort to conserve unique natural areas. The federal-state land exchange currently under discussion could ensure that ecologically important state lands are placed under permanent conservation protection as part of an existing federal land management unit. In return, the state would receive parcels currently owned by the federal government that may be more suitable for revenue-generating activity in keeping with the requirements of state law. Such an exchange could accomplish both state conservation and education goals. The opportunity to explore and effect a means of serving these two important purposes should not be missed.

In the past, some of my colleagues and I have evaluated different options to reduce the number of state inholdings on federal property and vice-versa—a situation that complicates resource management and does not serve the public interest. This legislation could be an important step forward in reducing state inholdings in federal land management areas which makes good environmental, economic and administrative sense.

Mr. President, let me make very clear once again, this legislation is a starting point only. It does not represent by any means an endorsement of any particular lands for exchange that are currently under negotiation. Nor is it my intention to fast-track any proposal that does not abide by a fair and strict appraisal process. It is intended to encourage the Secretary and the Governor to forward a serious proposal to the Congress for consideration. Once a proposal is forwarded, I have every intention to consult with affected entities and engage in a thorough process of public input from local citizenry, governments and other interested parties.

I also recognize that such land exchanges do take time and it is very possible that a land exchange proposal may not be finalized this year. My colleagues from Arizona recall as well as I do that it took three years to negotiate and enact the Arizona Desert Wilderness Act of 1990 to preserve over two million acres as designated wilderness. We never would have accomplished that feat without the front-line leadership and vision of Mo Udall who initiated the process by offering a legislative framework. I believe that this opportunity is one that Mo would have supported. I hope that my colleagues and friends in Arizona will agree and that we can all work together on a comprehensive land exchange proposal that will accomplish educational and environmental objectives.

Mr. President, I ask unanimous consent to include the full text of the bill in the RECORD.

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

S. 2813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona Land Exchange Facilitation Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) when the State of Arizona entered the Union, the State was granted more than 9,000,000 acres of State trust land to be held in permanent trust to be managed on behalf of the beneficiaries of the trust, primarily Arizona's schoolchildren;

(2) the State is entitled to select additional land of a value that is approximately equal to the value of 15,234 acres of in lieu base land from vacant, unappropriated, and unreserved Federal land to fulfill the entitlement arising from the Act of June 20, 1910 (36 Stat. 557, chapter 310), and the consent judgment known as the "San Carlos Consent Judgment" entered in State of Arizona v. Rogers C.B. Morton, Court Document 74-696-PHX-WPC (D. Ariz. (1978));

(3) while the State has recognized that certain State trust land is of unique and significant value and ought to be conserved as open space to benefit future generations, while ensuring that there is a higher benefit to public schools and other trust beneficiaries, there is no mechanism currently available to the State to conserve such unique State trust land; and

(4) an exchange of certain Federal and State land in Arizona will provide for improved land management by the Federal and State governments by exchanging certain State trust land that is of significant ecological value for permanent protection for certain Federal land that is suitable for the revenue generation mission of the State and other purposes identified by the State on behalf of its beneficiaries.

(b) PURPOSES.—The purposes of this Act are to improve manageability of Federal public land and State trust land in the State, to promote the conservation of unique natural areas, and to fulfill obligations to the beneficiaries of State trust land by providing for a land conveyance and a land exchange between the Federal and State governments under which—

(1) the Secretary of the Interior shall identify a pool of parcels of land that are vacant, unappropriated, unreserved, and suitable for disposal, so that the State may select Federal land that the Secretary shall convey to the State to fulfill the State's entitlement under the State's enabling act; and

(2) the Secretary shall acquire certain State trust land in the State by eminent domain, with the consent of the State, in exchange for certain Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) IN LIEU BASE LAND.—The term "in lieu base land" means land granted to the State under section 25 of the Act of June 20, 1910 (36 Stat. 573).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Arizona.

(4) STATE TRUST LAND.—The term “State trust land” means all right, title, and interest of the State on the date of enactment of this Act in and to—

(A) land (including the mineral estate) granted by the United States under sections 24 and 25 of the Act of June 20, 1910 (36 Stat. 572, 573, chapter 310); and

(B) land (including the mineral estate) owned by the State on the date of enactment of this Act that, under State law, is required to be managed for the benefit of the public school system or the institutions of the State designated under that Act.

SEC. 4. FULFILLMENT OF ENTITLEMENT UNDER THE ENABLING ACT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall identify land under the jurisdiction of the Secretary that—

(1) is vacant, unappropriated, and unreserved; and

(2) is suitable for disposal under land management plans in effect on the date of enactment of this Act.

(b) SELECTION.—Not later than 120 days after the date of enactment of this Act, the State shall select land, identified by the Secretary under subsection (a), of approximately equal value (determined in accordance with section 6) to the 15,234 acres of in lieu base land identified as base land depicted on the map entitled “Arizona State Trust Base Lands Not Compensated by the Federal Government” and dated _____.

(c) CONVEYANCE.—On final agreement between the Secretary and the State under section 7(a), the Secretary shall convey to the State the land selected by the State under subsection (b).

SEC. 5. LAND EXCHANGE.

(a) CONVEYANCE BY THE SECRETARY OF FEDERAL LAND.—

(1) IN GENERAL.—In exchange for the State trust land acquired by the Secretary under subsection (b), the Secretary shall convey to the State Federal land described in paragraph (2) that is of a value that is approximately equal to the value of the acquired State trust land, as determined under section 6.

(2) FEDERAL LAND.—The Federal land referred to in paragraph (1) is land under the jurisdiction of the Secretary and in the State that the Secretary determines is available for exchange under this Act.

(b) ACQUISITION BY THE SECRETARY OF STATE TRUST LAND.—

(1) IN GENERAL.—The Secretary shall—

(A) on final agreement between the Secretary and the State under section 7(a), acquire by eminent domain the State designated trust land described in paragraph (2); and

(B) manage the land in accordance with paragraph (3).

(2) STATE TRUST LAND.—The State trust land referred to in paragraph (1) is land under the jurisdiction of the State that the State determines is available for exchange under this Act.

(3) MANAGEMENT OF LAND ACQUIRED BY THE SECRETARY.—

(A) IN GENERAL.—On acceptance of title by the United States, any land or interest in land acquired by the United States under this section that is located within the boundaries of a unit of the National Park System, the National Wildlife Refuge System, or any other system established by Act of Congress—

(i) shall become a part of the unit; and

(ii) shall be subject to all laws (including regulations) applicable to the unit.

(B) ALL OTHER LAND.—Any land or interest in land acquired by the United States under this section (other than land or an interest in land described in subparagraph (A))—

(i) shall be administered by the Bureau of Land Management in accordance with laws (including regulations) applicable to the management of public land under the administration of the Bureau of Land Management; or

(ii) where appropriate to protect land of unique ecological value, may be made subject to special management considerations, including a conservation easement, to—

(I) protect the land or interest in land from development; and

(II) preserve open space.

(4) WITHDRAWAL.—Subject to valid existing rights, all land acquired by the Secretary under this subsection is withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

SEC. 6. DETERMINATION OF VALUE.

(a) IN GENERAL.—All exchanges authorized under this Act shall be for approximately equal value.

(b) APPRAISAL PROCESS.—The Secretary and the State shall jointly determine an independent appraisal process, which shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions, to estimate values for the categories and groupings of land to be conveyed under section 4 and exchanged under section 5.

(c) DISPUTE RESOLUTION.—In the case of a dispute concerning an appraisal or appraisal issue that arises in the appraisal process, the appraisal or appraisal issue shall be resolved in accordance with section 206(d)(2) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)(2)).

(d) ADJUSTMENT TO ACHIEVE EQUAL VALUE.—After the values of the parcels of land are determined, the Secretary and the State may—

(1) add or remove parcels to achieve a package of equally valued Federal land and State trust land; and

(2) make public a list of the parcels included in the package.

(e) EFFECT OF DETERMINATION.—A determination of the value of a parcel of land under this section shall serve to establish the value of the parcel or interest in land in any eminent domain proceeding.

(f) COSTS.—The costs of carrying out this section shall be shared equally by the Secretary and the State.

SEC. 7. CONVEYANCES OF TITLE.

(a) AGREEMENT.—The Secretary and the State shall enter into an agreement that specifies the terms under which land and interests in land shall be conveyed under sections 4 and 5, consistent with this section.

(b) CONVEYANCES BY THE UNITED STATES.—All conveyances by the United States to the State under this Act shall be subject to valid existing rights and other interests held by third parties.

(c) CONVEYANCES BY THE STATE.—All conveyances by the State to the United States under this Act shall be subject only to such valid existing surface and mineral leases, grazing permits and leases, easements, rights-of-way, and other interests held by third parties as are determined to be acceptable under the title regulations of the Attorney General of the United States.

(d) TIMING.—The conveyance of all land and interests in land to be conveyed under

this Act shall be made not later than 60 days after final agreement is reached between the Secretary and the State under subsection (a).

(e) FORM OF CONVEYANCE.—A conveyance of land or an interest in land by the State to the United States under this section shall be in such form as is determined to be acceptable under the title regulations of the Attorney General of the United States.

SEC. 8. GENERAL PROVISIONS.

(a) HAZARDOUS WASTE.—

(1) IN GENERAL.—Notwithstanding the conveyance to the United States of land or an interest in land, the State shall continue to be responsible for all environmental remediation, waste management, and environmental compliance activities arising from ownership and control of the land or interest in land under applicable Federal and State laws with respect to conditions existing on the land on the date of conveyance.

(2) CONTINUING RESPONSIBILITY.—Notwithstanding the conveyance to the State of land or an interest in land, the United States shall continue to be responsible for all environmental remediation, waste management, and environmental compliance activities arising from ownership and control of the land or interest in land under applicable Federal and State laws with respect to conditions existing on the land on the date of conveyance.

(b) COSTS.—The United States and the State shall each bear its own respective costs incurred in the implementation of this Act, except for the costs incurred under section 6.

(c) MAPS AND LEGAL DESCRIPTIONS.—The State and the Secretary shall each provide to the other the legal descriptions and maps of the parcels of land and interests in land under their respective jurisdictions that are to be exchanged under this Act.

SEC. 9. LAS CIENEGAS STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the State, shall—

(1) conduct a study of land values of all State trust land within the exterior boundaries of the proposed conservation area under the Las Cienegas National Conservation Area Establishment Act of 1999, H.R. 2941, 106th Congress, in Pima County and Santa Cruz County, Arizona; and

(2) submit to Congress a recommendation on whether any such land should be acquired by the Federal Government.

(b) CONTENTS.—The study shall include an examination of possible forms of compensation for the State trust land within the proposed Las Cienegas National Conservation Area, including—

(1) cash payments;

(2) Federal administrative sites under the management of the Administrator of General Services;

(3) water rights; and

(4) relief from debt payment for the Central Arizona Water Conservation District.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 11. EXPIRATION OF AUTHORITY.

The authority of the Secretary to make the land conveyance under section 4 and the land exchange under section 5 expires on the date that is 2 years after the date of enactment of this Act.

By Mr. McCONNELL:

S. 2814. A bill to amend title XI of the social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries, to the Committee on Finance.

THE LOW-INCOME WIDOWS ASSISTANCE ACT OF 2000

• Mr. McCONNELL. Mr. President, I come to the floor today to introduce the Low-Income Widows Assistance Act of 2000. Since 1988, Congress has established several programs to help pay the out of pocket medical costs for low-income Medicare beneficiaries. These programs, commonly referred to as Medicare Buy-in or QMB, SLMB, and QI-1, operate as federal-state partnerships and are funded through state Medicaid programs. Depending on an eligible senior's income level, the programs could cover the cost of Medicare Part B premiums, doctor visits, deductibles, and co-payments.

Despite the availability of these programs, many seniors are not aware that they may be eligible to receive these additional benefits. According to a 1998 Families USA study, there are somewhere between 3.3 and 3.8 million seniors in America who are eligible to receive these benefits, but not currently receiving them. In my home state, the same study estimates that there are somewhere between 49,000 and 58,000 Kentucky seniors who may be eligible for one of these assistance programs but are not enrolled. While the actual task of enrolling eligible seniors is left to the states, there are several important steps the federal government, through the Social Security Administration (SSA), can and should take.

A key component in improving participation in cost-sharing programs is the capacity of federal and state agencies to identify those individuals who experience a reduction in income after they have already enrolled in Social Security and Medicare. One group at particular risk of reduced income in their later years is widowed spouses.

For anyone who has lost a loved one, the experience is often overwhelming both mentally and emotionally. The loss of a spouse leaves many elderly with the difficult task of restructuring their lives in order to regain personal and financial stability. When SSA is informed that a married individual has died, the agency recalculates the benefit to determine the new benefit level. Frequently, the widowed spouse's benefit is lower than the amount the married couple received from Social Security. This sets up a circumstance in which a widow who was not previously eligible to receive QMB/SLMB benefits when she was married, would now be eligible to receive these benefits because her income has fallen.

In an effort to address this serious problem, I am today introducing the Low-Income Widows Assistance Act. This legislation directs Social Security to undertake outreach efforts designed to identify and notify individuals who may be eligible for these expanded benefits. It also addresses the unique challenges facing widowed spouses by requiring that when SSA recalculates the benefits for a recently widowed spouse and finds that he or she might be eligible for these assistance programs, the agency must:

One, notify the beneficiary that he or she may now be eligible for this additional assistance.

Two, notify the beneficiary's state that she may be eligible so that they can begin their own outreach efforts.

In order to help better understand how the Low-Income Widows Assistance Act would work in practical terms, I would like my colleagues to imagine the following scenario. Sally and Bob enjoyed 60 years of marriage, but just last fall, Bob suddenly passed away. Since Bob's death, Sally has been having a hard time making ends meet. She now has a lot of expenses to take care of on her own: making the house payment, buying food and clothes, and paying for doctors' visits and prescriptions—and not to mention the "extras" like birthday and Christmas presents for her many grandchildren. While her expenses remain essentially the same, Sally's Social Security survivors benefit is lower than what she and Bob were receiving.

Under the Low-Income Widows Assistance Act, when SSA recalculates Sally's benefit and finds that her monthly Social Security check has fallen below the \$855 threshold for SLMB eligibility, the agency would be required to notify Sally that she may be eligible for SLMB benefits. SSA also would be required to notify Sally's state government that she may be eligible for these additional benefits. It is my hope that the states would then use this information to conduct their own outreach efforts to enroll Sally and others like her.

I look forward to working with my colleagues in the Senate, as well as Congressmen LEWIS and FLETCHER who are introducing similar legislation in the House, to help low-income widows by enacting the Low-Income Widows Assistance Act of 2000. •

By Mr. CLELAND (for himself and Ms. SNOWE):

S. 2815. A bill to provide for the nationwide designation of 2-1-1 as a toll-free telephone number for access to information and referrals on human services, to encourage the deployment of the toll-free telephone number, and for other purposes; to the Committee on Commerce, Science, and Transportation.

• Mr. CLELAND. Mr. President, I rise today to introduce with my colleague,

Senator SNOWE, a bill to designate 2-1-1 as the nationwide, toll-free number to access health and human services. Such designation is needed to simplify access to the maze of numbers and service organizations that currently exist. These organizations, which exist to help people, are useless if those in need do not know how to access the services provided.

Imagine a single mother who needs shelter and dinner one night for herself and her children. Although she may know of a shelter providing these services, there may be one closer that better fits her needs by catering to children and women in need. 2-1-1 could provide her with a targeted referral to a shelter specializing in child care and empowering mothers to get back on their feet. Or, visualize an older American on a fixed income, who may need assistance paying her electricity bill during a particularly cold month, can call 2-1-1 for a referral to an agency to assist her with her need. Also, if someone has goods or services she would like to donate to her community, she can call 2-1-1 for a referral to an agency with a specific need for her items or time. All 2-1-1 calls are confidential and unaffiliated with government agencies.

The United Way of Metropolitan Atlanta has implemented 2-1-1 service with much success. Not only has this consolidation of human services referrals provided direction and aid to those in need, it also has helped pool the resources of area charitable organizations. This pooling of resources has eliminated duplication and highlighted gaps in current service, which in turn has improved the delivery of services to the citizens of Metro Atlanta. Because of the great success in Atlanta, the United Way and other non-profit groups are attempting to replicate this service in almost every state in the nation. Petitions to designate 2-1-1 as a referral to health and human services have been approved or are pending in several other states. However, 2-1-1 offers such an important service to communities, that I believe it is time to reserve this number nationwide. Several states have indicated reservations about pending petitions without direction from the appropriate federal agencies that 2-1-1 will not be used for another purpose. Senator SNOWE and I believe it is time to indicate to state and federal regulators Congress's clear support for 2-1-1.

One of the unique aspects of 2-1-1 in Metropolitan Atlanta, which I believe can be replicated in the other states, is the generous support it has received from the community through private donations. This funding model is one of the unique aspects of this legislation. Specifically, the bill stipulates that none of the costs of 2-1-1 service shall be passed on to telephone customers but will be supported by the organizations operating the 2-1-1 service.

Mr. President, I would like to submit a letter endorsing this legislation signed by the United Way of America, the American Red Cross, the Alliance for Children and Families, Girls Scouts of the United States of America, United Jewish Communities, Lutheran Services of America, and Volunteers of America to name only a few. I realize that N-1-1 numbers are finite in availability, but 2-1-1 is a service in the public interest that needs a national designation. I urge my colleagues to support this legislation that will enable Americans, no matter where they are, to obtain the assistance they need through the use of a three digit number.

I ask consent that a copy of the United Way letter and a copy the bill be printed in the RECORD.

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

S. 2815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONWIDE DESIGNATION OF TOLL-FREE TELEPHONE NUMBER FOR ACCESS TO HUMAN SERVICES INFORMATION AND REFERRAL.

(a) FINDINGS.—Congress makes the following findings:

(1) N-1-1 codes, or 3-digit abbreviated dialing telephone numbers, provide Americans with easy, efficient, nationwide access to emergency and nonemergency information that serves the public interest.

(2) Individuals and families often find it difficult to navigate the complex and ever growing maze of human services agencies and programs and often spend inordinate amounts of time in trying to identify the agency or program that provides a service that may be immediately or urgently required.

(3) Americans desire to volunteer and become involved in their communities, and this desire, together with a desire to donate to organizations which provide human services, are among the reasons to call a center which provides information and referrals on human services.

(4) The number "2-1-1" is easy-to-remember and universally recognizable and would serve well as the designation of a telephone service for linking individuals and families to information and referral centers which could, in turn, make critical connections between individuals and families in need and appropriate human services agencies, including both community-based organizations and government agencies.

(5) United Ways and other non-profit and governmental centers that provide information about and referrals to human services have secured funding for the establishment, implementation, and current operation in the United States of three centers that provide such information and referrals and are accessed through the telephone number 2-1-1.

(6) United Way of Metropolitan Atlanta, Contact Helpline of Columbus, Georgia, and United Way of Connecticut currently utilize the telephone number 2-1-1 for the purpose of access to information about and referral to human services.

(7) Since United Way of Metropolitan Atlanta and United Way of Connecticut

switched from 10-digit telephone numbers for access to their centers of information and referral on human services to the telephone number 2-1-1 for access to such centers, the volume of calls received at such centers has increased by approximately 40 percent. The centers of United Way of Metropolitan Atlanta and United Way of Connecticut each handled approximately 200,000 calls in 1999.

(8) Rapid deployment nationwide of the telephone number 2-1-1 as a means of access to information about and referral to human services requires coordination among State governments and the information and referral centers of many localities.

(9) Alabama, Massachusetts, North Carolina, and Utah have approved petitions for the implementation of the telephone number 2-1-1 statewide for that purpose, and implementation of the use of that number for that purpose is underway. Jurisdictions in Louisiana and Tennessee have also designated the use of 2-1-1 for that purpose.

(10) Ohio, South Dakota, Texas, and Wisconsin are considering petitions to designate the telephone number 2-1-1 for that purpose.

(11) Florida and Virginia have developed statewide models for telephone access for that purpose.

(12) The use of 2-1-1 for that purpose is being consider by nearly every other State.

(b) DESIGNATION OF TOLL-FREE HUMAN SERVICES ACCESS TELEPHONE NUMBER.—

(1) IN GENERAL.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

“(3) HUMAN SERVICES ACCESS TELEPHONE NUMBER.—

“(A) DESIGNATION.—The Commission, and each commission or other entity to which the Commission has delegated authority under this subsection, shall designate 2-1-1 as a toll-free telephone number within the United States for access to information and referral centers for information about and referral to providers of human services, including information and referrals for purposes of volunteering and making donations.

“(B) APPLICABILITY.—The designation under subparagraph (A) shall apply to wire and wireless telephone service.

“(C) PAYMENT OF COSTS.—The costs of a telecommunications carrier in providing access to a provider of information and referrals through the telephone number designated under this paragraph shall be borne by the provider of such information and referrals.

“(D) CALL LOCATION INFORMATION.—Nothing in this paragraph shall be construed to require any telecommunications carrier to provide call location information to a provider of information or referrals on human services through the telephone number designated under this paragraph.

“(E) DEFINITIONS.—In this paragraph:

“(i) HUMAN SERVICES.—The term ‘human services’ means services as follows:

“(I) Services that assist individuals in becoming more self-sufficient, in preventing dependency, and in strengthening family relationships.

“(II) Services that support personal and social development.

“(III) Services that help ensure the well-being of individuals, families, and communities.

“(ii) INFORMATION AND REFERRAL CENTER.—The term ‘information and referral center’ means a center that—

“(I) maintains a database of providers of human services in a State or locality; and

“(II) assists individuals, families, and communities in identifying, understanding, and

accessing such providers and the human services offered by such providers.”.

(2) TRANSITION.—The Federal Communications Commission shall provide for the implementation within a reasonable period of time of the designation required by paragraph (3) of section 251(e) of the Communications Act of 1934, as added by paragraph (1) of this subsection, throughout the areas of the United States where the designation is not in effect as of the date of the enactment of this Act.

(c) SUPPORT FOR STATE EFFORTS.—

(1) IN GENERAL.—The Commission shall encourage and support efforts by States to develop and implement the use of the toll-free telephone number 2-1-1 for access to providers of information and referrals on human services.

(2) ACTIVITIES.—In providing encouragement and support under paragraph (1), the Commission shall—

(A) consult with appropriate State officials, including State human services agencies, and appropriate representatives of the telecommunications industry, United Ways, Alliance of Information and Referral Systems (AIRS), AIRS affiliates, law enforcement and emergency service providers, and local non-profit and governmental information and referral centers; and

(B) encourage States to coordinate statewide implementation of the use of the telephone number in consultation with such representatives.

(3) PROHIBITION ON IMPOSITION OF OBLIGATIONS OR COSTS.—Nothing in this subsection shall be construed to authorize or require the Commission to impose an obligation or cost on any person.

(d) PROVISION OF CALL INFORMATION.—Section 222(d) of the Communications Act of 1934 (47 U.S.C. 222(d)) is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding at the end the following:

“(4) to provide call information when required by applicable law.”.

UNITED WAY OF AMERICA,
Alexandria, VA, June 29, 2000.

DEAR SENATOR: The undersigned organizations support the bill cosponsored by Senators Max Cleland (D-GA) and Olympia Snowe (R-ME) to nationally designate the 211 abbreviated dialing code for access to health and human services information and referral (I&R). 211 is an easy-to-remember and universally recognizable number that makes a critical connection between individuals and families in need and the appropriate community-based organizations and government agencies. Since United Way of Metropolitan Atlanta and United Way of Connecticut switched from 10-digit I&R numbers to 211, the volume of calls received at both has increased by 40 percent, with each handling over 200,000 calls in 1999.

A petition to nationally designate 211 for health and human services I&R submitted by the 211 Collaborative, of which United Way and the Alliance of Information and Referral Systems are members, has awaited action by the Federal Communications Commission (FCC) for well over a year. FCC inaction leaves current and ongoing 211 implementation in state and local jurisdictions in jeopardy. Additionally, some state public utility commissions have indicated they will not take action on 211 petitions before the FCC makes its decision. Further, with 211 being considered or implemented in 45 states, if the

FCC designates the number for a different purpose, all current and future 211 call centers would need to make significant expenditures and do considerable outreach to convert to a new, 10-digit number.

Legislation designating 211 for human services I&R would alleviate these concerns and would bypass a potentially lengthy and uncertain FCC approval process. We urge you to support the Cleland—Snowe bill. Thank you.

Sincerely,

Alliance for Children and Families
Alliance of Information and Referral Systems
American Association of Homes and Services for the Aging
American Red Cross
America's Blood Centers
Association of Jewish Family & Children's Agencies
Camp Fire Boys and Girls
Citizen's Scholarship Foundation of America
Coalition of Human Needs
Coalition of Labor Union Women
Council for Health and Human Service Ministries
Girl Scouts of the USA
Girls Incorporated
Lutheran Services of America
National Association of Child Care Resource and Referral Agencies
National Association of State Units on Aging
National Association of WIC Directors
Service Employees International Union
The Salvation Army
United Jewish Communities
United Neighborhood Houses
United Way of America
Volunteers of America
Women in Community Service●

By Mr. GRAHAM (for himself, Mr. AKAKA, Mr. L. CHAFEE, and Mr. MCCAIN):

S. 2816. A bill to provide the financial mechanisms, resource protections, and professional skills necessary for high quality stewardship of the National Park System, to commemorate the heritage of people of the United States to invest in the legacy of the National Park System, and to recognize the importance of high quality outdoor recreational opportunities on federally managed land; to the Committee on Energy and Natural Resources.

THE NATIONAL PARKS STEWARDSHIP ACT

By Mr. GRAHAM (for himself and Mr. GORTON):

S. 2817. A bill to authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreation fee authority; to the Committee on Energy and Natural Resources.

THE RECREATIONAL FEE AUTHORITY ACT OF 2000

Mr. GRAHAM. Mr. President, I come before you to today to discuss one of our nation's most valued assets—our National Parks.

Throughout the history of our country, visionary statesmen have arisen to remind us of the natural resource heritage on which our country rests. As early as 1903, President Theodore Roosevelt, spoke of the challenge at hand:

We must handle the woods, the water, the grasses so that we will hand them to our

children and our children's children in better and not worse shape than we got them.

It is a challenge we still face today, and will into the future, in our role as stewards of the world in which we live.

Our system of National Parks and other public lands is the envy of the world. It serves as a model for other countries, as they also seek to preserve their natural and cultural heritage. No other country has set aside as full a spectrum of public lands—from wilderness to urban parks—for people to use and enjoy. But to just set them aside is, of course, not enough. The feature that makes these lands remarkable—that they are open and accessible to all Americans to enjoy—also threatens their existence in the future.

Mr. President, we face an ironic question: are we loving our national parks to death? The simple answer to that question is yes.

Earlier this year, the National Parks Conservation Association released its list of the Ten Most Endangered National Parks. We should all feel ashamed that they have so many endangered Parks from which to chose. This year's list includes National Parks across the country, from Alaska to Arizona, from Tennessee to Hawaii. It also includes Everglades National Park in my state of Florida, where decades of human manipulation have led to ecosystem destruction.

This list of the 2000 Ten Most Endangered National Parks is unfortunately not comprehensive, but is representative. During the past year I have visited several national parks to get a first hand view of the problem. From personal experience, I can enlarge the list of endangered national parks.

At Ellis Island National Monument, a facade of immaculate buildings hides an inventory of dilapidated historical structures.

At Bandelier National Monument in New Mexico, lack of maintenance and vandalism is leading to the deterioration of historical artifacts.

I recently witnessed a similar deterioration of marine-related artifacts at a park in my own state of Florida.

In April I participated in my 359th work day at Biscayne National Park, a chain of subtropical islands protecting mangrove shoreline, interrelated marine systems and the northernmost coral reef in the United States. This was my 4th workday in a National Park.

At Biscayne National Park, we Americans are in danger of losing a piece of our history. The HMS Fowey, an 18th century British warship, lies submerged in a highly unstable location. This very significant, national register site has been weakened by looting, prop-wash deflection, storms and other forces. The best choice available is to excavate the wreckage and recover whatever of the historical record we can. This kind of operation is

well beyond the means of Biscayne National Park's annual operating budget.

My feelings about the National Park System are truly of wonder. The wonder that I feel at the treasures in our park system is only matched by my wonder at how we can take such treasures for granted. The importance of our National Parks should be reflected in our stewardship of the National Park System. We have failed to provide the National Park Service with the tools it needs to be good stewards of our National Parks.

Today, with my colleagues, Senator AKAKA, Senator L. CHAFEE, and Senator MCCAIN, I am introducing the "National Parks Stewardship Act".

I would also like to include for the record a letter from the National Parks Conservation Association expressing that organization's support for this legislation.

This legislation seeks to give the National Park Service the tools it needs to prepare for the next century. It also includes many of the proposals of others who feel strongly about the importance of our National Parks.

This bill gives park managers the protective tools needed to support the stewardship challenges of Theodore Roosevelt. We provide three types of tools: resource protection, financial tools and human resources.

The first element in the resource protection section of my bill deals with activities occurring outside park boundaries.

My inspiration for this was legislation introduced by the late Senator John Chafee who proposed the formation of "park protection areas" in 1986. John Chafee proposed that these areas be formed outside park boundaries to create the "buffer zone" needed for resource protection.

I identified strongly with this concept, having worked since the 1970's on a state-federal partnership for Everglades restoration that focuses heavily on providing a buffer zone for Everglades National Park. Today, the original boundaries of Everglades National Park are surrounded by Big Cypress Preserve, an expanded park boundary, and undeveloped land on the eastern side of the park.

It is as a memorial to John Chafee that I echo his provision in my bill, which I hope will become a permanent component of National Park stewardship. It is an honor to have LINCOLN CHAFEE, a fine statesman in his own right, as a co-sponsor.

The federal government must be unified in its stewardship of the National Parks.

My legislation requires that federal agencies taking action on lands bordering National Park units consult with the Department of the Interior to ensure such actions do not degrade or destroy National Park resources.

It also requires the Secretary of the Interior to prohibit actions on Interior

lands that will adversely impact Park resources.

The second action I propose to protect park resources relates to park uses.

The National Park Stewardship Act requires that activities allowed in National Parks pass the test of compatibility with natural, cultural and historical resource protection. As our parks are used and enjoyed by visitors, we must ensure that park resources are not inadvertently damaged. For example, the Park Service recently issued regulations limiting or prohibiting the use of personal water craft in some areas. This action was only taken after the use of these water craft in some areas was allowed at intensities seriously degrading water and air quality, and threatening both park wildlife and other park visitors.

My bill requires the National Park Service to take action to protect these resources before damage occurs. Activities must be analyzed and the impacts understood before they are authorized. It also asks the National Parks to seriously plan for the future, projecting visitation and use trends and identify needed personnel and facilities.

Another resource protection portion of the bill focuses on ensuring that our National Park System fully represents the history of our nation. Each year, a smaller percentage of the American population can trace its ancestry to those who landed at Plymouth rock, settled Jamestown, or fought in the American revolution. Many Americans are descended from people who crossed international borders from the North or South, or landed at locations from the Florida Keys to the Aleutian Islands, from Ellis Island to the island of Oahu. All those who came to settle write their history alongside, and often atop the history of our country's native peoples.

The bill calls for a comprehensive look at the ethnic and cultural content of our National Park System. It asks the National Park Service to report this review to Congress, and to make recommendations on sites that might round out the American story. It encourages cultural/ethnic groups to nominate sites important to their heritage for inclusion in the System, and to recommend changes in the interpretation of present sites to improve historic accuracy.

America is etched with a rich historical record. I commend those who have succeeded in adding important heritage sites to the National park System. Units like the National Underground Railroad Network to Freedom, authorized by Congress in 1998, and the Juan Bautista de Anza National Historic Trail in California, tracing the path of a party of Spanish colonists in 1776, ensure that these events do not pass from our historical landscape. There are cer-

tainly many as equally important sites to consider.

Mr. President, I would like to include in the RECORD letters from the Ambassador of Spain and the Spanish Institute for Military History and Culture. These letters exemplify the willingness of those who contributed to the history of the United States to help in this effort. The Ambassador points out how the Institute's letter, "opens the way for a cooperation between the two institutions that could result in a much better use of the many historical sites, of Spanish origin, on American soil. They could "make the stones speak" to many people in this country who are still unaware of a very rich and common heritage." I am sure other countries will be willing to help illustrate how the history of our country is linked to their own history.

Our National Park System, the treasured sites of American history, must contain the history of all Americans. If not, our National Park System is like a partially woven tapestry, depicting only part of the picture. Instead let our National Park System be woven, whole and beautiful, from the multi-colored threads of history of the people of these United States.

I hope this proposal will move us one step closer to a National Park System where all Americans should be entitled to see the role of their people in the exploration, settlement and development of this country. And I see it as complementing Senator AKAKA's bill, S. 2478, calling for a study on the "Peopling of America," which I am honored to co-sponsor.

The second major section of the National Parks Stewardship act deals with financial resources.

Last year, I introduced legislation with Senators REID and MACK, S. 819, the National Park Preservation Act, that would provide dedicated funding to the National Park Service to restore and conserve the natural, cultural and historic resources in our park system. We continue to work toward final passage of S. 819. However, this bill alone does not meet all of the needs in our National Parks.

The need for construction and maintenance in National Parks is great. Backlog estimates range from 2 to 8 billion dollars, depending on the method of calculation.

In order to accommodate many visitors each year, some National Parks have facilities and services that rival those of towns or small cities. Along with these facilities come the problems of infrastructure maintenance and repair that are beyond the reach of annually appropriated budgets.

Even at Yellowstone National Park, certainly a crown jewel of the system, a dilapidated sewer system leaking untreated waste befouls what should be pristine streams and lakes. At Yellowstone, a park visited by over 3 million

people a year, certainly we should provide the means for financing a new sewer system.

My colleague Senator McCAIN addressed this need through his bill, S. 831, which would authorize a portion of park entrance fees to be used to secure bonds for these very necessary capital improvements. Bonding would seem to be a workable approach, if we could find an appropriate way for a federal agency to issue revenue bonds.

The National Parks Stewardship Act introduced today calls for the Secretary of the Treasury and the Secretary of the Interior to study and report to Congress how National Parks could issue revenue bonds to meet such large infrastructure needs.

The authority to issue revenue bonds places into the hands of National Park superintendents a tool to generate the funds to make these repairs.

The second revenue provision I propose is to make the recreation fee program in operation as a demonstration since its authorization in 1996 into a permanent park program. The program has demonstrated that park visitors can get a good return on the fees they pay; a return paid out in better maintained facilities, improved visitor services, and all-in-all, a more enjoyable park visit.

To underscore the importance of recreation fee permanence, I, along with Senator GORTON, am introducing today the "Recreation Fee Authority Act of 2000," a stand along piece of legislation containing these provisions.

In fiscal year 1999, the recreation fee demonstration program generated \$176.4 million in fee revenue at National Parks, National Forests, National Wildlife Refuges and Bureau of Land Management sites. Even more important than the amount collected is the fact that the large majority of the fees were retained at the site where collected for use in Park operations, maintenance, resource protection and visitor services.

Biscayne National Park, where I worked for a day in April, is one of the units benefitting from the recreation fee demonstration program. Last year, that park collected over \$20,000 in recreation fees. At Biscayne, these funds were used to:

- replace the broken tables and grills in the picnic area;

- restore a historic breeze way trail across Elliott Key; and

- renovate the public showers and bathrooms on Elliott Key, improving their accessibility for people with disabilities.

When park visitors see their "fees at work" in the form of improved facilities and services, research has shown that they understand and support the collection of an appropriate and reasonable fee. Over 95 percent of respondents to this year's National Survey on Recreation and the Environment felt

reasonable fees were acceptable as a means for funding recreation services on public lands.

The recreation fee demonstration authority is temporary. If it is not extended or made permanent, Biscayne and other National Parks will lose this very necessary means to get the job done. Let's instead make this a permanent tool for National Park Stewardship.

In addition to revenue bonding and the recreation fee program, I propose the expanded use of Challenge Cost Share agreements, which allow the "leveraging" of Park Service appropriations with funds from the private sector and other federal agencies.

The final tool I propose in this legislation focuses on the professional skills of those we employ as the stewards for National Parks. Professionals typically attracted to the Service come from many fields, including education, recreation management, and the biological sciences. Today park managers must also demonstrate fiscal and program accountability and management planning, skills that are not found throughout National Park Service ranks.

I am proposing a pilot program, "Professionals for Parks", to attract needed skilled professionals to National Park Service careers. It will focus on recruiting at business schools across the country, offering talented graduates an entry level professional job within the National Park Service and a student loan buy-back program.

Professionals for Parks will add to National Park Service ranks the business management skills needed for better management, leading to long term stewardship. And we know this can make a difference.

We're looking for people like Nick Hardigg, a recent graduate of the Yale School of Management, who is now working as Chief of Concessions at Denali National Park. His financial analysis of the visitor transportation system in Denali led to a newly negotiated contract with the bus company. This contract allows for a healthy profit for the operator and for the first time in several years does not increase fees to park visitors. It also protects park resources by providing a quality transportation system.

It's a long way from the Ivy League to the Alaskan wilderness. Mr. Hardigg has made that journey, and has put his business skills to good use for National Park stewardship.

Mr. President, the National Park Stewardship Act is not calling for a revolution in the National Park System. It recognizes the value of what we have in the National Park System, recognizes what we stand to lose without immediate attention, and supplies the tools to the right people to tackle the job.

In closing I would like to recall the words of John Chafee, a visionary

statesman who helped craft much of the foundation on which our system of environmental protection rests.

In 1994, he reminded us of the importance of our Parks stewardship role:

I can think of no instance where the Government has designated an area as a park and years later people have looked back, regretted the decision, and tried to reverse it. As we continue to develop and extract resources from the remaining open spaces in our Nation, it is important that we ensure that there will always be places where people can get away and renew their spirits, breathe fresh air, and appreciate nature's gifts.

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

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

NATIONAL PARKS
CONSERVATION ASSOCIATION,
Washington, DC, May 23, 2000.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The National Parks and Conservation Association (NPCA) would like to commend you and your cosponsors for the introduction of the National Parks Stewardship Act. This bill includes many provisions that will promote better protection and management of national park resources.

As you know, the beginning of the 21st century is a watershed moment for Americans and our National Park System. One hundred and twenty-eight years after the establishment of Yellowstone, we have a magnificent park system that stretches from the coast of Maine to the tropical reefs of American Samoa. Millions of people visit and enjoy these parks every year.

However, the National Park System also is severely troubled. Threats to the health of the National Park System fall into several broad categories: lack of funding; activities that damage park resources from inside and outside park boundaries; and poor management. As a result, basic information about park resources is lacking, much of the infrastructure and visitor services are in poor condition, and parks are increasingly jeopardized by activities around them.

Your National Stewardship Act addresses many of these concerns by:

Facilitating the issuance of national park revenue bonds that would help finance needed improvements at national parks;

Requiring that all activities in national parks be consistent with resource protection and preservation;

Ensuring that other federal government agencies respect the integrity of national park lands;

Promoting the protection of the historical documents in National Park Service collections;

Expanding the opportunities for national park managers to develop public administration and business management skills.

The National Parks Stewardship Act also ensures that the National Park System will better represent the diverse heritage of all people of the United States. Support for the National Park System runs deep in the hearts of millions of Americans. That support, however, will wane if significant numbers of people feel disconnected from the message and meaning of the parks. To ensure continued public support, and historical rel-

evance, the National Parks Stewardship Act requires that the National Park Service review existing sites to determine if there are deficiencies in the accurate representation of all peoples that contributed to the shaping of the United States. We commend you for this farsighted proposal.

Thank you for undertaking this effort to assure the vitality of the National Park System through the 21st century and beyond. We look forward to promoting this legislation with you.

Sincerely,

THOMAS C. KIERNAN.

EL EMBAJADOR DE ESPAÑA,
Washington, DC, April 27, 2000.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR, I have read with the utmost interest your proposed legislation on the role of the National Park Service of the United States in conservation and promotion of historic sites in this country.

With respect to the numerous monuments left by Spain in the southern States, we would certainly welcome all possible cooperation with the Park Service to give these venerable ruins a real cultural and educational purpose. We believe that solid support from historians and other experts from Spanish official institutions such as our Ministry of Defense or the Institute for the Protection of Historic Legacy, could make these sites incite the interest of new generations on pages of their past that they might have insufficient knowledge of.

I have written to the two aforementioned Spanish cultural institutions to ensure their willingness to collaborate with the National Park Service on the goals set forth in the draft Resolution.

In the meantime, let me assure you of our enthusiastic support for your initiative that I certainly hope will muster the necessary backing from the rest of the Senate.

Thanking you most warmly for your enlightened defense of the cultural integrity of this great country.

I remain,

Yours very sincerely,

ANTONIO DE OYARZÁBAL.

EL EMBAJADOR DE ESPAÑA,
Washington, DC, June 9, 2000.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR, I am pleased to enclose the attached letter from my friend General Peñaranda, the Director of the Institute for Military History and Culture in Madrid, in response to my request for support to your initiative in Congress, on behalf of the "National Park Service."

I think General Peñaranda's very enthusiastic answer opens the way for a cooperation between the two institutions that could result in a much better use of the many historical sites, of Spanish origin, on American soil. They could "make the stones speak" to many young people in this country who are still unaware of a very rich and common heritage.

EMBAJADA DE ESPAÑA,
Madrid, May 29, 2000.

His Excellency Ambassador Antonio de Oyarzábal Marchesi,
Ambassador of Spain to the U.S.,
Washington, DC.

DEAR AMBASSADOR AND FRIEND: It gives me great pleasure to be able to oblige you with regard to the wishes of the National Park

Service which you refer to in your letter of April 26. I have consulted this Institute's Standing Committee on Historical Studies (Comisión Permanente de Estudios Históricos) regarding the possibility of satisfying the possible American request, and it could not be more favorably disposed to the idea. It is very satisfying to be able to cooperate in some way in the efforts to heighten the historical value of the old Spanish military monuments in the U.S. as well as that of any other collection of documents, books or movables that can be considered part of this important historical legacy.

This institute has a considerable collection of documents and artifacts in its archives relating to the ancient viceroyalty and overseas provinces. Most of the items have already been catalogued (some have even been studied by U.S. specialists). Now we are in the advanced stages of negotiation with Puerto Rico whose Legislative Assembly has already allocated a budget for cataloguing, microfilming and digitizing all the material in our historical military archives about matters related to that island.

In any case, Antonio, you know that you can count on the Institute for Military History and Culture to initiate a collaborative effort with the National Park Service. It would be advisable to establish direct contact between the National Park Service and this Institute so as to define the matters of most interest to them. While we could begin in writing, a trip to Spain by a director or historian of the Park Service so that they might gain an understanding in situ of our capabilities with regard to their projects would be very fruitful. They will be most warmly received.

I am at your service!

With my best regards,

JUAN MA DE PEÑARANDA Y ALGAR.

Mr. GORTON. Mr. President, I am pleased to join my colleague from Florida, Senator GRAHAM, in introducing legislation today that seeks to permanently authorize the recreation fee program for the federal land management agencies. Congress authorized the Recreation Fee Demonstration Program in the FY 1996 Omnibus Consolidated Recissions and Appropriations Act, and has extended the program through the Interior Appropriations bill several times since 1996.

In the Pacific Northwest, the fees collected by the National Park Service and Forest Service have been a tremendous additional resource to provide improved campgrounds, trails, and other visitor facilities. As chairman of the Senate Interior Appropriations Committee, I have consistently provided increases for operations, maintenance, and repair of park, forest, and refuge facilities. Regardless, this country's love affair with recreation and the great outdoors has begun to take its toll on the public lands we enjoy so much.

Since I took over the chairmanship of the Interior Appropriations Subcommittee, I also have been faced with an unending list of federal land acquisition proposals. The demand to increase the federal government's land base cannot be considered in a vacuum, especially when we're faced with at least a \$12 billion maintenance backlog

on the lands we already own. In fact, the Congressional Budget Office recommended last year that the federal government place a ten-year moratorium on land acquisitions in an effort to address the backlog in maintenance projects.

I don't support taking such an extreme step. Rather, I believe we can have a reasonable level of land acquisitions, but we also need to commit to finding the additional resources to maintain what we already have. I am committed to providing access to our public lands, but this can only happen if we have enough funding to maintain the land and facilities treasured by Americans and visitors from all over the world.

Over the past five years of the fee demonstration project, the federal agencies have tested various types of fees and collection methods in preparation for the possibility of some day establishing a long-term, consistent, and fair fee program. In general terms, the project has been a great success, providing the federal land management agencies nearly \$200 million last year in additional revenue for maintenance and repair projects, and resources for improved visitor services.

In 1999, at the Mt. Baker-Snoqualmie Forest in my state, the program allowed this Forest to clear 739.6 miles of trail, hire 22 trail maintenance workers, develop leveraged partnerships with non-profit groups to accomplish maintenance work with volunteers, and maintain 67 trailhead toilets and 136 trailheads. All of this vital work was accomplished by charging \$3 for day passes or \$25 for an annual pass.

Last week, the Senate Appropriations Committee reported the Interior Appropriations bill, which extends the Recreation Demonstration Fee Program through the end of fiscal year 2002. Despite my resistance to using the Interior bill to continue this program, I felt it was vital to provide the agencies certainty for another year. In fact, recent improvements to the Forest Service fee program in the Northwest, including the new Northwest Forest Pass, would have been jeopardized without the extension.

With that said, I believe the Senate, through the Energy and Natural Resources Committee, deserves the opportunity to fully consider legislation to permanently authorize the recreation fee program. The success stories are abundant, but by no means am I blind to the problems we've seen over the past five years. Most importantly, the public deserves the opportunity to participate, both through hearings and contact with their elected representatives, to provide us the input we need to authorize a permanent program.

That's why I have chosen to join Senator GRAHAM today in introducing a bill to begin the debate over how and whether Congress should permanently

authorize the recreation fee program. The bill we've crafted provides the framework for a permanent program that will build upon the successes and correct the problems we've seen so far.

I want to stress that this bill will serve as the starting point for what I hope to be a full and deliberative discourse on recreation fees. I intend to work with the Energy and Natural Resources Committee to hold a series of hearings, including field hearings, so representatives of recreation groups, gateway communities, and other interested parties can air their concerns and suggestions. My staff and I have spent a considerable amount of time meeting and talking with recreation groups based in Washington state. I am certain there will be many ways we can improve the legislation introduced today to address their concerns through the committee process, and I am excited to continue that dialogue.

It goes without saying that no one really wants to pay a fee to recreate on public lands. The key to making a permanent program a success in the future will depend on keeping the fees reasonable and the results tangible. The most important component of the Recreation Fee Demonstration Project is the requirement that 80 percent of the fees remain at the site the fees are collected. The legislation introduced today maintains that requirement. In addition, Congress and the Administration must make a firm commitment to uphold its responsibility to continue to increase appropriations in the future to reduce the maintenance backlog. It's a two-way street, and we must all do our part.

Further, I fully expect to address other issues raised by my friends in the recreation community. Although the situation has improved recently, the multiple fee structures tested by the Forest Service created a confusing and frustrating situation for hikers and rock climbers. In particular, rock climbers have been hit with multiple fees for just one visit to the forest. Many recreationists are calling for multi-agency passes. I find this idea intriguing and would urge further discussion through the committee process. I must note, however, that multi-agency fees may distract from the expectation that fees remain at the facilities and sites where they are collected. Further, some outdoor enthusiasts are concerned the fee program could inspire over-building on our public lands to justify collection of the fees. I, too, am concerned with preserving the integrity of our public lands and avoiding the impulse to provide unnecessary facilities. This legislation directs the agencies to place a priority on deferred maintenance projects. But again, these are topics that deserve thoughtful discussion, and I look forward to addressing them in the near future.

Finally, many active recreationists have made a strong case for developing

a recognition program that rewards volunteers for dedicating their time to improving our public lands. Many forests and parks have well-developed volunteer programs, while others do not. I am dedicated to working with recreation groups to provide the agencies appropriate guidelines in the bill to develop a consistent program that provides volunteers reduced or free access to our public lands.

Again, I want to thank my colleague from Florida for being a leader in the protection of the nation's public lands. I look forward to working with him, and the members of the Energy and Natural Resources Committee, to authorize a permanent program that provides necessary resources to maintain and improve these national treasures for generations to come.

By Mr. JOHNSON:

S. 2818. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD SECURITY AND LAND STEWARDSHIP
ACT OF 2000

Mr. JOHNSON. Mr. President, I rise to introduce legislation to amend the 1996 farm bill. This legislation is really the culmination of at least two years of work on the part of two agricultural producers from my home State of South Dakota. These two individuals, Craig Blindert of Salem and Phil Cyre of Watertown, have devoted an enormous amount of time and energy refining the proposal I am introducing today and I want to express my thanks and gratitude.

While some policy makers purport to have all the answers to agricultural policy and our current economic disaster in farm country, I am proud that two South Dakota farmers approached me with their plan. Mr. Blindert and Mr. Cyre exhibit a quality inherent to a farmer that most policy makers will never exhibit, something I call "tractor seat common sense." Former President Eisenhower once said, farming looks mighty easy when your plow is a pencil and you're a thousand miles away from a farm. Instead of pretending I have all of the answers, I think it just makes good practical sense to listen to farmers who know their business better than anyone in the world, and that is what I have tried to do with this proposal.

Unfortunately, all of that expertise our farmers demonstrate about the production of crops and livestock, marketing, and risk management means little when our farm policy and agribusinesses minimizes them into mere

price takers. The legislation I am introducing today attempts to allow farmers to become price setters in response to the free market, and it attempts to ensure responsibility from agribusiness to finally offer a decent price for commodities.

The current economic setting and commodity price forecast for farmers and ranchers remains disastrous. Crop prices have absolutely collapsed with corn prices at a 12 year low, soybeans prices at a 27 year low, and wheat prices that have not been so low since 1977. Meatpacker concentration and unfair livestock dumping are still crippling livestock producers. Prices paid for livestock have remained low in the pork and lamb sectors while they have recovered, at a very limited and still unprofitable rate, for cattle producers. As a result, net farm income has plummeted to around \$40 billion this past year, plunging \$9 billion from last year, without government assistance. Agricultural exports are down over \$11 billion from 1996, and constricted global demand for our agricultural products restricts exports from boosting prices.

It is clear that once again this disastrous marketplace clouds the landscape of rural America as a woefully inadequate farm bill continues to rip the safety net from beneath farmers and ranchers. If not for government market loss assistance the last three years—a record level of \$23 billion in 1999—many hard-working farmers and ranchers might be out of business.

The course of the last few years under the current farm bill has given all of us the opportunity to measure the theories of Freedom to Farm against the practical reality of experience. The measurable results of that practical experience should convince Congress we cannot delay to reform the current farm bill. Some tend to ignore this reality, choosing instead to overlook the flawed farm policy, in hopes that over time our nation's family farmers and ranchers will find themselves enjoying the prosperity of our booming economy. However, most farmers merely read about this prosperity as they face escalating production expenses, eroding equity, and collapsing crop prices.

Delay in reforming farm policy is dangerous to the entire fabric of rural America. The other day a farmer remarked to me, "the best time for Congress to write a better farm bill would have been in 1996, but, the next best time is today." I couldn't agree more.

Congress cannot continue to overlook the link between the current financial stress our family producers face and the 1996 farm bill provisions which eliminated the financial safety net for farmers. Consequently, there should be no higher priority for this Congress to accomplish in farm policy than to restore a fair price from a truly free marketplace.

The legislation I am introducing today is not a radical departure from the current farm bill. We try to reinforce the advantages of Freedom to Farm while improving upon other areas of our farm policy. Coined "Flexible Fallow" by the farmers who developed it, my proposal adds a voluntary, annual, conservation-use feature to the loan rate provisions of the 1996 Farm Bill. Should a farmer desire to operate under current farm bill conditions, my legislation ensures that opportunity. However, should a farmer need greater leverage over crop production and marketing, Flex Fallow guarantees that planting and marketing flexibility.

Neil Harl of Iowa State University, arguably the most respected agricultural economist in the country, has enthusiastically endorsed my Flex Fallow proposal. In a letter to me he describes Flex Fallow as "the missing link to the 1996 farm bill." He believes this proposal will function in a market oriented fashion and ensure that "farmers continue to make production decisions based upon their own operations in a manner that makes economic sense."

Mr. President, farmers electing to devote a portion of their total crop acreage to conservation-use under my bill receive a higher loan rate on their remaining crop production. On an annual and crop-by-crop basis, farmers can choose to conserve up to thirty percent of their total crop acreage.

An adjustable loan rate schedule is a key feature of this proposal. With the exception of wheat and soybeans, the proposed base loan rates for 0 percent participation in Flex Fallow (otherwise known as full production) are set at 2000 levels. Participation in Flex Fallow is directly proportional to increased loan rates. For corn, wheat, and soybeans, loan rates increase by one percent for each one percent increase in conservation-use.

In 1999, the Food and Agricultural Policy Research Institute (FAPRI) completed an analysis of the Flex Fallow proposal. I believe the results were very promising. In years and regions (areas of the country with a wide basis) of low commodity prices, Flex Fallow encourages farmers to voluntarily set-aside land in turn for a higher loan rate. Yet in years of better commodity prices, farmers are inclined to produce for the market, planting most or all of their land to crop production. The reduced plantings in years of poor crop prices, like the last three years, would lead to higher crop prices. More specifically, reduced plantings in the first two years of the program would translate into the following higher crop prices. Corn prices rise 27 cents per bushel over current levels, soybean prices climb 44 cents per bushel, wheat prices recover 29 cents per bushel, and cotton prices rise 9 cents per pound. The FAPRI analysis predicts a commodity price recovery in the long-

term, and the analysis found participation in Flex Fallow to decline after 2002.

While I work on this amendment to the current farm bill, I am absolutely open to other ideas and alternatives that revise our farm policy. Unlike the authors of the 1996 farm bill, I do not cling to a pride in authorship in a farm program. So, I want the opportunity to support as many viable alternatives as possible.

In summary, here are a few highlights of the Flex Fallow farm bill amendment I am introducing today. Flex Fallow is flexible and adjustable enough to meet the needs of individual farm operations. Flex Fallow is voluntary. Flex Fallow is market-oriented because it permits farmers the freedom to plant for marketplace conditions. Flex Fallow emphasizes conservation practices. Flex Fallow updates yield data and eliminates current base acres. Flex Fallow targets disaster assistance to producers who suffer from weather-related crop loss and price collapse. Finally, Flex Fallow will result in a modest cost to taxpayers. The FAPRI analysis finds net Commodity Credit Corporation expenditures under Flex Fallow to compare with that of the 1996 farm bill without billion-dollar emergency spending additions.

In the coming months I anticipate a full airing of my Flex Fallow amendment to the farm bill, alongside other pieces of farm bill reform legislation that others in Congress may introduce. I expect to refine this proposal after discussing it further with farmers and farm organizations across South Dakota and the entire country. As a result, it is likely I will introduce another piece of legislation similar to Flex Fallow in the next session of Congress, wherein two other significant issues will be addressed.

First, of critical importance to me is the need to design a farm bill in the future that targets the benefits to family-sized farmers and ranchers. Too often, Congress and the Administration devise tactics to ignore and plow under the existing farm program payment limitations. If we have a limited amount of taxpayer funds in which to devote to price support for farmers, it simply makes sense to target those benefits to small and mid-sized family producers. While the amendment I introduce today does not alter current payments limits under the farm bill, I am a strong supporter of targeting. As such, I will work to place sensible, responsible, payment limitations that provide benefits to all but ensure targeted benefits to the small and mid-sized family farmers and ranchers who need and deserve greater attention from Congress.

Second, I believe Congress will be unable to develop a future farm bill without the support of those in the conservation and wildlife community. I

am a strong supporter of conservation programs that protect sensitive soil and water resources, promote wildlife habitat, and provide farmers and landowners with benefits and incentives to conserve land. Flex Fallow can work very well with both short-term and longer-term conservation practices. It is my goal to bring conservation groups together with farm interests in order to develop a well-balanced approach to future farm policy that protects our resources while promoting family-farm agriculture.

Mr. President, I ask unanimous consent that the letter from Dr. Harl be printed in the RECORD at the end of my statement.

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

IOWA STATE UNIVERSITY
OF SCIENCE AND TECHNOLOGY,
Ames, IA, April 17, 2000.

Senator TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: It is my understanding that legislation based on the "Flexible-Fallow" concept developed and advanced by Craig Blindert and Phil Cyre of South Dakota is being prepared for introduction. I would like to write in strong support of the legislation and do so most enthusiastically.

Mr. Blindert called me in late 1998 with a request for a half day to discuss a farm bill proposal. I was extremely busy at the time but reluctantly agreed to set aside an afternoon in late December. As the proposal was explained, I could see that what Blindert and Cyre had developed was the missing link for the 1996 farm bill. I wrote in strong support of the proposal following that meeting—encouraging an analysis by the Food and Agriculture Policy Research Institute (FAPRI)—and am even more supportive today.

The weak element of the 1996 farm bill was the downside protection in the event of pressure on the supply side for commodities. A series of normal to good weather years, a drop of nearly 20 percent in exports and the relentless effects of technology have combined to produce very low prices for most crops.

What I find so appealing about the Blindert-Dyre proposal is that—(1) the proposal would function in a market-oriented manner; (2) it would be most appealing in the so-called "swing" areas which are expected to shift land use patterns when prices for intensively-produced crops are low and to return to such production when prices recover; (3) the proposal would self-correct when prices rise; (4) it would entail only a modest amount of administrative involvement on a discretionary basis; (5) it would enable producers to continue to make decisions based on their own situation, in a manner that makes economic sense to them; and (6) the cost would be modest to taxpayers and to consumers.

I would be pleased to respond further in support of the proposal. Mr. Blindert and Mr. Cyre are to be commended for developing what I believe would be an enormously helpful adjunct to the 1996 farm bill.

Sincerely,

NEIL E. HARL,
Charles F. Curtiss Distinguished Professor
in Agriculture, Pro-

fessor of Economics
and Director, Center
for International
Agricultural Finance.

By Mr. REED (for himself and Mr. JEFFORDS):

S. 2819. To provide for the establishment of an assistance program for health insurance consumers; to the Committee on Health, Education, Labor, and Pensions.

THE HEALTH CARE CONSUMER ASSISTANCE ACT

Mr. REED. Mr. President, I am pleased to join my colleague Senator JEFFORDS today to introduce the Health Care Consumer Assistance Act. This important legislation seeks to address a significant problem that currently exists in the health insurance market, the lack of a reliable source of information and assistance for health care consumers.

In 1997, President Clinton's Health Quality Commission identified the need for consumer assistance programs that allow consumers access to accurate, easily understood information and get assistance in making informed decisions about health plans and providers. Earlier this month, the Henry J. Kaiser Family Foundation and Consumer Reports magazine released the results of a survey they conducted on consumer satisfaction with their health plans. Their survey is part of a larger project looking at ways to improve how consumers resolve problems with their health insurance plans. The survey found that while most people who experienced a problem with their plan were often able to resolve them, the majority of those surveyed were confused about where to go for information and help if they have a problem with their health plan. Eventhough a growing number of states have taken steps to give patients new rights in dealing with their health insurance plans, most consumers are either unaware or do not know how to exercise those rights.

The legislation I am introducing today with Senator JEFFORDS seeks to remedy this information gap by providing grants to states that wish to establish health care consumer assistance programs. These programs are designed to help consumers understand and act on their health care choices, rights, and responsibilities. Under this bill, the Secretary of Health and Human Services will offer states funds to create or contract with an independent, nonprofit agency to provide a variety of information and support services for health care consumers, including the following: educational materials for health care consumers about strategies to resolve problems and grievances; operate a 1-800 telephone hotline to respond to consumer inquiries; coordinate and make referral to other private and public health care entities when appropriate; conduct

education and outreach in the community; and collect and disseminate data about nature of inquiries, problems and grievances handled by the program.

The concept of a health care consumer assistance program has already received considerable support and several states have taken the initiative to create these programs. Governors and state legislatures in many states including, Florida, Georgia, Massachusetts, Maryland, Nebraska, Nevada, Rhode Island, Texas, Vermont, Virginia and Wisconsin have introduced or enacted health care ombudsman legislation. While some states have successfully launched their programs, other state initiatives have faltered due to a lack of sufficient funding.

While important strides are being made to enhance health care consumer information and resources, clearly more needs to be done to expand access to these simple and cost-effective services to all Americans.

Mr. President, I believe that Americans deserve access to the information and assistance they need to be empowered and informed health care consumers. As the health insurance system becomes more confusing and complex, it is critically important that as consumers navigate this system, they have a place where they can go for information, counseling and assistance. As health plan options become more complicated and the web of policies and principles governing those plans becomes more enmeshed, people need a reliable, accessible source of information, and state health care consumer assistance programs have proven their ability to meet this challenge. I look forward to working with my colleague, Senator JEFFORDS, in advancing this important and timely legislation.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

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

S. 2819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Care Consumer Assistance Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) People with health care insurance or coverage have many more options with respect to coverage of, payment or payments for, items, services or treatments. Also, their health plans, coverages, rights, and providers are frequently being reorganized, expanded, or limited.

(2) All consumers need information and assistance to understand their health insurance choices and to maximize their access to needed health services. Many do not understand their health care rights or how to exercise them, despite the current efforts of both the public and private sectors.

(3) Few people with health care coverage have independent credible sources of infor-

mation or assistance to guide their decision-making or to help resolve problems.

(4) It is important to maintain and strengthen a productive working relationship between all consumers and their health care professionals and health insurance providers.

(5) Federally initiated health care consumer assistance and information programs targeted to consumers of long-term care and to medicare beneficiaries under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) are effective, as are a number of State and local consumer assistance initiatives.

(6) The principles, policies, and practices of health care providers for delivering safe, effective, and accessible health care can be enriched by State-based collaborative, independent education, problem resolution, and feedback programs. Health care consumer assistance programs have proven their ability to meet this challenge.

(7) Health care consumers want and need reliable information about their health care options that integrates data and effective resolution strategies from the full range of available resources. Health care consumer assistance programs can provide that reliable, problem-solving information to help in navigating the health care system.

(8) Health care delivered to individuals and within communities can be improved by collecting and examining consumers' experiences, questions, and problems and the ways in which their questions and problems are resolved. Health care consumer assistance programs can educate and inform consumers to be more effective, self-directed health care consumers.

(9) Many states have created health care consumer assistance programs. The Federal Government can assist the States in developing and maintaining effective health care consumer assistance programs.

SEC. 3. GRANTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the "Secretary") shall award grants to States to enable such States to establish and administer (including the administration of programs established by States prior to the enactment of this Act) consumer assistance programs designed to provide information, assistance, and referrals to consumers of health insurance products.

(b) STATE ELIGIBILITY.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes—

(1) the manner in which the State will establish, or solicit proposals for, and enter into a contract with, an entity eligible under subsection (d) to serve as the health care consumer assistance office for the State;

(2) the manner in which the State will ensure that the health care consumer assistance office will assist health care consumers in accessing needed care by educating and assisting health insurance enrollees to be responsible and informed consumers;

(3) the manner in which the State will coordinate and distinguish the services provided by the health care consumer assistance office with the services provided by the long-term care ombudsman authorized by the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the State health insurance information program authorized under section 4360 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b-4), the protection and advocacy program authorized under the Protec-

tion and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and any other programs that provide information and assistance to health care consumers;

(4) the manner in which the State will coordinate and distinguish the health care consumer assistance office and its services from enrollment services provided under the medicaid and State children's health insurance programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 et seq. and 1397aa et seq.), and medicare and medicaid health care fraud and abuse activities including those authorized by Federal law under title 11 of the Social Security Act (42 U.S.C. 1301 et seq.);

(5) the manner in which the State will provide services to underserved and minority populations and populations residing in rural areas;

(6) the manner in which the State will establish and implement procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office established under subsection (d)(1) and to ensure that no such information is used, released or referred without the express permission of the consumer, except to the extent that the office collects or uses aggregate information as described in section 4(c)(8);

(7) the manner in which the State will provide for the collection of non-Federal contributions for the operations of the office in an amount that is not less than 30 percent of the amount of Federal funds provided under this Act; and

(8) the manner in which the State will ensure that funds made available under this Act will be used to supplement, and not supplant, any other Federal, State, or local funds expended to provide services for programs described under this Act and those described in paragraphs (3) and (4).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From amounts appropriated under section 4 for a fiscal year, the Secretary shall award a grant to a State in an amount that bears the same ratio to such amounts as the number of individuals within the State covered under a health insurance plan (as determined by the Secretary) bears to the total number of individuals covered under a health insurance plan in all States (as determined by the Secretary). Any amounts provided to a State under this section that are not used by the State shall be remitted to the Secretary and reallocated in accordance with this paragraph.

(2) MINIMUM AMOUNT.—In no case shall the amount provided to a State under a grant under this section for a fiscal year be less than an amount equal to .5 percent of the amount appropriated for such fiscal year under section 5.

(d) PROVISION OF FUNDS FOR ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—From amounts provided under a grant under this section, a State shall, directly or through a contract with an independent, nonprofit entity with demonstrated experience in serving the needs of health care consumers, provide for the establishment and operation of a State health care consumer assistance office.

(2) ELIGIBILITY OF ENTITY.—To be eligible to enter into a contract under paragraph (1), an entity shall demonstrate that the entity has the technical, organizational, and professional capacity to deliver the services described in section 4 throughout the State to all public and private health insurance consumers.

SEC. 4. USE OF FUNDS.**(a) BY STATE.—**

(1) **IN GENERAL.**—A State shall use amounts received under a grant under this Act to establish and operate of a health insurance consumer assistance office as provided for in this section and section 3(d).

(2) **NONCOMPLIANCE.**—If the State fails to enter into or renew a contract for the operation of a State health insurance consumer assistance office, the Secretary shall reallocate amounts to be provided to the State under this Act.

(b) **BY ENTITY.**—An entity that enters into a contract with a State under section 3(d) shall use amounts received under the contract to establish and operate a health insurance consumer assistance office.

(c) **ACTIVITIES OF OFFICE.**—A health insurance consumer assistance office established under this Act shall—

(1) operate a toll-free telephone hotline to respond to requests for information and assistance with health care problems and assist all health insurance consumers to navigate the health care system;

(2) acquire or produce and disseminate culturally and language appropriate educational materials concerning health insurance products available within the State, how best to access health care, and the rights and responsibilities of the health care consumer;

(3) educate health care consumers about strategies that such consumers can implement to promptly and efficiently resolve inquiries, problems, and grievances related to health insurance and access to health care;

(4) refer health care consumers to appropriate private and public entities so that inquiries, problems, and grievances with respect to health insurance and access to health care can be handled promptly and efficiently;

(5) coordinate with health organizations in the State, State health-insurance related agencies, and State organizations responsible for administering the programs described listed in paragraphs (3) and (4) of section 3(b) so as to maximize the ability of consumers to resolve health care questions and problems and achieve the best health care outcomes;

(6) conduct education and outreach within the State in partnership with consumers, health plans, health care providers, health care payers and governmental agencies with health oversight responsibilities;

(7) provide information to consumers about an internal, external, or administrative grievance or appeals procedure (in nonlitigative settings) to appeal the denial, termination, or reduction of health care services, or the refusal to pay for such services, under a health insurance plan; and

(8) provide information to State agencies, employers, health plans, insurers, and the general public concerning the kinds of inquiries, problems, and grievances handled by the office.

(d) **CONFIDENTIALITY AND ACCESS TO INFORMATION.**—The health insurance consumer assistance office of a State shall establish and implement procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no such information is used, released or referred to State agencies or outside entities without the expressed permission of the consumer, except to the extent that the office collects or uses aggregate information described in subsection (c)(8).

(e) **AVAILABILITY OF SERVICES.**—The health insurance consumer assistance office of a State shall not discriminate in the provision of information and referrals regardless of the source of the individual's health insurance coverage or prospective coverage, including individuals covered under employer-provided insurance, self-funded plans, the medicare or medicaid programs under title XVII or XIX of the Social Security Act (42 U.S.C. 1395 and 1396 et seq.), or under any other Federal or State health care program.

(f) DESIGNATION OF RESPONSIBILITIES.—

(1) **WITHIN EXISTING STATE ENTITY.**—If the health insurance consumer assistance office of a State is located within an existing State regulatory agency or office of an elected State official, the State shall ensure that—

(A) there is a separate delineation of the funding, activities, and responsibilities of the office as compared to the other funding, activities, and responsibilities of the agency; and

(B) the office establishes and implements procedures and protocols to ensure the confidentiality of all information shared by consumers and their health care providers, health plans, or insurers with the office and to ensure that no information is transferred or released to the State agency or office without the expressed permission of the consumer.

(2) **CONTRACT ENTITY.**—In the case of an entity that enters into a contract with a State under section 3(d), the entity shall provide assurances that the entity has no real or perceived conflict of interest in providing advice and assistance to consumers regarding health insurance and that the entity is independent of health insurance plans, companies, providers, payers, and regulators of care.

(g) **SUBCONTRACTS.**—The health insurance consumer assistance office of a State may carry out activities and provide services through contracts entered into with 1 or more nonprofit entities so long as the office can demonstrate that all of the requirements of this Act are complied with by the office.

(i) TRAINING.—

(1) **IN GENERAL.**—The health insurance consumer assistance office of a State shall ensure that personnel employed by the office possess the skills, expertise, and information necessary to provide the services described in subsection (c).

(2) **CONTRACTS.**—To meet the requirement of paragraph (1), an office may enter into contracts with 1 or more nonprofit entities for the training (both through technical and educational assistance) of personnel and volunteers. To be eligible to receive a contract under this paragraph, an entity shall be independent of health insurance plans, companies, providers, payers, and regulators of care.

(3) **LIMITATION.**—An amount not to exceed 7 percent of the amount awarded to an entity under a contract under section 3(d) for a fiscal year may be used for the provision of training under this section.

(j) **ADMINISTRATIVE COSTS.**—An amount not to exceed 1 percent of the amount of a grant awarded to the State under this Act for a fiscal year may be used by the State for administrative expenses.

(k) **TERM.**—A contract entered into under this section shall be for a term of 3 years.

SEC. 5. FUNDING.

There are authorized to be appropriated \$100,000,000 to carry out this Act.

SEC. 6. REPORT OF THE SECRETARY.

Not later than 1 year after the date of enactment of this Act, and annually thereafter,

the Secretary shall prepare and submit to the appropriate committees of Congress a report that contains—

(1) a determination by the Secretary of whether amounts appropriated to carry out this Act for the fiscal year for which the report is being prepared are sufficient to fully fund this Act in such fiscal year;

(2) with respect to a fiscal year for which the Secretary determines under paragraph (1) that sufficient amounts are not appropriated, the recommendations of the Secretary for fully funding this Act through the use of additional funding sources; and

(3) information on States that have been awarded a grant under this Act and a summary of the activities of such States and the data that is produced.

Mr. JEFFORDS. Mr. President, I am here today to join in introducing the Health Care Consumer Assistance Act. This important bill has been crafted to help Americans navigate our increasingly complex and ever changing health care system. I want to recognize the leadership of Senator JACK REED in bringing this issue forward for consideration.

Americans need and want help with their health care. In a recent national survey, Consumers Report and the Kaiser Family Foundation learned that half of all managed care plan members have had a problem with their plan in the last year. The vast majority of those "problems" were minor and successfully resolved in a very short period of time. However, a large number of Americans report significant financial consequences, lost time at work, or actual health declines as a result of these disputes.

The same survey reports that 84% of Americans want "an independent place to turn for help" with their health care rights. In fact, Americans prefer, by a wide margin, an independent source of help, as provided for in the Health Care Consumer Assistance Act, rather than a right to sue.

Three years ago, my own state recognized that Vermonters needed an independent program to help them navigate the complex health care delivery system. The state offices of the Division of Banking and Insurance and the Office of Vermont Health Access (our Medicaid agency) jointly administer the Vermont Ombudsman. It has helped Vermonters find care providers and use appeal procedures.

It is time for the federal government to play a constructive role in aiding states like Vermont that will answer the needs of their citizens for a consumer-focused, consumer-directed health care assistance program. This bill builds on the existing state-based programs to provide an office that provides consumers with the basic and credible information they want and need to make all kinds of important health care decisions.

The bill gives each State the opportunity to design a consumer assistance program that meets local needs. At the same time, the grant program calls

upon the state to coordinate this overall health care consumer assistance office's activities with its existing consumer assistance offices such as the long-term care Ombudsman program for long term care consumers and its work in registering children and families for S-CHIP.

Access to quality health care services is a priority for every American family, every state, and this nation. It is clearly time for a federal commitment to help families get the health care information and assistance they want and need.

Once again, I want to thank Senator REED for this bipartisan effort on such important health legislation. Health care consumers, plans, providers, and states will be well served by enacting our legislation as soon as possible.

By Mr. HOLLINGS (by request):

S. 2820. A bill to provide for a public interest determination by the Consumer Product Safety Commission with respect to repair, replacement, or refund actions, and to revise the civil and criminal penalties, under both the Consumer Product Safety Act and the Federal Hazardous Substances Act; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PRODUCT SAFETY COMMISSION
ENHANCED ENFORCEMENT ACT

Mr. HOLLINGS. Mr. President, I rise to introduce at the request of the Administration and the Consumer Product Safety Commission (CPSC), the Consumer Product Safety Commission Enhanced Enforcement Act of 2000. This legislation is designed to enhance the authority of the CPSC to prevent the manufacture and sale of defective products.

The legislation seeks to accomplish this goal in two significant ways. First, it proposes to remove the cap that exists under current law on the maximum civil penalty that can be assessed to companies that market products in violation of federal consumer product safety regulations. Currently, the maximum civil penalty that can be assessed to companies that violate consumer product safety laws is \$1,650,000, a figure that is less than the amount that generally could be assessed by the CPSC. According to the agency, in many instances, it seeks penalties against very large companies, which likely are not deterred by the \$1,650,000 cap. Second, the legislation proposes to increase the CPSC's authority over recalls by authorizing the Commission to determine the manner in which a defective product is to be corrected. Currently, a company that has marketed a defective product has the right to determine the remedy that is offered to the public, regardless of whether the selected remedy is the most effective solution. The proposed legislation alters this situation by permitting the CPSC to choose the remedy that is best

suited to protect the public as opposed to the company.

For these reasons, Mr. President, I am pleased to introduce this act on behalf of the Administration and the CPSC.

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. MOYNIHAN, Mr. GRASSLEY, Mr. DODD, Mr. COVERDELL, and Mr. BIDEN):

S. 2823. A bill to amend the Andean Trade Preference Act to grant certain benefits with respect to textile and apparel, and for other purposes; to the Committee on Finance.

THE PLAN COLOMBIA TRADE ACT

• Mr. GRAHAM. Mr. President, I rise today, joined by Senators DEWINE, MOYNIHAN, GRASSLEY, DODD, COVERDELL, and BIDEN, to introduce the Plan Colombia Trade Act, a bill that would provide additional trade benefits to the nations of the Andean Trade Pact, which includes Bolivia, Colombia, Ecuador and Peru.

This bill is an important component of Plan Colombia, which seeks to address not only the nation's crisis with respect to massive narcotrafficking and insurgent and paramilitary forces, but also focuses on Colombia's deep economic recession. The bill is consistent with U.S. policy of promoting trade and combating drugs on a regional basis, thereby ensuring that U.S. benefits and assistance provided to one nation do not adversely affect other nations in the immediate region. Such a strategy is the only way to avoid what is often described as the "balloon effect," which has meant that the drug problem, at best, is displaced from one location to another. Finally, the bill would re-assert our commitment to promote economic growth and regional stability throughout the Andean region, and to provide alternatives to the cultivation and exportation of illegal narcotics.

Passage of this legislation by the Senate will signal the United States' support of the Andean Trade Pact's economic reform efforts, and will boost the confidence of both domestic and international investors in pursuing business opportunities that create jobs and enhance international trade in the Andean region, particularly in Colombia. In addition, this bill would ensure that U.S. trade with these important nations is not adversely affected by the recent passage of the "Trade and Development Act of 2000," which provided significant trade benefits to the Caribbean Basin.

To briefly summarize, the "Plan Colombia Trade Act," would extend, for approximately one year, additional trade benefits to Bolivia, Colombia, Ecuador, and Peru—nations that currently benefit from the Andean Trade Preferences Act of 1991 (commonly known as the ATPA). New trade benefits would include some—but not all—trade

benefits extended to the nations of the Caribbean Basin under the "Trade and Development Act of 2000," which was signed by the President on May 18, 2000. Specifically, the bill would extend duty-free, quota-free treatment to apparel articles assembled or cut in ATPA beneficiary nations using yarns and fabric wholly formed in the United States, thereby achieving a measure of parity with the CBI nations, as well as expanding an important source of economic and employment growth for the U.S. textile and apparel industry.

In its March 2000 interim report, "First Steps Toward a Constructive U.S. Policy in Colombia," a Council on Foreign Relations/Inter-American Dialogue Independent Task Force—which I co-chair with Brent Scowcroft—recommended the extension of the ATPA, to include the same benefits as those contained under the Caribbean Basin Initiative. Specifically, we recommended the following:

Indeed, Colombia's economic well-being is absolutely critical, and in this area the United States can be more helpful. Perhaps even more important than providing increased assistance to the Colombian government to support employment programs is assuring Colombia greater access to U.S. markets for its products. Extending trade-related benefits to Colombia would have a positive impact on the country's prospects for higher growth and employment levels.

Although the bill provides benefits to all ATPA beneficiaries, it is particularly critical to Colombia, which in 1998 exported 59 percent of all textiles and apparel from the Andean region to the U.S., two-thirds of which were assembled and/or cut from U.S. yarns and fabric.

This legislation addresses an important, albeit unintentional, contradiction in U.S. policy towards Colombia. With the recent passage of enhanced trade benefits to the countries of Caribbean Basin Initiative, Colombia stands to lose up to 150,000 jobs in the apparel industry. At least ten (10) U.S.-based companies that purchase apparel from Colombian garment manufacturers have already indicated their near-term intentions to shift production to CBI countries due to the significant cost savings associated with the new trade benefits afforded to the Caribbean basin. Some of these U.S. companies have utilized Colombia as a manufacturing base for over ten (10) years, providing desperately needed legitimate employment in the Colombian economy.

In summary, the immediate reaction of these companies to enhanced Caribbean trade benefits clearly demonstrates the negative effects of the CBI legislation on Colombia. It would be foolish for the Congress to approve a comprehensive aid package for Colombia, while simultaneously implementing legislation that puts tens of thousands of Colombians out of work. This bill will address that critical, unintended contradiction.

On a more comprehensive scale, passage of this legislation is critical to ensure that all nations in the Western Hemisphere can maintain their long-term competitiveness with Asian nations, particularly in the textile industry. At present, the textile products of most Asian nations are subject to quotas imposed by the Multi-Fiber Agreement, now known as the Agreement on Textiles and Clothing. This restriction on Asian textiles has enabled the nations of the Western Hemisphere to remain competitive, and further, the Andean region—specifically Colombia—has become a significant market for fabric woven in U.S. mills from yarn spun in the U.S., originating from U.S. cotton growers.

However, in 2005, these Asian import quotas will be phased out. At that time, textile production in both the Andean region and the Caribbean basin will be placed at a distinct and growing disadvantage. Disinvestment in the region will occur, reducing the incentive to use any material from U.S. textile mills or cotton grown in the United States.

BACKGROUND

Seventeen years ago, the U.S. Congress passed the first legislation to provide trade preferences to the twenty-seven countries of the Caribbean Basin. In 1983, the Caribbean Basin was a region inflamed with violent conflict and rampant drug trafficking that threatened the political and economic stability of our closest neighbors, as well as our own national security. The primary goal of the Caribbean Basin Initiative (CBI) was to stabilize the region by building stronger and more diverse economies, encouraging growth in international trade, developing a strong economic relationship between the U.S. and the region, and creating employment opportunities in the legitimate economy as an alternative to drug trafficking.

Following enactment of CBI, the U.S. trade position with the region improved from a deficit of \$3 billion in 1983, to a surplus of nearly \$3.5 billion in 1998. Between 1983 and 1998, U.S. exports to the region increased fourfold, while total imports from the region grew by less than 20 percent. On a per capita basis, the U.S. trade surplus with the region has consistently outpaced the U.S. trade surplus with any other region of the world—in fact, since 1995, U.S. exports to the CBI region have increased by almost 32 percent.

In 1991, after 8 years of resounding success in the CBI region, Congress passed the ATPA, providing CBI-like trade benefits to the countries of Bolivia, Colombia, Ecuador and Peru. In the nine years following enactment of ATPA, U.S. exports to the Andean region have more than doubled—from \$3.8 billion in 1991 to over \$8.6 billion in 1998. U.S. exports to Colombia account

for over half of this increase, growing from \$2 billion in 1991 to \$4.8 billion in 1998. During the same time period, Andean exports to the U.S. increased by almost 80 percent. In addition, in 1998, the U.S. achieved a \$309 million trade surplus with the ATPA nations. Under ATPA, Bolivia, Colombia, Ecuador, and Peru enjoyed the same trade benefits that we had extended to the CBI region. However, on May 18, 2000, the President signed the “Trade and Development Act of 2000,” which extended additional trade benefits—particularly with respect to textiles and apparel—to the nations of the CBI region. Therefore, our Andean trading partners are now likely to lose significant trade and investment opportunities that will shift to the CBI, given the additional trade benefits included in the “Trade and Development Act of 2000.”

NEED FOR THE “PLAN COLOMBIA TRADE ACT”

The United States is at now a critical juncture with its neighbors in the Andean region. As was demonstrated by the recent passage of the “Trade and Development Act of 2000,” it is clear that we must continue enhance our trading relationship with our partners in the Caribbean and the Andean region.

In particular, these additional trade benefits should be extended to Colombia, which is currently fighting a war for the survival of its democratic institutions, its free market economy and for the future of its people. Those challenging Colombia’s future include drug traffickers, guerilla groups (the FARC and the ELN) and other elements of society who seek to foster instability and fear. A comprehensive strategy in response to the crisis in essential for Colombia.

The government of Colombia, therefore, has formulated Plan Colombia. The United States government, in turn, has responded generously to Colombia’s needs by considering a supplemental appropriations package of more than \$1.6 billion to help the country in this time of crisis. This will supplement over \$4.0 billion being spent by Colombia itself.

Fundamental to Plan Colombia (and to the government’s ability to succeed in its efforts to safeguard the country) will be efforts to encourage economic growth and provide jobs to the Colombian people. Today in Colombia more than one million people are displaced, the unemployment rate is nearly 20 percent and Colombia is experiencing the worst recession in 70 years. Without new economic opportunities, more and more Colombians will turn to illicit activities to support their families or seek to join the growing numbers of people who are leaving the country to find a better, safer future for their families.

Measuring both imports and exports, Colombia is by far the most important U.S. trade partner in the ATPA region.

In 1998, over 53 percent of U.S. exports to the Andean region went to Colombia, and over 53 percent of U.S. imports from the Andean region originated from Colombia.

Mr. President, to promote economic growth and regional stability, the Congress must consider additional trade measures that benefit the entire Andean region. Therefore, Congress should grant CBI parity to the ATPA beneficiaries, specifically with respect to textiles and apparel. During 1999, Colombia and its Andean neighbors exported approximately \$562 million in textiles and apparel to the United States. While insignificant in comparison to the \$8.4 billion in textile and apparel exports originating in the CBI region, Andean textile and apparel production sustains more than 200,000 jobs in Colombia alone—valuable jobs in the legitimate economy. Absent CBI parity, the Andean region will find itself at a significant competitive disadvantage with the 27 countries of the CBI region.

Mr. President, upon final passage of CBI enhancement legislation, I stated that we had initiated the process of establishing true “partnership for success” with some of our most important neighbors. Although that legislation was a good start, it was only the beginning. I urge my colleagues to look towards the future by supporting the “Plan Colombia Trade Act,” and by taking advantage of the real economic benefits that can be achieved by further enhancing our relationship with all of the nations of the Western Hemisphere.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Plan Colombia Trade Act”.

SEC. 2. TEMPORARY EXTENSION OF ADDITIONAL TRADE BENEFITS TO CERTAIN ANDEAN COUNTRIES.

(a) IN GENERAL.—Section 204(b) of the Andean Trade Preference Act (19 U.S.C. 3203(b)) is amended to read as follows:

“(b) EXCEPTIONS TO DUTY-FREE TREATMENT.—

“(1) IN GENERAL.—Subject to paragraphs (2), the duty-free treatment provided under this title shall not apply to—

“(A) textile and apparel articles which are subject to textile agreements;

“(B) footwear not designated at the time of the effective date of this Act as eligible for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

“(C) tuna, prepared or preserved in any manner, in airtight containers;

“(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

“(E) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply;

“(F) articles to which reduced rates of duty apply under subsection (c);

“(G) sugars, syrups, and molasses classified in subheadings 1701.11.03, 1701.12.02, 1701.99.02, 1702.90.32, 1806.10.42, and 2106.90.12 of the HTS; or

“(H) rum and tafia classified in subheading 2208.40.00 of the HTS.

“(2) TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

“(A) ARTICLES COVERED.—During the transition period, the preferential treatment described in subparagraph (B) shall apply to the following articles:

“(i) APPAREL ARTICLES ASSEMBLED IN ONE OR MORE BENEFICIARY COUNTRIES.—Apparel articles assembled in one or more beneficiary countries from fabrics wholly formed and cut in the United States, from yarns wholly formed in the United States, that are—

“(I) entered under subheading 9802.00.80 of the HTS; or

“(II) entered under chapter 61 or 62 of the HTS, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the HTS but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

“(ii) APPAREL ARTICLES CUT AND ASSEMBLED IN ONE OR MORE BENEFICIARY COUNTRIES.—Apparel articles cut in one or more beneficiary countries from fabric wholly formed in the United States from yarns wholly formed in the United States, if such articles are assembled in one or more such countries with thread formed in the United States.

“(iii) SPECIAL RULES.—

“(I) EXCEPTION FOR FINDINGS AND TRIMMINGS.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains findings or trimmings of foreign origin, if such findings and trimmings do not exceed 25 percent of the cost of the components of the assembled product. Examples of findings and trimmings are sewing thread, hooks and eyes, snaps, buttons, ‘bow buds’, decorative lace, trim, elastic strips, zippers, including zipper tapes and labels, and other similar products. Elastic strips are considered findings or trimmings only if they are each less than 1 inch in width and are used in the production of brassieres.

“(bb) In the case of an article described in clause (ii) of this subparagraph, sewing thread shall not be treated as findings or trimmings under this subclause.

“(II) CERTAIN INTERLINING.—(aa) An article otherwise eligible for preferential treatment under this paragraph shall not be ineligible for such treatment because the article contains certain interlinings of foreign origin, if the value of such interlinings (and any findings and trimmings) does not exceed 25 percent of the cost of the components of the assembled article.

“(bb) Interlinings eligible for the treatment described in division (aa) include only a chest type plate, ‘hymo’ piece, or ‘sleeve header’, of woven or weft-inserted warp knit construction and of coarse animal hair or man-made filaments.

“(cc) The treatment described in this subclause shall terminate if the President makes a determination that United States manufacturers are producing such interlinings in the United States in commercial quantities.

“(III) DE MINIMIS RULE.—An article that would otherwise be ineligible for preferential treatment under this paragraph because the article contains fibers or yarns not wholly formed in the United States or in one or more beneficiary countries shall not be ineligible for such treatment if the total weight of all such fibers or yarns is not more than 7 percent of the total weight of the good. Notwithstanding the preceding sentence, an apparel article containing elastomeric yarns shall be eligible for preferential treatment under this paragraph only if such yarns are wholly formed in the United States.

“(IV) SPECIAL ORIGIN RULE.—An article otherwise eligible for preferential treatment under clause (i) or (ii) of this subparagraph shall not be ineligible for such treatment because the article contains nylon filament yarn (other than elastomeric yarn) that is classifiable under subheading 5402.10.30, 5402.10.60, 5402.31.30, 5402.31.60, 5402.32.30, 5402.32.60, 5402.41.10, 5402.41.90, 5402.51.00, or 5402.61.00 of the HTS duty-free from a country that is a party to an agreement with the United States establishing a free trade area, which entered into force before January 1, 1995.

“(iv) SPECIAL RULE FOR FABRICS NOT FORMED FROM YARNS.—

“(I) APPLICATION TO CLAUSE (i).—An article otherwise eligible for preferential treatment under clause (i) of this subparagraph shall not be ineligible for such treatment because the article is assembled in one or more beneficiary countries from fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States.

“(II) APPLICATION TO CLAUSE (ii).—An article otherwise eligible for preferential treatment under clause (ii) of this subparagraph shall not be ineligible for such treatment because the article is assembled in one or more beneficiary countries from fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States.

“(B) PREFERENTIAL TREATMENT.—During the transition period, the articles to which this paragraph applies shall enter the United States free of duty and free of any quantitative restrictions, limitations, or consultation levels.

“(C) TRANSITION PERIOD.—In this paragraph, the term ‘transition period’ means, with respect to a beneficiary country, the period that begins on the date of enactment of the Plan Colombia Trade Act or October 1, 2000, whichever is later, and ends on the date that duty-free treatment ends under this title.”

(b) FACTORS AFFECTING DESIGNATION.—

(1) IN GENERAL.—Section 203(d) of the Andean Trade Preference Act (19 U.S.C. 3202(d)) is amended—

(A) by striking “and” at the end of paragraph (11);

(B) by striking the period at the end of paragraph (12) and inserting “; and”; and

(C) by adding at the end the following:

“(13) the extent to which such country adheres to democratic principles and the rule of law.”

(2) EFFECTIVE DATE.—The amendments made by this subsection take effect on the earlier of—

(A) October 1, 2000; or

(B) the date of enactment of the Plan Colombia Trade Act.●

Mr. GRASSLEY. Mr. President, I rise today to co-sponsor the Plan Colombia Trade Act along with my colleague, Senator BOB GRAHAM. This important bill will supplement Plan Colombia by expanding trade benefits to the countries of Colombia, Bolivia, Ecuador and Peru.

Plan Colombia is an important package that provides about a billion dollars to the government of Colombia, and other countries in that region. These funds will go to fight drugs, eradicate the crops which create them, and provide for alternative development. Unfortunately, Plan Colombia does not provide for an important measure that we can do to help these countries, that is to stimulate their economy. We can achieve this by passing the Plan Colombia Trade Act, which will provide assistance to develop their textile and apparel industries.

Developing the apparel industry of these countries will encourage global trade, and offer the good people of that region a future filled with prosperity. Additionally, the trade benefits outlined in this bill will enhance peace, stability, and prosperity in that region, which will ultimately yield a better quality of life for all involved. This bill will not only benefit the struggling economies of Colombia, Bolivia, Ecuador, and Peru, but will advance the economy of the United States as well.

As important as the assistance package to Colombia is, most of the money we provide will not reach ordinary Colombians. They also are engaged in the effort to combat illegal drugs. We need to ensure that they are not penalized for doing so. The current bill helps us help Colombians not with cash but with opportunity. It preserves legitimate jobs in a country sorely beset with problems.

Most garments that are produced in Colombia are subject to a 20–30% duty rate upon importation into the U.S. As an example, swimsuits are subject to a duty rate of 33%. By granting duty-free and quota-free benefits to apparel assembled in these countries from U.S. made yarn, and U.S. made fabric, these countries will now be able to compete with other developing countries that currently enjoy duty-free and quota-free benefits. It will also afford them the opportunity to participate in the global economy. This will encourage additional export of U.S. made cotton and yarn, stimulate U.S. investment in the region and create needed jobs as well.

This bill is an opportunity to help rebuild a region which has been plagued by the drug trade. We can assist these countries, not by giving them more money, but by providing these enhanced trade opportunities. By helping our neighbors in the south to maintain

political and economic stability, we will in effect be securing the National Security of the United States. This legislation will provide these countries with the opportunity build their industry and their struggling economies and will improve the quality of their everyday lives.

I urge my colleagues to support this important bill which will have a positive effect on the prosperity of our neighbors in Colombia, Ecuador, Bolivia, and Peru.

By Mr. ROCKEFELLER (for himself, Mr. JEFFORDS, and Mr. BREAUX):

S. 2825. A bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work; to the Committee on Finance.

THE TAX RELIEF FOR WORKING FAMILIES ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I am proud to be joined by Senators JEFFORDS and BREAUX in introducing the Tax Relief for Working Families Act of 2000. This bipartisan bill is designed to strengthen the effectiveness of the Earned Income Tax Credit (EITC) in reducing child poverty and promoting work.

Our bill will increase the EITC for families with three or more children. Families could qualify for almost an additional \$500. Obviously, raising a large family costs more, and these families have a higher poverty rate of 29 percent, more than double the poverty rate of children in smaller families. Nearly three out of every five poor children live in families with three or more children.

A report by the Committee for Economic Development found that the "EITC has become a powerful force in dramatically raising the employment of low-income women in recent years." The report also recommended further expansions of the EITC. Since research shows that larger families have greater problems leaving welfare for work, this legislation should build upon our welfare reform efforts.

But even more compelling than national statistics are the real stories from West Virginia families. One woman in Huntington, West Virginia is struggling to raise five daughters and care for her husband who was disabled in a roofing accident. That family is managing on approximately \$13,000 a year. She works the night shift, but must currently rely on the public bus. Her shift begins at midnight, but the last bus is at 9:00 p.m. so she takes the earlier bus, and spends several hours waiting for her shift instead of having time with her family. Last year, she used the EITC to pay her bills, including a winter coat for one of her daughters. With an increase, she hopes to save for a used car.

Another West Virginia mother is recently divorced and struggling to raise

four sons, ranging in age from sixteen to seven. Her 16-year-old son has Downs Syndrome. Last year she earned \$13,800 and she used her EITC to purchase a used van so she would have reliable transportation for her 50-mile commute to work. Another year, the EITC helped pay for new mattresses for her children's beds. With an increase, she'd like to save a little money in case of an emergency or for better housing.

These are real stories of real families who are working hard to make ends meet but need and deserve more help.

This is a bipartisan bill. We have closely consulted with leading groups like the Center on Budget and Policy Priorities, Catholic Charities U.S.A., the United Way of America, and the Progressive Policy Institute.

In addition to increasing the EITC available to large families, our bill includes several bipartisan provisions to simplify the credit by conforming the definition of earned income and simplifying the definition of a dependent child.

Some may question the cost of expanding the EITC, but I believe, compared to other tax proposals such as providing additional marriage tax relief, investing an additional \$8 billion over the next five years is a reasonable investment to help low-wage working families. Most of these families are married. All are struggling, but working hard to do the right thing for their children. In its letter supporting our efforts, Catholic Charities U.S.A. describes our legislation as "pro-family, pro-marriage, and pro-work."

During the 1998 tax year, over 19 million working Americans got \$30.5 billion in tax relief, thanks to the EITC. In my state, about 141,000 West Virginians claimed \$210.7 million. About nineteen percent of West Virginia taxpayers benefit from the EITC. In my state, 84 percent of taxpayers earn less than \$50,000. I believe that this legislation to expand the EITC for families with three or more children will help more West Virginians than many of the other, more expensive provisions under consideration as part of the marriage penalty relief debate.

We know that the EITC works. It encourages work, and it helps lift families out of poverty. I urge my colleagues to join with Senators JEFFORDS and BREAUX to help hard working families raise their children.

Mr. JEFFORDS. Mr. President, I am pleased today to join with Senators ROCKEFELLER and BREAUX to introduce a bill that will provide a third-tier earned income tax credit (EITC) for families with three or more children. I believe that the additional tax credit provided by this bill could be of significant help to working low-income families.

The EITC is a refundable tax credit to low-income families. It is only available to taxpayers who work and earn

wages. Indeed, the EITC was enacted to encourage taxpayers to work—even at low-paying jobs—rather than relying on government programs. The EITC has played a key role in reducing the poverty rate for families. By some estimates, it has been the single most important factor in removing children from poverty.

As currently structured, the EITC provides a credit to families with one child, and a higher credit to families that have two or more children. Families with three or four children receive the same EITC as families with two children.

For low-income families of four, we have seen significant progress in reducing the incidence of poverty. The combination of the minimum wage, the EITC, and food stamps can raise a family of four with a full-time year-round minimum wage worker close to the poverty line. But poverty persists in large families where there are more than two children. In families with three or more children, the official poverty rate is 29 percent—twice the rate for families with two children. While children in families with three or more children were 37 percent of all children in the United States in 1998, they comprised 57 percent of the children living in poverty.

It is not surprising that reducing poverty is more problematic in large families. As family size rises, so do family expenses. Welfare benefits increase with family size; wages, however, do not. For a large family, moving from welfare to work may actually mean less money. In addition, with more children, child care is not only more expensive, it is also more complicated.

With surplus projections now reaching \$1.7 trillion, there are a whole host of tax reform proposals—many meritorious—circulating on Capitol Hill. In the debate about tax cuts, we must not lose sight of our most vulnerable workers. We should build on the proven success of the EITC to help these workers. I believe a larger earned income tax credit for families with three or more children will help put more low-income families on the path to self-sufficiency, while at the same time helping welfare reform succeed.

By Mr. SANTORUM (for himself and Mr. ROCKEFELLER):

S. 2826. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Finance.

THE MEDICARE ADULT DAY SERVICES ALTERNATIVE ACT

Mr. SANTORUM. Mr. President, as this Congress continues to deliberate options of how best to care for our senior population, it is critical to consider, as well, the role that caregivers play in accommodating the delivery of

such care to loved ones. Family caregivers are often forced to make difficult sacrifices. By just one measure, it is estimated that the average loss of income to these caregivers is more than \$600,000 in wages, pensions and Social Security benefits. This does not have to be the case, though.

It does not have to be the case with the choices afforded by legislation I am pleased to be introducing today along with Senator ROCKEFELLER of West Virginia aimed at reforming Medicare's home health benefit. The Medicare Adult Day Services Alternative Act of 2000 would provide Medicare beneficiaries who qualify for home health benefits the choice to receive those services in qualified adult day care centers, and simultaneously assist family caregivers with the very real difficulties in caring for a homebound family member.

It is with America's Medicare beneficiaries and family caregivers in mind which makes the Medicare Adult Day Services Alternative Act a winner for Medicare, for patients and for their caregivers. First, it would allow patients to receive home health services in a setting that promotes rehabilitation by providing social interaction, meals and therapeutic activities above and beyond the provision of the prescribed home health benefit. Second, caregivers for homebound patients would be able to maintain employment outside of the home because they would know that their family member is in a healthy, protected environment during the day.

With this legislation, patients could elect to receive some, or all, of their home health benefit in a home or an adult day care congregate setting. I think my colleagues would agree with me that the opportunity to interact with others with similar needs can improve patients' mental and physical wellbeing. While not expanding the existing eligibility criteria for home health, this legislation offers Medicare beneficiaries a greater sense of autonomy afforded by receiving necessary care outside of their homes.

The adult day care center would be paid 95% of the rate paid to a home health agency for providing the Medicare-covered service. But within that lump-sum payment, the adult day care center would also be required to cover transportation, medication management, therapeutic activities, and meals.

The Medicare Adult Day Services Alternative Act recognizes the benefit that will come to family members of Medicare recipients of this service. These caregivers will be able to attend to other things in today's fast-paced family life, knowing their loved ones are well cared for. This creative solution to health care delivery also adequately reimburses providers and is designed to be budget neutral.

I hope that members on both sides of the aisle will join me in advancing this important issue for Medicare beneficiaries and their families. As this Congress considers various proposals to improve Medicare's home health benefit, this proposal deserves the serious attention and consideration of my colleagues. I look forward to working with them to enact this pro-beneficiary, potentially cost-saving reform legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Adult Day Services Alternative Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) adult day care offers services, including medical care, rehabilitation therapies, dignified assistance with activities of daily living, social interaction, and stimulating activities, to seniors who are frail, physically challenged, or cognitively impaired;

(2) access to adult day care services provides seniors and their familial caregivers support that is critical to keeping the senior in the family home;

(3) more than 22,000,000 families in the United States serve as caregivers for aging or ailing seniors, nearly 1 in 4 American families, providing close to 80 percent of the care to individuals requiring long-term care;

(4) nearly 75 percent of those actively providing such care are women who also maintain other responsibilities, such as working outside of the home and raising young children;

(5) the average loss of income to these caregivers has been shown to be \$659,130 in wages, pension, and Social Security benefits;

(6) the loss in productivity in United States businesses ranges from \$11,000,000,000 to \$29,000,000,000 annually;

(7) the services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver;

(8) there are adult day care centers in every State in the United States and the District of Columbia;

(9) these centers generally offer transportation, meals, personal care, and counseling in addition to the medical services and socialization benefits offered; and

(10) with the need for quality options in how to best care for our senior population about to dramatically increase with the aging of the baby boomer generation, the time to address these issues is now.

SEC. 3. COVERAGE OF SUBSTITUTE ADULT DAY CARE SERVICES UNDER MEDICARE.

(a) **SUBSTITUTE ADULT DAY CARE SERVICES BENEFIT.**—

(1) **IN GENERAL.**—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended—

(A) in the matter preceding paragraph (1), by inserting "or (8)" after "paragraph (7)";

(B) in paragraph (6), by striking "and" at the end;

(C) in paragraph (7), by adding "and" at the end; and

(D) by inserting after paragraph (7), the following new paragraph:

"(8) substitute adult day care services (as defined in subsection (uu));";

(2) **SUBSTITUTE ADULT DAY CARE SERVICES DEFINED.**—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Substitute Adult Day Care Services; Adult Day Care Facility

"(uu)(1)(A) The term 'substitute adult day care services' means the items and services described in subparagraph (B) that are furnished to an individual by an adult day care facility as a part of a plan under subsection (m) that substitutes such services for a portion of the items and services described in subparagraph (B)(i) furnished by a home health agency under the plan, as determined by the physician establishing the plan.

"(B) The items and services described in this subparagraph are the following items and services:

"(i) Items and services described in paragraphs (1) through (7) of subsection (m).

"(ii) Transportation of the individual to and from the adult day care facility in connection with any such item or service.

"(iii) Meals.

"(iv) A program of supervised activities designed to promote physical and mental health and furnished to the individual by the adult day care facility in a group setting for a period of not fewer than 4 and not greater than 12 hours per day.

"(v) A medication management program (as defined in subparagraph (C)).

"(C) For purposes of subparagraph (B)(v), the term 'medication management program' means a program of services, including medicine screening and patient and health care provider education programs, that provides services to minimize—

"(i) unnecessary or inappropriate use of prescription drugs; and

"(ii) adverse events due to unintended prescription drug-to-drug interactions.

"(2)(A) Except as provided in subparagraphs (B) and (C), the term 'adult day care facility' means a public agency or private organization, or a subdivision of such an agency or organization, that—

"(i) is engaged in providing skilled nursing services and other therapeutic services directly or under arrangement with a home health agency;

"(ii) meets such standards established by the Secretary to ensure quality of care and such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the facility;

"(iii) provides the items and services described in paragraph (1)(B); and

"(iv) meets the requirements of paragraphs (2) through (8) of subsection (o).

"(B) Notwithstanding subparagraph (A), the term 'adult day care facility' shall include a home health agency in which the items and services described in clauses (ii) through (v) of paragraph (1)(B) are provided by others under arrangements with them made by such agency.

"(C) The Secretary may waive the requirement of a surety bond under paragraph (7) of subsection (o) in the case of an agency or organization that provides a comparable surety bond under State law.

"(D) For purposes of payment for home health services consisting of substitute adult day care services furnished under this title, any reference to a home health agency is deemed to be a reference to an adult day care facility."

(3) CONFORMING AMENDMENTS.—Sections 1814(a)(2)(C) and 1835(a)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395f(a)(2)(C); 1395n(a)(2)(A)(i)) are each amended by striking “section 1861(m)(7)” and inserting “paragraph (7) or (8) of section 1861(m)”.

(b) PAYMENT FOR SUBSTITUTE ADULT DAY CARE SERVICES.—Section 1895 of the Social Security Act (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

“(e) PAYMENT RATE FOR SUBSTITUTE ADULT DAY CARE SERVICES.—In the case of home health services consisting of substitute adult day care services (as defined in section 1861(uu)), the following rules apply:

“(1) The Secretary shall determine each component (as defined by the Secretary) of substitute adult day care services (under section 1861(uu)(1)(B)(i)) furnished to an individual under the plan of care established under section 1861(m) with respect to such services.

“(2) The Secretary shall estimate the amount that would otherwise be payable under this section for all home health services under that plan of care other than substitute adult day care services for a week or other period specified by the Secretary.

“(3) The total amount payable for home health services consisting of substitute adult day care services under such plan may not exceed 95 percent of the amount estimated to be payable under paragraph (2) furnished under the plan by a home health agency.

“(4) No payment may be made under this title for home health services consisting of substitute adult day care services described in clauses (ii) through (v) of section 1861(uu)(1)(B).”.

(c) ADJUSTMENT IN CASE OF OVERUTILIZATION OF SUBSTITUTE ADULT DAY CARE SERVICES.—

(1) MONITORING EXPENDITURES.—Beginning with fiscal year 2002, the Secretary of Health and Human Services shall monitor the expenditures made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for home health services (as defined in section 1861(m) of such Act (42 U.S.C. 1395x(m))) for the fiscal year, including substitute adult day care services under paragraph (8) of such section (as added by subsection (a)), and shall compare such expenditures to expenditures that the Secretary estimates would have been made for home health services for that fiscal year if subsection (a) had not been enacted.

(2) REQUIRED REDUCTION IN PAYMENT RATE.—If the Secretary determines, after making the comparison under paragraph (1) and making such adjustments for changes in demographics and age of the medicare beneficiary population as the Secretary determines appropriate, that expenditures for home health services under the medicare program, including such substitute adult day care services, exceed expenditures that would have been made under such program for home health services for a year if subsection (a) had not been enacted, then the Secretary shall adjust the rate of payment to adult day care facilities so that total expenditures for home health services under such program in a fiscal year does not exceed the Secretary's estimate of such expenditures if subsection (a) had not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the date on which the prospective payment system for home health services furnished under the medicare program under section 1895 of the Social Security Act (42 U.S.C. 1395fff) is established and implemented.

By Mr. ALLARD.

S. 2827. A bill to provide for the conveyance of the Department of Veterans Affairs Medical Center at Ft. Lyon, Colorado, to the State of Colorado, and for other purposes; to the Committee on Veterans' Affairs.

LEGISLATION TO IMPROVE HEALTHCARE OPTIONS FOR VETERANS

Mr. ALLARD. Mr. President, today I am introducing a bill to improve the healthcare options for veterans in southern Colorado. To do this, I am expediting the transfer of the Ft. Lyon facility to the State of Colorado, which will allow the Veterans Administration (VA) to implement their plan to use the annual \$8.6 million in savings from the closure of Fort Lyon to provide better service to Colorado's veterans through new outpatient clinics in La Junta, Lamar and Alamosa and a smaller, more efficient nursing home in Pueblo, CO.

Ft. Lyon is a historical building, but it is simply not more important than the needs of those who served us. I would prefer that the money currently used to maintain the facility was instead used to provide medical care for those veterans who need it.

This bill will lead to an improvement in medical services for veterans in several ways. With the estimated \$8.6 million in savings to be realized after the Ft. Lyon closure, clinics will be set up in local communities which will be closer and more responsive to their local veteran communities. This bill mandates that the VA must open the replacement clinics before they convey Ft. Lyon to the State of Colorado, to ensure there is no gap in service. This bill will help to ensure that no service-connected veteran's needs are unmet. No veteran will go homeless. Every veteran who needs a nursing home bed due to service connected illness will still be granted one. Those veterans currently in Ft. Lyon will continue to receive nursing home care, at no additional charges to them. The cemetery and historic Kit Carson chapel will remain fully accessible to the public. And the people of the region will also be assisted by the opening of a state facility to replace Ft. Lyon in the local economy. Without this legislation, there are no guarantees any of this would occur.

I hope that this bill will be considered and pass quickly, so that the savings and the improvements in veteran's healthcare can begin as soon as possible.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. GORTON, Mr. COVERDELL, and Mr. INHOFE):

S. 2829. A bill to provide for an investigation and audit at the Department of Education; to the Committee on Health, Education, Labor, and Pen-

DEPARTMENT OF EDUCATION INVESTIGATION AND AUDIT LEGISLATION

Mr. HUTCHINSON. Mr. President, I rise today to introduce legislation requiring an audit of accounts at the U.S. Department of Education that are susceptible to waste, fraud, and abuse. It is unfortunate that Congress has to be dealing with this issue, but unfortunately, it is all too necessary.

As Members of the Senate have been debating education this year, we have stressed the need for accountability of federal funds. Before we stress accountability at the local level, though, we must ensure that accountability is also occurring at the federal level. If we are going to increase the budget for the Department of Education, as the Fiscal Year 2001 Labor, Health and Human Services, and Education Appropriations bill does, we have the responsibility to determine whether the Department is properly accounting for the funding that they already have.

The U.S. Department of Education is already having problems overseeing the programs that it currently administers. For the second year in a row, the Department of Education has been unable to address its financial management problems. In its last two audits, the Department was unable to account for parts of its \$32 billion program budget and the \$175 billion owed in student loans. Every year, the Department is required to undergo an independent audit. Unfortunately, for Fiscal years 1998 and 1999, auditors have declared the Department of Education inauditable.

The House Education and the Workforce Committee has been holding hearing on financial problems at the Department of Education, and has found serious instances of duplicate payments to grant winners and an \$800 million college loan to a single student. In its 1998 audit, the Department blamed its problems on a faulty new accounting system that cost \$5.1 million, in addition to the cost of manpower to try to fix the system. A new accounting system will be the third in five years.

The most recent 1999 audit showed that the Department's financial stewardship remains in the bottom quartile of all major federal agencies. It also sent duplicate payments to 52 schools in 1999 at a cost of more than \$6.5 million. In addition, none of the material weaknesses cited in the 1998 audit were corrected.

These instances show that the Department is currently vulnerable to fraud, waste, and abuse. The House of Representatives has already indicated its support for a fraud audit at the Department of Education by passing its own version of this bill on June 13, 2000, by an overwhelming vote of 380-19. Before Congress entrusts the U.S. Department of Education with funding that is so important to our nation's schools

and students, we must demand that the funds they already have are well-managed.

By Mr. LEAHY (for himself and Mr. FEINGOLD):

S. 2830. A bill to preclude the admissibility of certain confessions in criminal cases; to the Committee on the Judiciary.

THE MIRANDA REAFFIRMATION ACT OF 2000

Mr. LEAHY. Mr. President, this week, the Supreme Court reaffirmed its landmark decision in *Miranda v. Arizona*. I applaud that decision. *Miranda* struck a balance between the needs of law enforcement and the rights of a suspect that has worked well for 34 years. There is no reason to upset that balance now.

Shortly after *Miranda* was decided in 1966, I became State's Attorney for Chittenden County, Vermont. I remember clearly the immediate impact that this momentous decision had upon law enforcement, prosecutors, criminal defendants and the criminal justice system as a whole. The Supreme Court's pronouncement that all suspects in custody needed to be advised of certain constitutional rights, including the privilege against self-incrimination, before being questioned was as new then as it is familiar today.

The *Miranda* decision put into place a fair and bright-line rule that both protects the rights of the accused and has proven workable for law enforcement. Statements stemming from custodial interrogation of a suspect are inadmissible at trial unless the police first provide the suspect with a set of four specific warnings: (1) you have the right to remain silent; (2) anything you say may be used as evidence against you; (3) you have the right to an attorney; and (4) if you cannot afford an attorney, one will be appointed for you.

These warnings are necessary to dispel the compulsion inherent in custodial surroundings and so ensure that any statement obtained from the suspect is truly the product of his free choice. As author and former Federal prosecutor Scott Thurow wrote in an opinion article in Wednesday's *New York Times*: "The requirement to recite *Miranda* is an important reminder to the police that the war on lawlessness is always subject to the guidance of the law."

Over the last 34 years, the *Miranda* rule has developed into a bedrock principle of American criminal law. The required issuance of *Miranda* warnings has been incorporated in local, State and Federal police practice across this nation. Indeed, it is no exaggeration to say, as the Court said this week, that *Miranda* warnings "have become part of our national culture."

Two years after *Miranda* was decided, Congress enacted 18 U.S.C. 3501, which laid down a rule that purported to overrule *Miranda* and to restore the

case-by-case, totality-of-the-circumstances test of a confession's "voluntariness" that the *Miranda* decision found constitutionally inadequate. The validity of section 3501 did not come before the Court until now because no Administration of either party sought to use it, out of concern for its dubious constitutionality. The issue was finally presented only because an organization of conservative activists maneuvered a case before the most conservative Federal appeals court in the country. To her credit, Attorney General Reno declined to argue that *Miranda* had been invalidated by section 3501. She also declined to ask the Supreme Court to overrule *Miranda*, on the ground that it has proved to be workable in practice and in many respects beneficial to law enforcement.

The Court's decision this week in *Dickerson v. United States*—announced by the Chief Justice and joined by six other Justices—erased any doubt that the protections announced in *Miranda* are constitutionally required and cannot be overruled by an act of Congress. Section 3501's attempt to authorize the admission at trial of statements that would be excluded under *Miranda* is therefore unconstitutional, as I have long believed.

This week's resounding reaffirmation of the *Miranda* rule should put to rest the issue of *Miranda*'s continuing vitality. Most law enforcement officers made their peace with *Miranda* long ago: It is time for the rest to do the same. That is why I am disturbed by Justice Scalia's parting shot in *Dickerson*. In a dissenting opinion joined by Justice Thomas, Justice Scalia vowed to continue to apply section 3501 until such time as it is repealed.

Mr. President, that time has come. I am introducing a bill today, together with my good friend, Senator FEINGOLD, to repeal section 3501. I can think of no good reason to allow this patently unconstitutional statute to remain on the books. On the contrary, leaving section 3501 on the books is sure to invite more unwarranted attacks on *Miranda* by the same conservative activists who brought us the *Dickerson* case. Enough is enough. Whatever you think of *Miranda*'s reasoning and its resulting rule, seven Supreme Court Justices have reaffirmed its constitutional pedigree. I urge my colleagues on both sides of the aisle to uphold their oaths to defend the Constitution by repudiating an unconstitutional statute.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miranda Reaffirmation Act of 2000".

SEC. 2. AMENDMENTS TO TITLE 18.

Section 3501 of title 18, United States Code, is amended—

- (1) by striking subsections (a) and (b); and
- (2) by redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c) respectively.

Mr. FEINGOLD. Mr. President, I am pleased to join with my friend from Vermont to introduce the *Miranda* Reaffirmation Act, a bill that repeals two sections of the United States Criminal Code because they directly conflict with the constitutional rule set forth by the United States Supreme court in the 1966 landmark decision of *Miranda v. Arizona*.

This week, nearing the conclusion of a busy term, the United States Supreme Court handed down several very important decisions. In one of the more highly anticipated rulings, *Dickerson v. United States*, the Court held by a 7–2 majority that the rule announced in *Miranda* is still the supreme law of this land. As we are all aware, the *Miranda* rule instructs all law enforcement officers that prior to an in-custody interrogation they must inform suspects of several important constitutional rights: the right to remain silent, the right to counsel, and the right to have counsel appointed if they cannot afford one.

As the Court noted, "*Miranda* has become embedded in routine police practice to the point where the warning have become part of our national culture." Millions of American children have first learned about their constitutional rights by watching police dramas on television and hearing the famous *Miranda* warnings given to criminal suspects.

Mr. President, the Supreme Court's reaffirmation of the *Miranda* rule was extremely important. In the *Dickerson* case, a private legal foundation and a law professor intervened in a criminal case and questioned whether *Miranda* warnings are constitutionally required. Relying on 18 U.S.C. §3501, they argued that law enforcement officers should not have to inform suspects of their basic constitutional rights before proceeding with in-custody interrogations as long as any confessions obtained were determined to be voluntary. While every administration since the law was passed in 1968 has refused to make this argument, a lower court in the *Dickerson* case agreed with it. Section 3501 was enacted in 1968, just two years after the original *Miranda* decision. It was a clear attempt by Congress to overturn the constitutional rule laid down in that case.

It is a strange quirk of history that the validity of §3501 and Congress's attempt to overrule *Miranda* was addressed for the first time by the Supreme Court in the *Dickerson* case. The reason is that a series of Departments

of Justice, under both Republican and Democratic Presidents assumed that the statute was unconstitutional and refused to proceed under it. In *Dickerson*, the Supreme Court agreed with that view.

Writing for a seven justice majority, Chief Justice Rehnquist pointed out that "because of the obvious conflict between our decision in *Miranda* and §3501 we must address whether Congress has the constitutional authority to thus supercede *Miranda*." Second, the Chief Justice reiterated the established principle that "Congress may not legislatively supercede our decision[s] interpreting and applying the constitution," and he concluded by ruling that "*Miranda* announced a constitutional rule that Congress may not supercede legislatively."

Justice Scalia, in dissent, disagreed vehemently with the majority's analysis. In a somewhat curious declaration of defiance he wrote: "[U]ntil §3501 is repealed, [I] will continue to apply it in all cases where there has been a sustainable finding that the defendant's confession was voluntary."

Mr. President, as a result of the Court's unequivocal ruling in *Dickerson*, we now have a law on the books that the Court has ruled is inconsistent with what the Constitution requires with respect to constitutional in-custody interrogations. That may seem to be a matter of little consequence, but the statement of Justice Scalia that he will continue to apply it in future cases shows that it is not. The bill that we are introducing today eliminates this potential problem by removing the unconstitutional provision from the criminal code.

This repeal will accomplish two things. It will bring our criminal code into line with what the Supreme Court has now firmly established as the law of the land, and it will remove from the books an ineffective law that Justice Rehnquist considered "more difficult than *Miranda* for law enforcement officers to conform to, and for courts to apply in a consistent manner." The prophylactic rule established by *Miranda* has worked well and stood the test of time. Law enforcement officers, prosecutors, and defense attorneys have found that it is a far better way to protect the constitutional rights of those accused of crimes than the "voluntariness" standard that was in place before *Miranda* and that §3501 attempted to keep in place.

Mr. President, it is simply not appropriate for the existing criminal code to conflict with what the Supreme Court has ruled that the Constitution requires. It is our duty to act to repeal a provision that the Department of Justice has refused to apply and that the Supreme Court has held, in any event, cannot be enforced. As the ranking member of the Constitution Subcommittee of the Senate Judiciary

Committee, I am proud to join the ranking member of the full Committee, Senator LEAHY, in offering this straightforward and commonsense measure.

By Mr. KERRY (for himself and Mr. HOLLINGS):

S. 2831. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve conservation and management of sharks and establish a consistent national policy toward the practice of shark-finning; to the Committee on Commerce, Science, and Transportation.

THE SHARK CONSERVATION ACT OF 2000

Mr. KERRY. Mr. President, I rise today to introduce the Shark Conservation Act of 2000, legislation that will significantly improve conservation and management of sharks worldwide, and establish a consistent national policy toward the practice of shark-finning. The bill would prohibit the practice of shark finning and transshipment of shark fins by U.S. vessels, set forth a process to encourage foreign governments to end this practice by their own fishing fleets, and authorize badly needed fisheries research on shark populations. I am pleased to be joined in this effort by the Ranking Member of the Commerce Committee, Senator HOLLINGS.

Mr. President, sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to overfishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently.

The bill first amends the Magnuson-Stevens Fishery Conservation and Management Act to prohibit shark finning, which is the practice of removing a shark's fins and returning the remainder of the shark to sea, and provides a rebuttable presumption that shark fins found on board a U.S. vessel were taken by finning, thus closing the transshipment loophole. National Marine Fisheries Service (NMFS) regulations in the Atlantic Ocean prohibit the practice of shark finning, but a nationwide prohibition does not currently exist. Shark fins comprise only a small percentage of the weight of the shark, and yet this is often the only portion of the shark retained. The Magnuson-Stevens Act and international commitments discourage unnecessary waste of fish, and thus I believe this bill ensure our domestic regulations are consistent on this point. Another goal of

the Magnuson-Stevens Act—the minimization of bycatch and bycatch mortality—is an issue that I have been particularly committed to over the years. Because most of the sharks caught and finned are incidentally captured in fisheries targeting other species, I believe establishing a domestic ban will help us further reduce this type of shark mortality.

Mr. President, this legislation would also direct the Secretary of Commerce to initiate negotiations with foreign countries in order to encourage those countries to adopt shark finning prohibitions similar to ours. The establishment of a prohibition of shark finning by United States fishermen, or in waters subject to our jurisdiction, will not reduce finning by international fishing fleets or transshipment or landing of fins taken by these fleets. At present, foreign fleets transship or land approximately 180 metric tons of shark fins annually through ports in the Pacific alone. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world.

International measures are an absolutely critical component of achieving effective shark conservation. Under my legislation, the Secretary would be mandated to report to Congress on progress being made domestically and internationally to reduce shark finning. Further, this legislation will establish a procedure for determining whether governments have adopted shark conservation measures which are comparable to ours through import certification procedures for sharks or shark parts. Imports of sharks or shark parts from countries that do not meet these certification procedures are prohibited. I have also included provisions which would provide technical assistance to foreign nations in an attempt to promote compliance.

Finally, my bill would authorize a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

Mr. President, the United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordinated international management of sharks, including an international ban on shark-finning. I look forward to working with Committee members on this important legislation.

Thank you Mr. President.

By Ms. SNOWE:

S. 2832. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MAGNUSON-STEVENS REAUTHORIZATION ACT
OF 2000

Ms. SNOWE. I rise today to introduce a bill that will reauthorize the most important Federal fisheries management law, the Magnuson-Stevens Fishery Conservation and Management Act. In 1996, Congress last reauthorized this law through enactment of the Sustainable Fisheries Act (SFA). The SFA contained the most substantial improvements to fisheries conservation since the original passage of the Magnuson Act in 1976.

The SFA made wholesale changes in fisheries management. For the first time, it required the regional fishery management councils and the Secretary of Commerce to prevent and end overfishing, reduce bycatch, protect essential fish habitat, and consider fishing communities in the regulatory decision-making process. These provisions of the SFA have presented a great challenge to the National Marine Fisheries Service the regional councils, and the fishermen who are regulated under this law. While the goals and intent of the SFA were certainly laudable, four years later, we still have a significant amount of work to do in that regard.

Therefore, today, Mr. President, I introduce the Magnuson-Stevens Reauthorization Act of 2000 with several very specific goals in mind. First and foremost, this bill provides for a major increase in funding. While the demands on fisheries managers at the local and federal levels have increased exponentially, funding has essentially remained level. One of the most serious problems in fisheries management is a lack of basic information on the resource. This bill, through increased funding and the establishment of two programs, will go a long way toward filling existing critical gaps in our information databases. For the past several years, Senators KERRY, GREGG, and I have worked to establish a cooperative research program in New England fisheries. This program, which requires federal and local scientists to partner with commercial fishermen in the gathering and development of fisheries data, has proven quite successful. Therefore, this bill would establish a National Cooperative Research and Management program to be administered by the agency in conjunction with the regional councils and local fishermen. In addition, the bill also establishes a National Cooperative Enforcement program. This too is based on existing programs in several states, where state marine law enforcement

officers are deputized by their federal counterparts to help enforce conservation and management provisions of the Magnuson-Stevens Act and other marine related laws. Lack of enforcement of fisheries laws has been a constant problem for fishermen and fisheries managers.

This bill also addresses one of the most serious and emotional questions in fisheries management—individual fishing quotas (IFQs). The SFA included a five year moratorium on new IFQ programs and required the National Academy of Sciences (NAS) to study the issue. The NAS report issued a series of recommendations on IFQs. The first recommendation was for Congress to lift the existing moratorium on new IFQ programs and authorize the councils to design and implement new IFQs. The moratorium is set to expire on October 1, 2000.

This recommendation has received a lot of publicity. However, the NAS report contained a number of other recommendations to Congress that were to be considered in conjunction with the authorization of any new IFQ programs. These recommendations concern substantive issues, yet they have not received the level of attention that they fully deserve. For instance, the NAS recommended that Congress should encourage cost recovery and extraction of profits from new IFQ programs through fees, annual taxes, and zero-revenue auctions. The NAS also recommended that the Act be amended to allow the public to capture windfall gains generated from the initial allocation of IFQs. Additional recommendations include requiring accumulation limits and determining rules for foreign ownership.

Mr. President, the NAS report contains important recommendations that should be thoroughly examined by Congress and the public. I understand that in some regions of the country, both commercial and recreational fishermen want to immediately move to the design and implementation of new IFQ programs. However, it is clear that many of the important questions associated with any new IFQ program have not been fully considered and immediate implementation of such programs could have deleterious effects on fisheries and fishing communities. For that reason, the bill I introduce today contains a three year extension of the existing moratorium.

This provision simply recognizes that fisheries conservation and management must be approached from a long-term perspective. Widespread implementation of IFQ programs will drastically alter the face of fishing communities and the way we pursue fisheries conservation measures. If IFQs are indeed the answer that many of their advocates claim, then surely IFQs will still be a viable option in three years. But, a short-term extension of the moratorium,

as this bill proposes, will force the Congress and fishing communities to consider the many other necessary questions related to IFQs. The NAS report recommended Congress provide guidance on these issues because they are clearly questions of national concern, and I suggest that we follow that course.

Mr. President, this bill provides a number of other improvements, including increased flexibility to the agency to reaffirm the original intent of Congress that there is no “one-size-fits-all” solution to fisheries management. Moreover, the bill would provide for an expanded national observer program to help collect critical information. It is widely recognized that we need to increase our use of observers to gain data on species composition, age structure, and bycatch. The bill also establishes a pilot program to help fisheries managers begin the move toward ecosystem-based management. While it is clear that we do not currently have sufficient information of resources to make a full shift to ecosystem-based management, it is equally clear that we need to move in this direction and a pilot program can illustrate for us how to do this.

Finally, I would like to say that this bill represents a significant amount of work by the Subcommittee on Oceans and Fisheries. Over the past year, the Subcommittee held six hearings in various parts of the country on the Magnuson Stevens Act. We begin the process in Washington, DC, and then visited fishing communities in New England, The Gulf of Mexico, the North Pacific and the Pacific. In this bill, I have tried to incorporate many of the suggestions we heard from those men and women who fish for a living and who are most affected by the law and its regulations. I view this bill as a basis from which I intend to work with other members of the Subcommittee so that the Commerce Committee can consider it in executive session in July. I look forward to providing our fishing communities with a bill that will improve lives in a meaningful way.

By Mr. DODD:

S. 2833. A bill to amend the Federal Election Campaign Act of 1971 to improve the enforcement capabilities of the Federal Election Commission, and for other purposes; to the Committee on Rules and Administration.

FEDERAL ELECTION CAMPAIGN ACT OF 1971
AMENDMENTS LEGISLATION

Mr. DODD. Mr. President, Today the Senate passed, and sent to the President for signature, the most significant campaign finance reform in the last 2 decades—the so-called section 527 reform. Clearly, our campaign finance system is in need of further comprehensive reform. The McCain-Feingold legislation, I believe, is still the

most comprehensive and necessary reform that we could pass in the 106th Congress.

In the meantime, however, we must also strengthen the abilities of the agency charged with enforcing the laws on the books today—and that is the Federal Election Commission. For that reason, I am today introducing legislation to improve the enforcement capabilities of the Federal Election Commission.

Created in the wake of the Watergate scandal, the primary purpose of the Federal Election Commission is to ensure the integrity of federal elections by overseeing federal election disclosure requirements and enforcing the federal campaign finance laws.

Regardless of the views of my colleagues with regard to the need for campaign finance reform, it cannot be argued that Congress intended that this enforcement agency be nothing more than a paper tiger. And yet, that is precisely what many view it to be. The legislation I am introducing today is intended to put some teeth into this enforcement body.

As a long time supporter of comprehensive campaign finance reform, I am not suggesting that my proposal is in any way a substitute for the McCain-Feingold bill or any other comprehensive reform. But sadly, it is clear that a minority in this body will once again prevent a majority of both houses of Congress from enacting meaningful reform this year.

As has been the case for the last several congresses, the 106th Congress will likely come to a close without enacting comprehensive campaign finance reform. In light of that reality, it is all the more important that we ensure that the campaign finance laws that are currently on the books are vigorously enforced. And that requires an agency that is fully armed with all the enforcement tools we can give it.

The legislation I am proposing today would give the Federal Election Commission the tools it needs to ensure compliance with the law. Specifically, this legislation would give the Commission the authority to conduct random audits and investigations to ensure voluntary compliance with the act. The potential of a random audit is a well-recognized deterrent to potential violators and an authority given to many federal enforcement agencies.

Secondly, this legislation would grant the Commission the authority to seek injunctive relief in the event that certain statutory conditions are met, including:

that there is a substantial likelihood that a violation of the act is occurring or about to occur;

that the failure to act expeditiously will result in irreparable harm;

that expeditious action will not cause undue harm or prejudice; and

that the best interest of the public would be served by the issuance of an injunction.

Finally, this legislation would increase the penalties for knowing and willful violations of the act from \$10,000 to \$15,000 or an amount equal to 300 percent. In order to ensure that the Commission has sufficient resources to carry out its statutory responsibilities, my legislation provides for an authorization of appropriations for FY 2001 at the full amount requested by the Commission, or nearly \$41 million.

Enhanced enforcement authority is not a substitute for comprehensive reform. But passage of this legislation should be something every member of this body can support. Not to do so only confirms the critics' views that this agency is a toothless tiger.

I urge my colleagues to give serious consideration to this legislation.

ADDITIONAL COSPONSORS

S. 573

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1322

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1459

At the request of Mr. MACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1759

At the request of Mr. BREAU, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1759, a bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families

and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2379

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2379, a bill to provide for the protection of children from tobacco.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2463

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2463, a bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

S. 2527

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2527, a bill to amend the Public Health Service Act to provide grant programs to reduce substance abuse, and for other purposes.

S. 2583

At the request of Mr. LIEBERMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2583, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527.

S. 2684

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2684, a bill to redesignate and reauthorize as anchorage certain portions of the project for navigation, Narraguagus River, Milbridge, Maine.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and

Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2709

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2791

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2791, a bill instituting a Federal fuels tax suspension.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2799

At the request of Mr. MURKOWSKI, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2799, a bill to allow a deduction for Federal, State, and local

taxes on gasoline, diesel fuel, or other motor fuel purchased by consumers between July 1, 2000, and December 31, 2000.

S. 2811

At the request of Mr. DASCHLE, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2811, a bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of outmigration or population loss eligible for community facilities grants.

S. RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as "National Fragile X Awareness Week."

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as "Children's Internet Safety Month."

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Utah (Mr. HATCH), the Senator from Maine (Ms. SNOWE), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. GRAHAM), the Senator from Georgia (Mr. CLELAND), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as "National Airborne Day."

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

AMENDMENT NO. 3648

At the request of Mr. COVERDELL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 3648 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3654

At the request of Mr. KERREY, his name was added as a cosponsor of amendment No. 3654 proposed to H.R. 4577, a bill making appropriations for

the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3657

At the request of Ms. SNOWE, her name was added as a cosponsor of amendment No. 3657 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3681

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3681 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3682

At the request of Mr. TORRICELLI, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3682 intended to be proposed to H.R. 4577, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

SENATE RESOLUTION 330—DESIGNATING THE WEEK BEGINNING SEPTEMBER 24, 2000, AS “NATIONAL AMPUTEE AWARENESS WEEK”

Mr. INHOFE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 330

Whereas current research indicates that more than 1.5 million Americans, of all ages and of both genders, have had amputations;

Whereas every year 156,000 individuals in the United States lose a limb;

Whereas each month 13,000 individuals lose a limb;

Whereas each week 2,996 individuals lose a limb;

Whereas each day 428 individuals lose a limb;

Whereas becoming an amputee is a lifetime condition, not just a temporary circumstance;

Whereas prosthetic care can range in cost from \$8,000 to more than \$70,000 depending on the level of care and function of the patient;

Whereas most insurance policies cover prosthetics with the stipulation of one prosthesis per patient for life;

Whereas the average prosthesis lasts between three and five years;

Whereas the general public is unaware of the plight of the amputee community;

Whereas an increased awareness to the issues faced by the amputee community will also bring about increased awareness for further research; and

Whereas establishing “National Amputee Awareness Week” will bring the cause of am-

putee awareness to the national front: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of September 24, through September 30, 2000, as “National Amputee Awareness Week”; and

(2) requests that the President issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote the awareness of the amputee community, and to observe the week with appropriate ceremonies and activities.

Mr. INHOFE. Mr. President, I am pleased to come to the Senate floor today to introduce a resolution to declare the week of September 24–30 “National Amputee Awareness Week.” When passed, this resolution will designate a specific time around which the Nation’s amputee community can rally. Too often, we lose sight of many of those who are right in front of our very eyes. By dedicating this week to their cause, we will make certain that we no longer forget both the accomplishments and problems of the large and diverse amputee community.

The loss of limb can strike anyone, at any time. Each year 156,000 people lose a limb. This equates to 13,000 amputations per month, 2,996 amputations per week, 428 amputations per day and 18 amputations per hour in the United States alone. People from all backgrounds have had to deal with the hardships associated with amputation. Over half of amputations in the United States occur among elderly citizens as a result of vascular deficiencies. From childhood to middle adulthood, the most common cause of limb loss is from traumatic injuries. Other major causes can include primary bone malignancies and congenital limb defects.

Although there have been great strides in prosthetic research, many people are still limited by the financial burdens associated with acquiring an artificial limb. A new prosthetic device can cost between \$8,000 and \$70,000. These limbs must often be replaced every few years, adding to the burden placed on an amputee. Even when insurance does cover the cost of these new prosthetic devices, it is often a one-time reimbursement. This leaves the amputee to deal with any further care or replacement devices that are necessary.

The prosthetic device is not the only cost incurred by the amputee. There are many secondary factors that must be considered. Over 25,000 people are readmitted to the hospital each year due to complications resulting from their amputation. Amputees must deal with both the physical and emotional consequences of limb loss. Physical therapy must be undertaken to learn how to perform the most basic tasks with a new, foreign limb. They must often also look for alternate occupations once limb loss has made their current occupation infeasible. As a result, amputees must often undergo counseling

to help them come to terms emotionally with their altered lifestyle.

According to the Amputee Coalition of America, amputees hope to one day see the elimination of barriers to their full participation in all aspects of life. In addition, they hope to see improvements in artificial limbs and prosthetic research. Finally they hope to see improved outcomes for amputees in the areas of chronic post-amputation pain and depression.

There are countless locally-based organizations in the United States who provide services to amputees with very little recognition. One of those such organizations is located in Oklahoma. The Limbs of Life Foundation is a nationwide non-profit organization established in 1995 in Oklahoma City to meet the needs of the amputee community. They do this in part by providing limbs at a free or discounted rate to individuals who would not normally be able to afford such devices. To date they have provided over 4,700 amputees with a prosthetic limb.

However, Limb for Life’s efforts are not limited to limb provision. They also seek to raise awareness of the amputee cause. Each year this foundation holds a bike ride from Oklahoma City to Austin, Texas to raise funds for their efforts. This year’s “Project 50–2000” will provide funds to purchase limbs for those in need and will bring national attention to the amputee community. This is the type of effort that National Amputee Awareness Week is designed to spotlight.

Mr. President, declaring the week of September 24–30 “National Amputee Awareness Week” would serve many purposes. At this point in time amputees have only a fragmented network through which to address their concerns. This week would provide them with a point of cohesion during which all amputees can come together in response to and in recognition of their common cause. Not only will amputees benefit from this week, the general population would also have the opportunity to be informed of the unique needs and problems faced by the amputee community. The amputee community and the general population would both gain from increased interaction that this week would bring.

In closing, I hope all of my colleagues will join me in creating this important awareness and outreach opportunity for the amputee community.

SENATE RESOLUTION 331—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. ELLEN ROSE HART

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Whereas, in the case of United States v. Ellen Rose Hart, CR-F 99-5275 AWI, pending in the United States District Court for the Eastern District of California, testimony has been requested from Eric Vizcaino, an employee in the office of Senator Boxer, and Monica Borvice, an employee in the office of Senator Feinstein;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Eric Vizcaino, Monica Borvice, and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of United States v. Ellen Rose Hart, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Eric Vizcaino, Monica Borvice, and any Member or employee of the Senate in connection with the testimony and document production authorized in section one of this resolution.

AMENDMENTS SUBMITTED

DEPARTMENT OF LABOR APPROPRIATIONS ACT, 2001

DASCHLE (AND OTHERS) AMENDMENT NO. 3688

Mr. HARKIN (for Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. DODD, and Mr. ROBB)) proposed an amendment to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 92, between lines 4 and 5, insert the following:

TITLE GENETIC NONDISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT

SEC. 01. SHORT TITLE.

This title may be cited as the "Genetic Nondiscrimination in Health Insurance and Employment Act of 2000".

Subtitle A—Prohibition of Health Insurance Discrimination on the Basis of Predictive Genetic Information

SEC. 11. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION OR GENETIC SERVICES.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: "(or information about a request for or the receipt of genetic services by an individual or a family member of such individual)".

(B) NO DISCRIMINATION IN GROUP RATE BASED ON PREDICTIVE GENETIC INFORMATION.—

(i) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. PROHIBITING DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

"A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not deny eligibility to a group or adjust premium or contribution rates for a group on the basis of predictive genetic information concerning an individual in the group (or information about a request for or the receipt of genetic services by such individual) or family member of such individual."

(ii) CONFORMING AMENDMENTS.—

(I) Section 2702(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-1(b)(2)(A)) is amended to read as follows:

"(A) to restrict the amount that an employer may be charged for coverage under a group health plan, except as provided in section 2707; or"

(II) Section 2721(a) of the Public Health Service Act (42 U.S.C. 300gg-21(a)) is amended by inserting "(other than subsections (a)(1)(F), (b) (with respect to cases relating to genetic information or information about a request or receipt of genetic services by an individual or family member of such individual), (c), (d), (e), (f), or (g) of section 2702 and section 2707)" after "subparts 1 and 3".

(2) LIMITATIONS ON GENETIC TESTING AND ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the authority of a health care professional, who is providing treatment with respect to an individual and who is employed by a group health plan or a health insurance issuer, to request that such individual or family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

"(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Except as provided in subsections (f) and (g), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, collect, or purchase predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual) or family member of such individual).

"(e) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not disclose predictive genetic information about an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual) to—

"(1) any entity that is a member of the same controlled group as such issuer or plan sponsor of such group health plan;

"(2) any other group health plan or health insurance issuer or any insurance agent, third party administrator, or other person subject to regulation under State insurance laws;

"(3) the Medical Information Bureau or any other person that collects, compiles, publishes, or otherwise disseminates insurance information;

"(4) the individual's employer or any plan sponsor; or

"(5) any other person the Secretary may specify in regulations.

"(f) INFORMATION FOR PAYMENT FOR GENETIC SERVICES.—

"(1) IN GENERAL.—With respect to payment for genetic services conducted concerning an individual or the coordination of benefits, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may request that the individual provide the plan or issuer with evidence that such services were performed.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

"(A) permit a group health plan or health insurance issuer to request (or require) the results of the services referred to in such paragraph; or

"(B) require that a group health plan or health insurance issuer make payment for services described in such paragraph where the individual involved has refused to provide evidence of the performance of such services pursuant to a request by the plan or issuer in accordance with such paragraph.

"(g) INFORMATION FOR PAYMENT OF OTHER CLAIMS.—With respect to the payment of claims for benefits other than genetic services, a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, may request that an individual provide predictive genetic information so long as such information—

"(1) is used solely for the payment of a claim;

"(2) is limited to information that is directly related to and necessary for the payment of such claim and the claim would otherwise be denied but for the predictive genetic information; and

"(3) is used only by an individual (or individuals) within such plan or issuer who needs access to such information for purposes of payment of a claim.

"(h) RULES OF CONSTRUCTION.—

"(1) COLLECTION OR DISCLOSURE AUTHORIZED BY INDIVIDUAL.—The provisions of subsections (d) (regarding collection) and (e) shall not apply to an individual if the individual (or legal representative of the individual) provides prior, knowing, voluntary, and written authorization for the collection or disclosure of predictive genetic information.

"(2) DISCLOSURE FOR HEALTH CARE TREATMENT.—Nothing in this section shall be construed to limit or restrict the disclosure of predictive genetic information from a health care provider to another health care provider

for the purpose of providing health care treatment to the individual involved.

“(i) DEFINITIONS.—In this section:

“(1) CONTROLLED GROUP.—The term ‘controlled group’ means any group treated as a single employer under subsections (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

“(2) GROUP HEALTH PLAN, HEALTH INSURANCE ISSUER.—The terms ‘group health plan’ and ‘health insurance issuer’ include a third party administrator or other person acting for or on behalf of such plan or issuer.”.

(3) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following new paragraphs:

“(15) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(16) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member of such individual (including information about a request for or the receipt of genetic services by such individual or family member of such individual).

“(17) GENETIC SERVICES.—The term ‘genetic services’ means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counselling.

“(18) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

“(19) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) LIMITATIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

“(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.”.

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

“SEC. 2753. PROHIBITION OF HEALTH INSURANCE DISCRIMINATION AGAINST INDIVIDUALS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“(a) IN ELIGIBILITY TO ENROLL.—A health insurance issuer offering health insurance coverage in the individual market shall not establish rules for eligibility to enroll in individual health insurance coverage that are based on predictive genetic information concerning the individual (or information about a request for or the receipt of genetic serv-

ices by such individual or family member of such individual).

“(b) IN PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates on the basis of predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

“SEC. 2754. LIMITATIONS ON GENETIC TESTING AND ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.

“(a) GENETIC TESTING.—

“(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

“(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to limit the authority of a health care professional, who is providing treatment with respect to an individual and who is employed by a group health plan or a health insurance issuer, to request that such individual or family member of such individual undergo a genetic test. Such a health care professional shall not require that such individual or family member undergo a genetic test.

“(b) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Except as provided in subsections (d) and (e), a health insurance issuer offering health insurance coverage in the individual market shall not request, require, collect, or purchase predictive genetic information concerning an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual).

“(c) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—A health insurance issuer offering health insurance coverage in the individual market shall not disclose predictive genetic information about an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual) to—

“(1) any entity that is a member of the same controlled group as such issuer or plan sponsor of such group health plan;

“(2) any other group health plan or health insurance issuer or any insurance agent, third party administrator, or other person subject to regulation under State insurance laws;

“(3) the Medical Information Bureau or any other person that collects, compiles, publishes, or otherwise disseminates insurance information;

“(4) the individual’s employer or any plan sponsor; or

“(5) any other person the Secretary may specify in regulations.

“(d) INFORMATION FOR PAYMENT FOR GENETIC SERVICES.—

“(1) IN GENERAL.—With respect to payment for genetic services conducted concerning an individual or the coordination of benefits, a health insurance issuer offering health insurance coverage in the individual market may request that the individual provide the plan or issuer with evidence that such services were performed.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to—

“(A) permit a health insurance issuer to request (or require) the results of the services referred to in such paragraph; or

“(B) require that a health insurance issuer make payment for services described in such paragraph where the individual involved has refused to provide evidence of the perform-

ance of such services pursuant to a request by the plan or issuer in accordance with such paragraph.

“(e) INFORMATION FOR PAYMENT OF OTHER CLAIMS.—With respect to the payment of claims for benefits other than genetic services, a health insurance issuer offering health insurance coverage in the individual market may request that an individual provide predictive genetic information so long as such information—

“(1) is used solely for the payment of a claim;

“(2) is limited to information that is directly related to and necessary for the payment of such claim and the claim would otherwise be denied but for the predictive genetic information; and

“(3) is used only by an individual (or individuals) within such plan or issuer who needs access to such information for purposes of payment of a claim.

“(f) RULES OF CONSTRUCTION.—

“(1) COLLECTION OR DISCLOSURE AUTHORIZED BY INDIVIDUAL.—The provisions of subsections (c) (regarding collection) and (d) shall not apply to an individual if the individual (or legal representative of the individual) provides prior, knowing, voluntary, and written authorization for the collection or disclosure of predictive genetic information.

“(2) DISCLOSURE FOR HEALTH CARE TREATMENT.—Nothing in this section shall be construed to limit or restrict the disclosure of predictive genetic information from a health care provider to another health care provider for the purpose of providing health care treatment to the individual involved.

“(g) DEFINITIONS.—In this section:

“(1) CONTROLLED GROUP.—The term ‘controlled group’ means any group treated as a single employer under subsections (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986.

“(2) GROUP HEALTH PLAN, HEALTH INSURANCE ISSUER.—The terms ‘group health plan’ and ‘health insurance issuer’ include a third party administrator or other person acting for or on behalf of such plan or issuer.”.

(c) ENFORCEMENT.—

(1) GROUP PLANS.—Section 2722 of the Public Health Service Act (42 U.S.C. 300gg-22) is amended by adding at the end the following:

“(c) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any administrator of a group health plan, or health insurance issuer offering group health insurance coverage in connection with a group health plan (including any third party administrator or other person acting for or on behalf of such plan or issuer) alleging a violation of subsections (a)(1)(F), (b) (with respect to cases relating to genetic information or information about a request or receipt of genetic services by an individual or family member of such individual), (c), (d), (e), (f), or (g) of section 2702 and section 2707 the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney’s fees and costs, including the costs of expert witnesses.

“(d) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (c), except that any such relief awarded shall be paid only into the general fund of the Treasury.”.

(2) INDIVIDUAL PLANS.—Section 2761 of the Public Health Service Act (42 U.S.C. 300gg-45) is amended by adding at the end the following:

“(c) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any health insurance issuer offering health insurance coverage in the individual market (including any other person acting for or on behalf of such issuer) alleging a violation of section 2753 and 2754 the court in which the action is commenced may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney’s fees and costs, including the costs of expert witnesses.

“(d) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (c), except that any such relief awarded shall be paid only into the general fund of the Treasury.”

(d) PREEMPTION.—

(1) GROUP MARKET.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-23) is amended—

(A) in subsection (a)(1), by inserting “or (e)” after “subsection (b)”; and

(B) by adding at the end the following:

“(e) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to group health insurance coverage offered by a health insurance issuer, the provisions of this part relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

“(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual); or

“(2) prohibits discrimination on the basis of genetic information than does this part.”

(2) INDIVIDUAL MARKET.—Section 2762 of the Public Health Service Act (42 U.S.C. 300gg-46) is amended—

(A) in subsection (a), by inserting “and except as provided in subsection (c),” after “Subject to subsection (b).”; and

(B) by adding at the end the following:

“(c) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to individual health insurance coverage offered by a health insurance issuer, the provisions of this part (or part C insofar as it applies to this part) relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law (as defined in section 2723(d)) which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

“(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services of an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) than does this part (or part C insofar as it applies to this part); or

“(2) prohibits discrimination on the basis of genetic information than does this part (or part C insofar as it applies to this part).”

(e) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)) is amended—

(1) in subparagraph (A), by striking “If the plan sponsor” and inserting “Except as provided in subparagraph (D), if the plan sponsor”; and

(2) by adding at the end the following:

“(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (c), (d), (e), (f), and (g) of section 2702 and section 2707, and the provisions of section 2702(b) to the extent that they apply to genetic information (or information about a request for or the receipt of genetic services by an individual or a family member of such individual).”

(f) AMENDMENT CONCERNING SUPPLEMENTAL EXCEPTED BENEFITS.—

(1) GROUP MARKET.—Section 2721(d)(3) of the Public Health Service Act (42 U.S.C. 300gg-23(d)(3)) is amended by inserting “; other than the requirements of subsections (a)(1)(F), (b) (in cases relating to genetic information or information about a request for or the receipt of genetic services by an individual or a family member of such individual), (c), (d), (e), (f) and (g) of section 2702 and section 2707,” after “The requirements of this part”.

(2) INDIVIDUAL MARKET.—Section 2763(b) of the Public Health Service Act (42 U.S.C. 300gg-47(b)) is amended—

(A) by striking “The requirements of this part” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), the requirements of this part”; and

(B) by adding at the end the following:

“(2) LIMITATION.—The requirements of sections 2753 and 2754 shall apply to excepted benefits described in section 2791(c)(4).”

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to—

(A) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning; and

(B) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market, after July 1, 2001.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act); or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 12. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF GENETIC SERVICES OR PREDICTIVE GENETIC INFORMATION.—Subpart B of Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

“SEC. 714. PROHIBITING DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“Each group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, shall comply with the genetic non-discrimination provisions of subsections (a)(1)(F) and (c) through (g) of section 2702, and section 2707 of the Public Health Service Act, and each health insurance issuer shall comply with such provisions with respect to group health insurance coverage it offers, and such provisions shall be deemed to be incorporated into this subsection.”

(b) ENFORCEMENT.—Section 502 (29 U.S.C. 1132) is amended by adding at the end the following:

“(n) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any administrator of a group health plan, or health insurance issuer offering group health insurance coverage in connection with a group health plan (including any third party administrator or other person acting for or on behalf of such plan or issuer) alleging a violation of section 714, the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney’s fees and costs, including the costs of expert witnesses.

“(o) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (n), except that any such relief awarded shall be paid only into the general fund of the Treasury.”

(c) PREEMPTION.—Section 731 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by inserting “or (e)” after “subsection (b)”; and

(2) by adding at the end the following:

“(e) SPECIAL RULE IN CASE OF GENETIC INFORMATION.—With respect to group health insurance coverage offered by a health insurance issuer, the provisions of this part relating to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect a standard, requirement, or remedy that more completely—

“(1) protects the confidentiality of genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) or the privacy of an individual or a family member of the individual with respect to genetic information (including information about a request for or the receipt of genetic services by an individual or a family member of such individual) than does this part; or

“(2) prohibits discrimination on the basis of genetic information than does this part.”

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

“(5) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(6) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member of such individual (including information about a request for or the receipt of genetic services by such individual or family member of such individual).

“(7) GENETIC SERVICES.—The term ‘genetic services’ means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(8) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

“(9) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) LIMITATIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

“(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.”

(e) AMENDMENT CONCERNING SUPPLEMENTAL EXCEPTED BENEFITS.—Section 732(c)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(c)(3)) is amended by inserting “, other than the requirements of section 714,” after “The requirements of this part”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after July 1, 2001.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, this section and the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termi-

nation of such collective bargaining agreement.

SEC. 13. AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH INSURANCE DISCRIMINATION ON THE BASIS OF GENETIC SERVICES OR PREDICTIVE GENETIC INFORMATION.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“SEC. 9813. PROHIBITING DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“(a) IN GENERAL.—Each group health plan shall comply with the genetic non-discrimination provisions of subsections (a)(1)(F) and (c) through (i) of section 2702, and section 2707 of the Public Health Service Act and such provisions shall be deemed to be incorporated into this subsection.

“(b) VIOLATION OF GENETIC DISCRIMINATION OR GENETIC DISCLOSURE PROVISIONS.—In any action under this section against any administrator of a group health plan (including any third party administrator or other person acting for or on behalf of such plan) alleging a violation of subsection (a), the court may award any appropriate legal or equitable relief. Such relief may include a requirement for the payment of attorney’s fees and costs, including the costs of expert witnesses.

“(c) CIVIL PENALTY.—The monetary provisions of section 308(b)(2)(C) of Public Law 101-336 (42 U.S.C. 12188(b)) shall apply for purposes of the Secretary enforcing the provisions referred to in subsection (b), except that any such relief awarded shall be paid only into the general fund of the Treasury.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after July 1, 2001.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, this section and the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) July 1, 2001.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement of the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

Subtitle B—Prohibition of Employment Discrimination on the Basis of Predictive Genetic Information

SEC. 21. DEFINITIONS.

In this subtitle:

(1) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—The terms “employee”, “employer”, “employment agency”, and “labor organization” have the meanings given such terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e), except that the terms “employee” and “employer” shall also include the meanings given such terms in section 717 of the Civil Rights Act of 1964 (42 U.S.C.

2000e-16). The terms “employee” and “member” include an applicant for employment and an applicant for membership in a labor organization, respectively.

(2) FAMILY MEMBER.—The term “family member” means with respect to an individual—

(A) the spouse of the individual;

(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

(3) GENETIC MONITORING.—The term “genetic monitoring” means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(4) GENETIC SERVICES.—The term “genetic services” means health services, including genetic tests, provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

(5) GENETIC TEST.—The term “genetic test” means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites in order to detect genotypes, mutations, or chromosomal changes.

(6) PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—The term “predictive genetic information” means—

(i) information about an individual’s genetic tests;

(ii) information about genetic tests of family members of the individual; or

(iii) information about the occurrence of a disease or disorder in family members.

(B) LIMITATIONS.—The term “predictive genetic information” shall not include—

(i) information about the sex or age of the individual;

(ii) information about chemical, blood, or urine analyses of the individual, unless these analyses are genetic tests; or

(iii) information about physical exams of the individual, and other information relevant to determining the current health status of the individual.

SEC. 22. EMPLOYER PRACTICES.

(a) IN GENERAL.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual;

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual, or information about a request for or the receipt of genetic services by such individual or family member of such individual; or

(3) to request, require, collect or purchase predictive genetic information with respect to an individual or a family member of the individual except—

(A) where used for genetic monitoring of biological effects of toxic substances in the workplace, but only if—

(i) the employee has provided prior, knowing, voluntary, and written authorization;

(ii) the employee is informed of individual monitoring results;

(iii) the monitoring conforms to any genetic monitoring regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) or the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.); and

(iv) the employer, excluding any licensed health care professional that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(B) where genetic services are offered by the employer and the employee provides prior, knowing, voluntary, and written authorization, and only the employee or family member of such employee receives the results of such services.

(b) LIMITATION.—In the case of predictive genetic information to which subparagraph (A) or (B) of subsection (a)(3) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a).

SEC. 23. EMPLOYMENT AGENCY PRACTICES.

It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 24. LABOR ORGANIZATION PRACTICES.

It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual);

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by

such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or the receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 25. TRAINING PROGRAMS.

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of predictive genetic information with respect to the individual (or information about a request for or the receipt of genetic services by such individual), in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or would limit the employment opportunities or otherwise adversely affect the status of the individual as an employee, because of predictive genetic information with respect to the individual (or information about a request for or receipt of genetic services by such individual or family member of such individual);

(3) to request, require, collect or purchase predictive genetic information with respect to an individual (or information about a request for or receipt of genetic services by such individual or family member of such individual); or

(4) to cause or attempt to cause an employer to discriminate against an individual in violation of this subtitle.

SEC. 26. MAINTENANCE AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.

(a) MAINTENANCE OF PREDICTIVE GENETIC INFORMATION.—If an employer possesses predictive genetic information about an employee (or information about a request for or receipt of genetic services by such employee or family member of such employee), such information shall be treated or maintained as part of the employee's confidential medical records.

(b) DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—An employer shall not disclose predictive genetic information (or information about a request for or receipt of genetic services by such employee or family member of such employee) except—

(1) to the employee who is the subject of the information at the request of the employee;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) under legal compulsion of a Federal court order, except that if the court order was secured without the knowledge of the individual to whom the information refers, the employer shall provide the individual with adequate notice to challenge the court order unless the court order also imposes confidentiality requirements; and

(4) to government officials who are investigating compliance with this subtitle if the information is relevant to the investigation.

SEC. 27. CIVIL ACTION.

(a) IN GENERAL.—One or more employees, members of a labor organization, or participants in training programs may bring an action in a Federal or State court of competent jurisdiction against an employer, employment agency, labor organization, or joint labor-management committee or training program who commits a violation of this subtitle.

(b) ENFORCEMENT BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.—

(1) IN GENERAL.—The powers, remedies, and procedures set forth in sections 705, 706, 707, 709, 710, and 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8, 2000e-9, and 2000e-16) shall be the powers, remedies, and procedures provided to the Equal Employment Opportunity Commission to enforce this subtitle. The Commission may promulgate regulations to implement these powers, remedies, and procedures.

(2) EXHAUSTION OF REMEDIES.—Nothing in this subsection shall be construed to require that an individual exhaust the administrative remedies available through the Equal Employment Opportunity Commission prior to commencing a civil action under this section, except that if an individual files a charge of discrimination with the Commission that alleges a violation of this subtitle, the individual shall exhaust the administrative remedies available through the Commission prior to commencing a civil action under this section.

(c) REMEDY.—A Federal or State court may award any appropriate legal or equitable relief under this section. Such relief may include a requirement for the payment of attorney's fees and costs, including the costs of experts.

SEC. 28. CONSTRUCTION.

Nothing in this subtitle shall be construed to—

(1) limit the rights or protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), including coverage afforded to individuals under section 102 of such Act;

(2) limit the rights or protections of an individual under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(3) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights accorded under this subtitle;

(4) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains; or

(5) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations.

SEC. 29. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 30. EFFECTIVE DATE.

This subtitle shall become effective on October 1, 2000.

SEC. 31. NO IMPACT ON SOCIAL SECURITY TRUST FUND.—

(1) IN GENERAL.—Nothing in this title shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(2) TRANSFERS.—

(A) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this

title has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(B) TRANSFER OF FUNDS.—If, under subparagraph (A), the Secretary of the Treasury estimates that the enactment of this title has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of such title.

SEC. 32. INFORMATION REQUIREMENTS.—

(1) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following:

“(7) INFORMATION FROM GROUP HEALTH PLANS.—

“(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary such of the information elements described in subparagraph (C) as the Secretary specifies, and in such manner and at such times as the Secretary may specify (but not more frequently than 4 times per year), with respect to each individual covered under the plan who is entitled to any benefits under this title.

“(B) PROVISION OF INFORMATION BY EMPLOYERS AND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan such of the information elements required to be provided under subparagraph (A), and in such manner and at such times as the Secretary may specify, at a frequency consistent with that required under subparagraph (A) with respect to each individual described in subparagraph (A) who is covered under the plan by reason of employment with that employer or membership in the organization.

“(C) INFORMATION ELEMENTS.—The information elements described in this subparagraph are the following:

“(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

“(I) The individual’s name.

“(II) The individual’s date of birth.

“(III) The individual’s sex.

“(IV) The individual’s social security insurance number.

“(V) The number assigned by the Secretary to the individual for claims under this title.

“(VI) The family relationship of the individual to the person who has or had current or employment status with the employer.

“(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

“(I) The name of the person in the individual’s family who has current or former employment status with the employer.

“(II) That person’s social security insurance number.

“(III) The number or other identifier assigned by the plan to that person.

“(IV) The periods of coverage for that person under the plan.

“(V) The employment status of that person (current or former) during those periods of coverage.

“(VI) The classes (of that person’s family members) covered under the plan.

“(iii) PLAN ELEMENTS.—

“(I) The items and services covered under the plan.

“(II) The name and address to which claims under the plan are to be sent.

“(iv) ELEMENTS CONCERNING THE EMPLOYER.—

“(I) The employer’s name.

“(II) The employer’s address.

“(III) The employer identification number of the employer.

“(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize a unique identifier for the plan in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection. The Secretary may provide to the administrator the unique identifier described in the preceding sentence.

“(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed \$1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 180 days after the date of the enactment of this Act.

SEC. 33. OFFSET.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor and the Department of Health and Human Services shall be reduced on a pro rata basis by \$25,000,000.

ASHCROFT (AND OTHERS)
AMENDMENT NO. 3689

Mr. ASHCROFT (for himself, Mr. VOINOVICH, Mr. ALLARD, Mr. GRAMS, Mr. ABRAHAM, and Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the end, insert the following:

SEC. ____ SOCIAL SECURITY AND MEDICARE SAFE DEPOSIT BOX ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the “Social Security and Medicare Safe Deposit Box Act of 2000”.

(b) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—

(1) MEDICARE SURPLUSES OFF-BUDGET.—Notwithstanding any other provision of law, the net surplus of any trust fund for part A of Medicare shall not be counted as a net surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget; or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

“(g) POINTS OF ORDER TO PROTECT SOCIAL SECURITY AND MEDICARE SURPLUSES.—

“(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth an on-budget deficit for any fiscal year.

“(2) SUBSEQUENT LEGISLATION.—It shall not be in order in the House of Representatives

or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

“(A) the enactment of that bill or resolution as reported;

“(B) the adoption and enactment of that amendment; or

“(C) the enactment of that bill or resolution in the form recommended in that conference report, would cause or increase an on-budget deficit for any fiscal year.

“(3) DEFINITION.—For purposes of this section, the term ‘on-budget deficit’, when applied to a fiscal year, means the deficit in the budget as set forth in the most recently agreed to concurrent resolution on the budget pursuant to section 301(a)(3) for that fiscal year.”

(3) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2).”

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2).”

(C) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—

(1) IN GENERAL.—Chapter 11 of subtitle II of title 31, United States Code, is amended by adding before section 1101 the following:

“§ 1100. Protection of social security and medicare surpluses

“The budget of the United States Government submitted by the President under this chapter shall not recommend an on-budget deficit for any fiscal year covered by that budget.”

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 11 of title 31, United States Code, is amended by inserting before the item for section 1101 the following:

“1100. Protection of social security and medicare surpluses.”

(d) EFFECTIVE DATE.—This section shall take effect upon the date of its enactment and the amendments made by this section shall apply to fiscal year 2001 and subsequent fiscal years.

CONRAD (AND LAUTENBERG)
AMENDMENT NO. 3690

Mr. REID (for Mr. CONRAD (for himself, Mr. LAUTENBERG, and Mr. FEINGOLD)) proposed an amendment to the bill, H.R. 4577, supra; as follows:

Strike all after the first word and insert the following:

TITLE ____—SOCIAL SECURITY AND MEDICARE OFF-BUDGET LOCKBOX ACT OF 2000

SEC. ____ 1. SHORT TITLE.

This title may be cited as the “Social Security and Medicare Off-Budget Lockbox Act of 2000”.

SEC. ____ 2. STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.

(a) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

“(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.”

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2).”

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “312(g),” after “310(d)(2).”

(c) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(1) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking “for the fiscal year” through the period and inserting “for each fiscal year covered by the resolution”; and

(2) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with “for the first fiscal year” through the period and insert the following: “for any of the fiscal years covered by the concurrent resolution.”

SEC. 3. MEDICARE TRUST FUND OFF-BUDGET.

(a) IN GENERAL.—

(1) GENERAL EXCLUSION FROM ALL BUDGETS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

“EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS

“SEC. 316. (a) EXCLUSION OF MEDICARE TRUST FUND FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Hospital Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

“(1) the budget of the United States Government as submitted by the President;

“(2) the congressional budget; or

“(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

“(b) STRENGTHENING MEDICARE POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend this section.”

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “316,” after “313.”

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “316,” after “313.”

(b) EXCLUSION OF MEDICARE TRUST FUND FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by adding at the end the following: “The concurrent resolution shall not include the outlays and revenue totals of the Federal Hospital Insurance Trust Fund in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.”

(c) BUDGET TOTALS.—Section 301(a) of the Congressional Budget Act of 1974 (2 U.S.C. 632(a)) is amended by inserting after paragraph (7) the following:

“(8) For purposes of Senate enforcement under this title, revenues and outlays of the Federal Hospital Insurance Trust Fund for each fiscal year covered by the budget resolution.”

(d) BUDGET RESOLUTIONS.—Section 301(i) of the Congressional Budget Act of 1974 (2 U.S.C. 632(i)) is amended by—

(1) striking “SOCIAL SECURITY POINT OF ORDER.—It shall” and inserting “SOCIAL SECURITY AND MEDICARE POINTS OF ORDER.—

“(1) SOCIAL SECURITY.—It shall”; and

(2) inserting at the end the following:

“(2) MEDICARE.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the excess of the Federal Hospital Insurance Trust Fund revenues over Federal Hospital Insurance Trust Fund outlays in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.”

(e) MEDICARE FIREWALL.—Section 311(a) of the Congressional Budget Act of 1974 (2 U.S.C. 642(a)) is amended by adding after paragraph (3), the following:

“(4) ENFORCEMENT OF MEDICARE LEVELS IN THE SENATE.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in surpluses or an increase in deficits of the Federal Hospital Insurance Trust Fund in any year relative to the levels set forth in the applicable resolution. This paragraph shall not apply to amounts to be expended from the Hospital Insurance Trust Fund for purposes relating to programs within part A of Medicare as provided in law on the date of enactment of this paragraph.”

(f) BASELINE TO EXCLUDE HOSPITAL INSURANCE TRUST FUND.—Section 257(b)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking “shall be included in all” and inserting “shall not be included in any”.

(g) MEDICARE TRUST FUND EXEMPT FROM SEQUESTERS.—Section 255(g)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

“Medicare as funded through the Federal Hospital Insurance Trust Fund.”

(h) BUDGETARY TREATMENT OF HOSPITAL INSURANCE TRUST FUND.—Section 710(a) of the Social Security Act (42 U.S.C. 911(a)) is amended—

(1) by striking “and” the second place it appears and inserting a comma; and

(2) by inserting after “Federal Disability Insurance Trust Fund” the following: “, Federal Hospital Insurance Trust Fund”.

SEC. 4. PREVENTING ON-BUDGET DEFICITS.

(a) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by adding at the end the following:

“(h) POINTS OF ORDER TO PREVENT ON-BUDGET DEFICITS.—

“(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would cause or increase an on-budget deficit for any fiscal year.

“(2) SUBSEQUENT LEGISLATION.—Except as provided by paragraph (3), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

“(A) the enactment of that bill or resolution as reported;

“(B) the adoption and enactment of that amendment; or

“(C) the enactment of that bill or resolution in the form recommended in that conference report,

would cause or increase an on-budget deficit for any fiscal year.”

(b) SUPER MAJORITY REQUIREMENT.—

(1) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting “312(h),” after “312(g).”

(2) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting “312(h),” after “312(g).”

JEFFORDS (AND OTHERS)**AMENDMENT NO. 3691**

Mr. JEFFORDS (for himself, Mr. FRIST, Ms. SNOWE, Mr. ASHCROFT, Mr. ENZI, and Mr. MACK) proposed an amendment to amendment No. 3688 proposed by Mr. DASCHLE to the bill, H.R. 4577, supra; as follows:

At the end of the bill, add the following:

TITLE ___ GENETIC INFORMATION AND SERVICES**SEC. ___ 01. SHORT TITLE.**

This title may be cited as the “Genetic Information Nondiscrimination in Health Insurance Act of 1999”.

SEC. ___ 02. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

“SEC. 714. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).”

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—

For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 714.”

(B) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

“Sec. 714. Prohibiting premium discrimination against groups on the basis of predictive genetic information.”

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the plan or issuer for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”

(c) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

“(5) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(6) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(7) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(8) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual's genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(9) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning 1 year after the date of the enactment of this Act.

SEC. 403. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION IN THE GROUP MARKET.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(B) NO DISCRIMINATION IN PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

“SEC. 2707. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION IN THE GROUP MARKET.

“A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).”

(C) CONFORMING AMENDMENT.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 2707.”

(D) LIMITATION ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the plan or issuer for the exercise of the individual’s rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”

(2) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

“(15) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(16) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(17) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(18) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(19) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol

tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

“SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“(a) PROHIBITION ON PREDICTIVE GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use predictive genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

“(b) PROHIBITION ON PREDICTIVE GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates for individuals on the basis of predictive genetic information concerning such an individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the health insurance issuer offering health insurance coverage in the individual market shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A health insurance issuer offering health insurance coverage in the individual market shall post or provide, in writing and in a clear and conspicuous manner, notice of the issuer’s confidentiality practices, that shall include—

“(i) a description of an individual’s rights with respect to predictive genetic information;

“(ii) the procedures established by the issuer for the exercise of the individual’s rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A health insurance issuer offering health insurance coverage in the individual market shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such issuer.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after 1 year after the date of enactment of this Act; and

(2) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after 1 year after the date of enactment of this Act.

SEC. 404. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is further amended by adding at the end the following:

“SEC. 9813. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“A group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).”

(B) CONFORMING AMENDMENT.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or the receipt of genetic services), see section 9813.”

(C) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“Sec. 9813. Prohibiting premium discrimination against groups on the basis of predictive genetic information.”

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 9802

of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES; DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (e), of such predictive genetic information.

“(e) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the plan for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan.”.

(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(6) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(7) GENETIC INFORMATION.—The term ‘genetic information’ means information about

genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(8) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(9) PREDICTIVE GENETIC INFORMATION.—
“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual's genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(10) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”.

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after 1 year after the date of the enactment of this Act.

**TORRICELLI (AND REED)
AMENDMENT NO. 3692**

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. REED) submitted an amendment intended to be proposed by them to the bill, H.R. 4577, supra; as follows:

On page 26, line 25, strike “\$3,204,496,000, of which” and insert “\$3,214,496,000, of which \$10,000,000 shall be made available to carry out section 317A of the Public Health Service Act and of which”.

On page 92, between lines 4 and 5, insert the following:

SEC. ____ . Amounts made available under this Act for the salaries and expenses of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis, by a total of \$10,000,000.

**DORGAN (AND OTHERS)
AMENDMENT NO. 3693**

Mr. DORGAN (for himself, Mr. KENNEDY, Mr. DASCHLE, Mr. GRAHAM, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KERRY, Mr. EDWARDS, Mr. HARKIN, Mr. REID, Mr. ROCKEFELLER, and Mr. ROBB) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ . Any Act that is designed to protect patients against the abuses of managed care that is enacted after June 27, 2000, shall, at a minimum—

(1) provide a floor of Federal protection that is applicable to all individuals enrolled in private health plans or private health insurance coverage, including—

(A) individuals enrolled in self-insured and insured health plans that are regulated under the Employee Retirement Income Security Act of 1974;

(B) individuals enrolled in health insurance coverage purchased in the individual market; and

(C) individuals enrolled in health plans offered to State and local government employees;

(2) provide that States may provide patient protections that are equal to or greater than the protections provided under such Act; and

(3) provide the Federal Government with the authority to ensure that the Federal floor referred to in paragraph (1) is being guaranteed and enforced with respect to all individuals described in such paragraph, including determining whether protections provided under State law meet the standards of such Act.

NICKLES AMENDMENT NO. 3694

Mr. NICKLES proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, strike line 5, and insert the following:

DIVISION HEALTH CARE ACCESS AND PROTECTIONS FOR CONSUMERS

SEC. 1. SHORT TITLE.

This division may be cited as the “Patients’ Bill of Rights Plus Act”.

TITLE I—TAX-RELATED HEALTH CARE PROVISIONS

Subtitle A—Health Care and Long-Term Care

SEC. 101. DEDUCTION FOR HEALTH AND LONG-TERM CARE INSURANCE COSTS OF INDIVIDUALS NOT PARTICIPATING IN EMPLOYER-SUBSIDIZED HEALTH PLANS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 222 as section 223 and by inserting after section 221 the following new section:

“SEC. 222. HEALTH AND LONG-TERM CARE INSURANCE COSTS.

“(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to the applicable percentage of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.

“(b) APPLICABLE PERCENTAGE.—

“(1) IN GENERAL.—For purposes of subsection (a), the applicable percentage shall be determined in accordance with the following table:

“For taxable years beginning in calendar year—	The applicable percentage is—
2002 and 2003	25
2004	35
2005	65
2006 and thereafter	100.

“(2) LONG-TERM CARE INSURANCE FOR INDIVIDUALS 60 YEARS OR OLDER.—In the case of amounts paid for a qualified long-term care insurance contract for an individual who has attained age 60 before the close of the taxable year, the applicable percentage is 100.

“(c) LIMITATION BASED ON OTHER COVERAGE.—

“(1) COVERAGE UNDER CERTAIN SUBSIDIZED EMPLOYER PLANS.—

“(A) IN GENERAL.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer if 50 percent or more of the cost of coverage under such plan (determined under section 4980B and without regard to payments made with respect to any coverage described in subsection (e)) is paid or incurred by the employer.

“(B) EMPLOYER CONTRIBUTIONS TO CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND MEDICAL SAVINGS ACCOUNTS.—Employer contributions to a cafeteria plan, a flexible spending or similar arrangement, or a medical savings account which are excluded from gross income under section 106 shall be treated for purposes of subparagraph (A) as paid by the employer.

“(C) AGGREGATION OF PLANS OF EMPLOYER.—A health plan which is not otherwise described in subparagraph (A) shall be treated as described in such subparagraph if such plan would be so described if all health plans of persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 were treated as one health plan.

“(D) SEPARATE APPLICATION TO HEALTH INSURANCE AND LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (C) shall be applied separately with respect to—

“(i) plans which include primarily coverage for qualified long-term care services or are qualified long-term care insurance contracts, and

“(ii) plans which do not include such coverage and are not such contracts.

“(2) COVERAGE UNDER CERTAIN FEDERAL PROGRAMS.—

“(A) IN GENERAL.—Subsection (a) shall not apply to any amount paid for any coverage for an individual for any calendar month if, as of the first day of such month, the individual is covered under any medical care program described in—

“(i) title XVIII, XIX, or XXI of the Social Security Act,

“(ii) chapter 55 of title 10, United States Code,

“(iii) chapter 17 of title 38, United States Code,

“(iv) chapter 89 of title 5, United States Code, or

“(v) the Indian Health Care Improvement Act.

“(B) EXCEPTIONS.—

“(i) QUALIFIED LONG-TERM CARE.—Subparagraph (A) shall not apply to amounts paid for coverage under a qualified long-term care insurance contract.

“(ii) CONTINUATION COVERAGE OF FEHBP.—Subparagraph (A)(iv) shall not apply to coverage which is comparable to continuation coverage under section 4980B.

“(d) LONG-TERM CARE DEDUCTION LIMITED TO QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS.—In the case of a qualified long-term care insurance contract, only eligible long-term care premiums (as defined in section 213(d)(10)) may be taken into account under subsection (a).

“(e) DEDUCTION NOT AVAILABLE FOR PAYMENT OF ANCILLARY COVERAGE PREMIUMS.—Any amount paid as a premium for insurance which provides for—

“(1) coverage for accidents, disability, dental care, vision care, or a specified illness, or

“(2) making payments of a fixed amount per day (or other period) by reason of being hospitalized,

shall not be taken into account under subsection (a).

“(f) SPECIAL RULES.—

“(1) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The amount taken into account by the taxpayer in computing the deduction under section 162(l) shall not be taken into account under this section.

“(2) COORDINATION WITH MEDICAL EXPENSE DEDUCTION.—The amount taken into account by the taxpayer in computing the deduction under this section shall not be taken into account under section 213.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations requiring employers to report to their employees and the Secretary such information as the Secretary determines to be appropriate.”.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting after paragraph (17) the following new item:

“(18) HEALTH AND LONG-TERM CARE INSURANCE COSTS.—The deduction allowed by section 222.”.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

“Sec. 222. Health and long-term care insurance costs.

“Sec. 223. Cross reference.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.”.

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of such Code is amended to read as follows: “Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 103. LONG-TERM CARE INSURANCE PERMITTED TO BE OFFERED UNDER CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) CAFETERIA PLANS.—

(1) IN GENERAL.—Subsection (f) of section 125 of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end “; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract”.

(b) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of such Code (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 104. ADDITIONAL PERSONAL EXEMPTION FOR TAXPAYER CARING FOR ELDERLY FAMILY MEMBER IN TAXPAYER'S HOME.

(a) IN GENERAL.—Section 151 of the Internal Revenue Code of 1986 (relating to allowance of deductions for personal exemptions) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

“(e) ADDITIONAL EXEMPTION FOR CERTAIN ELDERLY FAMILY MEMBERS RESIDING WITH TAXPAYER.—

“(1) IN GENERAL.—An exemption of the exemption amount for each qualified family member of the taxpayer.

“(2) QUALIFIED FAMILY MEMBER.—For purposes of this subsection, the term ‘qualified family member’ means, with respect to any taxable year, any individual—

“(A) who is an ancestor of the taxpayer or of the taxpayer's spouse or who is the spouse of any such ancestor,

“(B) who is a member for the entire taxable year of a household maintained by the taxpayer, and

“(C) who has been certified, before the due date for filing the return of tax for the taxable year (without extensions), by a physician (as defined in section 1861(r)(1) of the Social Security Act) as being an individual with long-term care needs described in paragraph (3) for a period—

“(i) which is at least 180 consecutive days, and

“(ii) a portion of which occurs within the taxable year.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless within the 39½ month period ending on such due date (or such other period as the Secretary prescribes) a physician (as so defined) has certified that such individual meets such requirements.

“(3) INDIVIDUALS WITH LONG-TERM CARE NEEDS.—An individual is described in this paragraph if the individual—

“(A) is unable to perform (without substantial assistance from another individual) at least two activities of daily living (as defined in section 7702B(c)(2)(B)) due to a loss of functional capacity, or

“(B) requires substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment and is unable to perform, without reminding or cuing assistance, at least one activity of daily living (as so defined) or to the extent provided in regulations prescribed by the Secretary (in consultation with the Secretary of Health and Human Services), is unable to engage in age appropriate activities.

“(4) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (5) of section 21(e) shall apply for purposes of this subsection.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 105. STUDY OF LONG-TERM CARE NEEDS IN THE 21ST CENTURY.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall on or after October 1, 2001, provide, in accordance with this section, for a study in order to determine—

(1) future demand for long-term health care services (including institutional and home and community-based services) in the United States in order to meet the needs in the 21st century; and

(2) long-term options to finance the provision of such services.

(b) DETAILS.—The study conducted under subsection (a) shall include the following:

(1) An identification of the relevant demographic characteristics affecting demand for long-term health care services, at least through the year 2030.

(2) The viability and capacity of community-based and other long-term health care services under different federal programs, including through the medicare and medicaid programs, grants to States, housing services, and changes in tax policy.

(3) How to improve the quality of long-term health care services.

(4) The integration of long-term health care services for individuals between different classes of health care providers (such as hospitals, nursing facilities, and home care agencies) and different Federal programs (such as the medicare and medicaid programs).

(5) The possibility of expanding private sector initiatives, including long-term care insurance, to meet the need to finance such services.

(6) An examination of the effect of enactment of the Health Insurance Portability and Accountability Act of 1996 on the provision and financing of long-term health care services, including on portability and affordability of private long-term care insurance, the impact of insurance options on low-income older Americans, and the options for eligibility to improve access to such insurance.

(7) The financial impact of the provision of long-term health care services on caregivers and other family members.

(c) REPORT AND RECOMMENDATIONS.—

(1) IN GENERAL.—October 1, 2002, the Secretary shall provide for a report on the study under this section.

(2) RECOMMENDATIONS.—The report under paragraph (1) shall include findings and recommendations regarding each of the following:

(A) The most effective and efficient manner that the Federal Government may use its resources to educate the public on planning for needs for long-term health care services.

(B) The public, private, and joint public-private strategies for meeting identified needs for long-term health care services.

(C) The role of States and local communities in the financing of long-term health care services.

(3) INCLUSION OF COST ESTIMATES.—The report under paragraph (1) shall include cost estimates of the various options for which recommendations are made.

(d) CONDUCT OF STUDY.—

(1) USE OF INSTITUTE OF MEDICINE.—The Secretary of Health and Human Services shall seek to enter into an appropriate arrangement with the Institute of Medicine of the National Academy of Sciences to conduct the study under this section. If such an arrangement cannot be made, the Secretary may provide for the conduct of the study by

any other qualified non-governmental entity.

(2) CONSULTATION.—The study should be conducted under this section in consultation with experts from a wide-range of groups from the public and private sectors.

Subtitle B—Medical Savings Accounts**SEC. 111. EXPANSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.**

(a) REPEAL OF LIMITATIONS ON NUMBER OF MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Subsections (i) and (j) of section 220 of the Internal Revenue Code of 1986 are hereby repealed.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 220(c) of such Code is amended by striking subparagraph (D).

(B) Section 138 of such Code is amended by striking subsection (f).

(b) AVAILABILITY NOT LIMITED TO ACCOUNTS FOR EMPLOYEES OF SMALL EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS.—

(1) IN GENERAL.—Section 220(c)(1)(A) of such Code (relating to eligible individual) is amended to read as follows:

“(A) IN GENERAL.—The term ‘eligible individual’ means, with respect to any month, any individual if—

“(i) such individual is covered under a high deductible health plan as of the 1st day of such month, and

“(ii) such individual is not, while covered under a high deductible health plan, covered under any health plan—

“(I) which is not a high deductible health plan, and

“(II) which provides coverage for any benefit which is covered under the high deductible health plan.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 220(c)(1) of such Code is amended by striking subparagraph (C).

(B) Section 220(c) of such Code is amended by striking paragraph (4) (defining small employer) and by redesignating paragraph (5) as paragraph (4).

(C) Section 220(b) of such Code is amended by striking paragraph (4) (relating to deduction limited by compensation) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) INCREASE IN AMOUNT OF DEDUCTION ALLOWED FOR CONTRIBUTIONS TO MEDICAL SAVINGS ACCOUNTS.—

(1) IN GENERAL.—Paragraph (2) of section 220(b) of such Code is amended to read as follows:

“(2) MONTHLY LIMITATION.—The monthly limitation for any month is the amount equal to 1/2 of the annual deductible (as of the first day of such month) of the individual’s coverage under the high deductible health plan.”.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 220(d)(1)(A) of such Code is amended by striking “75 percent of”.

(d) BOTH EMPLOYERS AND EMPLOYEES MAY CONTRIBUTE TO MEDICAL SAVINGS ACCOUNTS.—Paragraph (4) of section 220(b) of such Code (as redesignated by subsection (b)(2)(C)) is amended to read as follows:

“(4) COORDINATION WITH EXCLUSION FOR EMPLOYER CONTRIBUTIONS.—The limitation which would (but for this paragraph) apply under this subsection to the taxpayer for any taxable year shall be reduced (but not below zero) by the amount which would (but for section 106(b)) be includible in the taxpayer’s gross income for such taxable year.”.

(e) REDUCTION OF PERMITTED DEDUCTIBLES UNDER HIGH DEDUCTIBLE HEALTH PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 220(c)(2) of such Code (defining high deductible health plan) is amended—

(A) by striking “\$1,500” in clause (i) and inserting “\$1,000”;

(B) by striking “\$3,000” in clause (ii) and inserting “\$2,000”; and

(C) by striking the matter preceding subclause (I) in clause (iii) and inserting “pursuant to which the annual out-of-pocket expenses (including deductibles and co-payments) are required to be paid under the plan (other than for premiums) for covered benefits and may not exceed—”.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 220 of such Code is amended to read as follows:

“(g) COST-OF-LIVING ADJUSTMENT.—

“(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2002, each dollar amount in subsection (c)(2) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting ‘calendar year 2001’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) SPECIAL RULES.—In the case of the \$1,000 amount in subsection (c)(2)(A)(i) and the \$2,000 amount in subsection (c)(2)(A)(ii), paragraph (1)(B) shall be applied by substituting ‘calendar year 2002’ for ‘calendar year 2001’.

“(3) ROUNDING.—If any increase under paragraph (1) or (2) is not a multiple of \$50, such increase shall be rounded to the nearest multiple of \$50.”.

(f) LIMITATION ON ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—Section 220(f)(4) of such Code (relating to additional tax on distributions not used for qualified medical expenses) is amended by adding at the end the following:

“(D) EXCEPTION IN CASE OF SUFFICIENT ACCOUNT BALANCE.—Subparagraph (A) shall not apply to any payment or distribution in any taxable year, but only to the extent such payment or distribution does not reduce the fair market value of the assets of the medical savings account to an amount less than the annual deductible for the high deductible health plan of the account holder (determined as of the earlier of January 1 of the calendar year in which the taxable year begins or January 1 of the last calendar year in which the account holder is covered under a high deductible health plan).”.

(g) TREATMENT OF NETWORK-BASED MANAGED CARE PLANS.—Section 220(c)(2)(B) of such Code (relating to special rules for high deductible health plans) is amended by adding at the end the following:

“(iii) TREATMENT OF NETWORK-BASED MANAGED CARE PLANS.—A plan which provides health care services through a network of contracted or affiliated health care providers, if the benefits provided when services are obtained through network providers meet the requirements of subparagraph (A), shall not fail to be treated as a high deductible health plan by reason of providing benefits for services rendered by providers who are not members of the network, so long as the annual deductible and annual limit on out-of-pocket expenses applicable to services received from non-network providers are not lower than those applicable to services received from the network providers.”.

(h) MEDICAL SAVINGS ACCOUNTS MAY BE OFFERED UNDER CAFETERIA PLANS.—Subsection (f) of section 125 of such Code is amended by striking “106(b).”.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendments made by this

section shall apply to taxable years beginning after December 31, 2001.

(2) LIMITATION ON ADDITIONAL TAX ON DISTRIBUTIONS NOT USED FOR QUALIFIED MEDICAL EXPENSES.—The amendment made by subsection (f) shall apply to taxable years beginning after December 31, 2005.

SEC. 112. AMENDMENTS TO TITLE 5, UNITED STATES CODE, RELATING TO MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS UNDER FEHBP.

(a) MEDICAL SAVINGS ACCOUNTS.—

(1) CONTRIBUTIONS.—Title 5, United States Code, is amended by redesignating section 8906a as section 8906c and by inserting after section 8906 the following:

“§ 8906a. Government contributions to medical savings accounts

“(a) An employee or annuitant enrolled in a high deductible health plan is entitled, in addition to the Government contribution under section 8906(b) toward the subscription charge for such plan, to have a Government contribution made, in accordance with succeeding provisions of this section, to a medical savings account of such employee or annuitant.

“(b)(1) The biweekly Government contribution under this section shall, in the case of any such employee or annuitant, be equal to the amount (if any) by which—

“(A) the biweekly equivalent of the maximum Government contribution for the contract year involved (as defined by paragraph (2)), exceeds

“(B) the amount of the biweekly Government contribution payable on such employee's or annuitant's behalf under section 8906(b) for the period involved.

“(2) For purposes of this section, the term ‘maximum Government contribution’ means, with respect to a contract year, the maximum Government contribution that could be made for health benefits for an employee or annuitant for such contract year, as determined under section 8906(b) (disregarding paragraph (2) thereof).

“(3) Notwithstanding any other provision of this section, no contribution under this section shall be payable to any medical savings account of an employee or annuitant for any period—

“(A) if, as of the first day of the month before the month in which such period commences, such employee or annuitant (or the spouse of such employee or annuitant, if coverage is for self and family) is entitled to benefits under part A of title XVIII of the Social Security Act;

“(B) to the extent that such contribution, when added to previous contributions made under this section for that same year with respect to such employee or annuitant, would cause the total to exceed—

“(i) the limitation under paragraph (1) of section 220(b) of the Internal Revenue Code of 1986 (determined without regard to paragraph (3) thereof) which is applicable to such employee or annuitant for the calendar year in which such period commences; or

“(ii) such lower amount as the employee or annuitant may specify in accordance with regulations of the Office, including an election not to receive contributions under this section for a year or the remainder of a year; or

“(C) for which any information (or documentation) under subsection (d) that is needed in order to make such contribution has not been timely submitted.

“(4) Notwithstanding any other provision of this section, no contribution under this section shall be payable to any medical sav-

ings account of an employee for any period in a contract year unless that employee was enrolled in a health benefits plan under this chapter as an employee for not less than—

“(A) the 1 year of service immediately before the start of such contract year, or

“(B) the full period or periods of service between the last day of the first period, as prescribed by regulations of the Office of Personnel Management, in which he is eligible to enroll in the plan and the day before the start of such contract year, whichever is shorter.

“(5) The Office shall provide for the conversion of biweekly rates of contributions specified by paragraph (1) to rates for employees and annuitants whose pay or annuity is provided on other than a biweekly basis, and for this purpose may provide for the adjustment of the converted rate to the nearest cent.

“(c) A Government contribution under this section—

“(1) shall be made at the same time that, and the same frequency with which, Government contributions under section 8906(b) are made for the benefit of the employee or annuitant involved; and

“(2) shall be payable from the same appropriation, fund, account, or other source as would any Government contributions under section 8906(b) with respect to the employee or annuitant involved.

“(d) The Office shall by regulation prescribe the time, form, and manner in which an employee or annuitant shall submit any information (and supporting documentation) necessary to identify any medical savings account to which contributions under this section are requested to be made.

“(e) Nothing in this section shall be considered to entitle an employee or annuitant to any Government contribution under this section with respect to any period for which such employee or annuitant is ineligible for a Government contribution under section 8906(b).

“§ 8906b. Individual contributions to medical savings accounts

“(a) Upon the written request of an employee or annuitant enrolled in a high deductible health plan, there shall be withheld from the pay or annuity of such employee or annuitant and contributed to the medical savings account identified by such employee or annuitant in accordance with applicable regulations under subsection (c) such amount as the employee or annuitant may specify.

“(b) Notwithstanding subsection (a), no withholding under this section may be made from the pay or annuity of an employee or annuitant for any period—

“(1) if, or to the extent that, a Government contribution for such period under section 8906a would not be allowable by reason of subparagraph (A) or (B)(i) of subsection (b)(3) thereof;

“(2) for which any information (or documentation) that is needed in order to make such contribution has not been timely submitted; or

“(3) if the employee or annuitant submits a request for termination of withholdings, beginning on or after the effective date of the request and before the end of the year.

“(c) The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any request for withholdings under this section may be made, changed, or terminated.”.

(2) RULES OF CONSTRUCTION.—Nothing in this section or in any amendment made by this section shall be considered—

(A) to permit or require that any contributions to a medical savings account (whether by the Government or through withholdings from pay or annuity) be paid into the Employees Health Benefits Fund; or

(B) to affect any authority under section 1005(f) of title 39, United States Code, to vary, add to, or substitute for any provision of chapter 89 of title 5, United States Code, as amended by this section.

(3) CONFORMING AMENDMENTS.—

(A) The table of sections at the beginning of chapter 89 of title 5, United States Code, is amended by striking the item relating to section 8906a and inserting the following:

“8906a. Government contributions to medical savings accounts.

“8906b. Individual contributions to medical savings accounts.

“8906c. Temporary employees.”.

(B) Section 8913(b)(4) of title 5, United States Code, is amended by striking “8906a(a)” and inserting “8906c(a)”.

(b) INFORMATIONAL REQUIREMENTS.—Section 8907 of title 5, United States Code, is amended by adding at the end the following:

“(c) In addition to any information otherwise required under this section, the Office shall make available to all employees and annuitants eligible to enroll in a high deductible health plan, information relating to—

“(1) the conditions under which Government contributions under section 8906a shall be made to a medical savings account;

“(2) the amount of any Government contributions under section 8906a to which an employee or annuitant may be entitled (or how such amount may be ascertained);

“(3) the conditions under which contributions to a medical savings account may be made under section 8906b through withholdings from pay or annuity; and

“(4) any other matter the Office considers appropriate in connection with medical savings accounts.”.

(c) HIGH DEDUCTIBLE HEALTH PLAN AND MEDICAL SAVINGS ACCOUNT DEFINED.—Section 8901 of title 5, United States Code, is amended—

(1) in paragraph (10) by striking “and” after the semicolon;

(2) in paragraph (11) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(12) the term ‘high deductible health plan’ means a plan described by section 8903(5) or section 8903a(d); and

“(13) the term ‘medical savings account’ has the meaning given such term by section 220(d) of the Internal Revenue Code of 1986.”.

(d) AUTHORITY TO CONTRACT FOR HIGH DEDUCTIBLE HEALTH PLANS, ETC.—

(1) CONTRACTS FOR HIGH DEDUCTIBLE HEALTH PLANS.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

“(p)(1) The Office shall contract under this chapter for a high deductible health plan with any qualified carrier that offers such a plan and, as of the date of enactment of this subsection, offers a health benefits plan under this chapter.

“(2) The Office may contract under this chapter for a high deductible health plan with any qualified carrier that offers such a plan, but does not, as of the date of enactment of this subsection, offer a health benefits plan under this chapter.”.

(2) COMPUTATION OF GOVERNMENT CONTRIBUTIONS TO PLANS UNDER CHAPTER 89 NOT AFFECTED BY HIGH DEDUCTIBLE HEALTH PLANS.—

Paragraph (2) of section 8906(a) of title 5, United States Code, is amended by striking “(2)” and inserting “(2)(A)”, and adding at the end the following:

“(B) Notwithstanding any other provision of this section, the subscription charges for, and the number of enrollees enrolled in, high deductible health plans shall be disregarded for purposes of determining any weighted average under paragraph (1).”

(e) DESCRIPTION OF HIGH DEDUCTIBLE HEALTH PLANS AND BENEFITS TO BE PROVIDED THEREUNDER.—

(1) IN GENERAL.—Section 8903 of title 5, United States Code, is amended by adding at the end the following:

“(5) HIGH DEDUCTIBLE HEALTH PLANS.—(A) One or more plans described by paragraph (1), (2), (3), or (4), which—

“(i) are high deductible health plans (as defined by section 220(c)(2) of the Internal Revenue Code of 1986); and

“(ii) provide benefits of the types referred to by section 8904(a)(5).

“(B) Nothing in this section shall be considered—

“(i) to prevent a carrier from simultaneously offering a plan described by subparagraph (A) and a plan described by paragraph (1) or (2); or

“(ii) to require that a high deductible health plan offer two levels of benefits.”

(2) TYPES OF BENEFITS.—Section 8904(a) of title 5, United States Code, is amended by inserting after paragraph (4) the following:

“(5) HIGH DEDUCTIBLE HEALTH PLANS.—Benefits of the types named under paragraph (1) or (2) of this subsection or both.”

(3) CONFORMING AMENDMENTS.—

(A) Section 8903a of title 5, United States Code, is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

“(d) The plans under this section may include one or more plans, otherwise allowable under this section, that satisfy the requirements of clauses (i) and (ii) of section 8903(5)(A).”

(B) Section 8909(d) of title 5, United States Code, is amended by striking “8903a(d)” and inserting “8903a(e)”.

(4) REFERENCES.—Section 8903 of title 5, United States Code, is amended by adding after paragraph (5) (as added by paragraph (1) of this subsection) as a flush left sentence, the following:

“The Office shall prescribe regulations in accordance with which the requirements of section 8902(c), 8902(n), 8909(e), and any other provision of this chapter that applies with respect to a plan described by paragraph (1), (2), (3), or (4) of this section shall apply with respect to the corresponding plan under paragraph (5) of this section. Similar regulations shall be prescribed with respect to any plan under section 8903a(d).”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contract years beginning on or after October 1, 2001. The Office of Personnel Management shall take appropriate measures to ensure that coverage under a high deductible health plan under chapter 89 of title 5, United States Code (as amended by this section) shall be available as of the beginning of the first contract year described in the preceding sentence.

SEC. 113. RULE WITH RESPECT TO CERTAIN PLANS.

(a) IN GENERAL.—Notwithstanding any other provision of law, health insurance issuers may offer, and eligible individuals may purchase, high deductible health plans described in section 220(c)(2)(A) of the Inter-

nal Revenue Code of 1986. Effective for the 5-year period beginning on October 1, 2001, such health plans shall not be required to provide payment for any health care items or services that are exempt from the plan's deductible.

(b) EXISTING STATE LAWS.—A State law relating to payment for health care items and services in effect on the date of enactment of this Act that is preempted under paragraph (1), shall not apply to high deductible health plans after the expiration of the 5-year period described in such paragraph unless the State reenacts such law after such period.

Subtitle C—Other Health-Related Provisions

SEC. 121. EXPANDED HUMAN CLINICAL TRIALS QUALIFYING FOR ORPHAN DRUG CREDIT.

(a) IN GENERAL.—Subclause (I) of section 45C(b)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) after the date that the application is filed for designation under such section 526, and”

(b) CONFORMING AMENDMENT.—Clause (i) of section 45C(b)(2)(A) of such Code is amended by inserting “which is” before “being” and by inserting before the comma at the end “and which is designated under section 526 of such Act”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2001.

SEC. 122. CARRYOVER OF UNUSED BENEFITS FROM CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND HEALTH FLEXIBLE SPENDING ACCOUNTS.

(a) IN GENERAL.—Section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

“(h) ALLOWANCE OF CARRYOVERS OF UNUSED BENEFITS TO LATER TAXABLE YEARS.—

“(1) IN GENERAL.—For purposes of this title—

“(A) notwithstanding subsection (d)(2), a plan or other arrangement shall not fail to be treated as a cafeteria plan or flexible spending or similar arrangement, and

“(B) no amount shall be required to be included in gross income by reason of this section or any other provision of this chapter, solely because under such plan or other arrangement any nontaxable benefit which is unused as of the close of a taxable year may be carried forward to 1 or more succeeding taxable years.

“(2) LIMITATION.—Paragraph (1) shall not apply to amounts carried from a plan to the extent such amounts exceed \$500 (applied on an annual basis). For purposes of this paragraph, all plans and arrangements maintained by an employer or any related person shall be treated as 1 plan.

“(3) ALLOWANCE OF ROLLOVER.—

“(A) IN GENERAL.—In the case of any unused benefit described in paragraph (1) which consists of amounts in a health flexible spending account or dependent care flexible spending account, the plan or arrangement shall provide that a participant may elect, in lieu of such carryover, to have such amounts distributed to the participant.

“(B) AMOUNTS NOT INCLUDED IN INCOME.—Any distribution under subparagraph (A) shall not be included in gross income to the extent that such amount is transferred in a trustee-to-trustee transfer, or is contributed within 60 days of the date of the distribution, to—

“(i) a qualified cash or deferred arrangement described in section 401(k),

“(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

“(iii) an eligible deferred compensation plan described in section 457, or

“(iv) a medical savings account (within the meaning of section 220).

Any amount rolled over under this subparagraph shall be treated as a rollover contribution for the taxable year from which the unused amount would otherwise be carried.

(C) TREATMENT OF ROLLOVER.—Any amount rolled over under subparagraph (B) shall be treated as an eligible rollover under section 220, 401(k), 403(b), or 457, whichever is applicable, and shall be taken into account in applying any limitation (or participation requirement) on employer or employee contributions under such section or any other provision of this chapter for the taxable year of the rollover.

(4) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2002, the \$500 amount under paragraph (2) shall be adjusted at the same time and in the same manner as under section 415(d)(2), except that the base period taken into account shall be the calendar quarter beginning October 1, 2001, and any increase which is not a multiple of \$50 shall be rounded to the next lowest multiple of \$50.

(5) APPLICABILITY.—This subsection shall apply to taxable years beginning after December 31, 2001.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 123. REDUCTION IN TAX ON VACCINES.

(a) IN GENERAL.—Paragraph (1) of section 4131(b) of the Internal Revenue Code of 1986 (relating to amount of tax) is amended by striking “75 cents” and inserting “50 cents”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002.

Subtitle D—Miscellaneous Provisions

SEC. 131. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

(a) IN GENERAL.—Nothing in this division (or an amendment made by this division) shall be construed to alter or amend the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this division has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this division has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this division.

SEC. 132. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking “2003” and inserting “2010”.

SEC. 133. ESTABLISHMENT OF MEDICARE ADMINISTRATIVE FEE FOR SUBMISSION OF PAPER CLAIMS.

(a) IMPOSITION OF FEE.—Notwithstanding any other provision of law and subject to

subsection (b), the Secretary of Health and Human Services shall establish (in the form of a separate fee or reduction of payment otherwise made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) an administrative fee of \$1 for the submission of a claim in a paper or non-electronic form for items or services for which payment is sought under such title.

(b) EXCEPTION AUTHORITY.—The Secretary of Health and Human Services shall waive the imposition of the fee under subsection (a)—

(1) in cases in which there is no method available for the submission of claims other than in a paper or non-electronic form; and

(2) for rural providers and small providers that the Secretary determines, under procedures established by the Secretary, are unable to purchase the necessary hardware in order to submit claims electronically.

(c) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or title XIX of such Act (42 U.S.C. 1396 et seq.).

(d) EFFECTIVE DATE.—The provisions of this section apply to claims submitted on or after January 1, 2002.

SEC. 134. ESTABLISHMENT OF MEDICARE ADMINISTRATIVE FEE FOR SUBMISSION OF DUPLICATE AND UNPROCESSABLE CLAIMS.

(a) IMPOSITION OF FEE.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall establish (in the form of a separate fee or reduction of payment otherwise made under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) an administrative fee of \$2 for the submission of a claim described in subsection (b).

(b) CLAIMS SUBJECT TO FEE.—A claim described in this subsection is a claim that—

(1) is submitted by an individual or entity for items or services for which payment is sought under title XVIII of the Social Security Act; and

(2) either—

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

(B) is a claim that cannot be processed and must, in accordance with the Secretary of Health and Human Service's instructions, be returned by the fiscal intermediary or carrier to the individual or entity for completion.

(c) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or title XIX of such Act (42 U.S.C. 1396 et seq.).

(d) EFFECTIVE DATE.—The provisions of this section apply to claims submitted on or after January 1, 2002.

TITLE II—PATIENTS' BILL OF RIGHTS

Subtitle A—Right to Advice and Care

SEC. 201. PATIENT RIGHT TO MEDICAL ADVICE AND CARE.

(a) IN GENERAL.—Part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181 et seq.) is amended—

(1) by redesignating subpart C as subpart D; and

(2) by inserting after subpart B the following:

“Subpart C—Patient Right to Medical Advice and Care

“SEC. 721. ACCESS TO EMERGENCY MEDICAL CARE.

“(a) COVERAGE OF EMERGENCY SERVICES.—If a group health plan (other than a fully insured group health plan) provides coverage for any benefits consisting of emergency medical care, except for items or services specifically excluded from coverage, the plan shall, without regard to prior authorization or provider participation—

“(1) provide coverage for emergency medical screening examinations to the extent that a prudent layperson, who possesses an average knowledge of health and medicine, would determine such examinations to be necessary; and

“(2) provide coverage for additional emergency medical care to stabilize an emergency medical condition following an emergency medical screening examination (if determined necessary), pursuant to the definition of stabilize under section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

“(b) COVERAGE OF EMERGENCY AMBULANCE SERVICES.—If a group health plan (other than a fully insured group health plan) provides coverage for any benefits consisting of emergency ambulance services, except for items or services specifically excluded from coverage, the plan shall, without regard to prior authorization or provider participation, provide coverage for emergency ambulance services to the extent that a prudent layperson, who possesses an average knowledge of health and medicine, would determine such emergency ambulance services to be necessary.

“(c) CARE AFTER STABILIZATION.—

“(1) IN GENERAL.—In the case of medically necessary and appropriate items or services related to the emergency medical condition that may be provided to a participant or beneficiary by a nonparticipating provider after the participant or beneficiary is stabilized, the nonparticipating provider shall contact the plan as soon as practicable, but not later than 2 hours after stabilization occurs, with respect to whether—

“(A) the provision of items or services is approved;

“(B) the participant or beneficiary will be transferred; or

“(C) other arrangements will be made concerning the care and treatment of the participant or beneficiary.

“(2) FAILURE TO RESPOND AND MAKE ARRANGEMENTS.—If a group health plan fails to respond and make arrangements within 2 hours of being contacted in accordance with paragraph (1), then the plan shall be responsible for the cost of any additional items or services provided by the nonparticipating provider if—

“(A) coverage for items or services of the type furnished by the nonparticipating provider is available under the plan;

“(B) the items or services are medically necessary and appropriate and related to the emergency medical condition involved; and

“(C) the timely provision of the items or services is medically necessary and appropriate.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to apply to a group health plan that does not require prior authorization for items or services provided to a participant or beneficiary after the participant or beneficiary is stabilized.

“(d) REIMBURSEMENT TO A NON-PARTICIPATING PROVIDER.—The responsibility of a group health plan to provide reimbursement

to a nonparticipating provider under this section shall cease accruing upon the earlier of—

“(1) the transfer or discharge of the participant or beneficiary; or

“(2) the completion of other arrangements made by the plan and the nonparticipating provider.

“(e) RESPONSIBILITY OF PARTICIPANT.—With respect to items or services provided by a nonparticipating provider under this section, the participant or beneficiary shall not be responsible for amounts that exceed the amounts (including co-insurance, co-payments, deductibles or any other form of cost-sharing) that would be incurred if the care was provided by a participating health care provider with prior authorization.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a group health plan from negotiating reimbursement rates with a nonparticipating provider for items or services provided under this section.

“(g) DEFINITIONS.—In this section:

“(1) EMERGENCY AMBULANCE SERVICES.—The term ‘emergency ambulance services’ means, with respect to a participant or beneficiary under a group health plan (other than a fully insured group health plan), ambulance services furnished to transport an individual who has an emergency medical condition to a treating facility for receipt of emergency medical care if—

“(A) the emergency services are covered under the group health plan (other than a fully insured group health plan) involved; and

“(B) a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of such transport to result in placing the health of the participant or beneficiary (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

“(2) EMERGENCY MEDICAL CARE.—The term ‘emergency medical care’ means, with respect to a participant or beneficiary under a group health plan (other than a fully insured group health plan), covered inpatient and outpatient items or services that—

“(A) are furnished by any provider, including a nonparticipating provider, that is qualified to furnish such items or services; and

“(B) are needed to evaluate or stabilize (as such term is defined in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3))) an emergency medical condition.

“(3) EMERGENCY MEDICAL CONDITION.—The term ‘emergency medical condition’ means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in placing the health of the participant or beneficiary (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

“SEC. 722. OFFERING OF CHOICE OF COVERAGE OPTIONS.

“(a) REQUIREMENT.—If a group health plan (other than a fully insured group health plan) provides coverage for benefits only through a defined set of participating health

care professionals, the plan shall offer the participant the option to purchase point-of-service coverage (as defined in subsection (b)) for all such benefits for which coverage is otherwise so limited. Such option shall be made available to the participant at the time of enrollment under the plan and at such other times as the plan offers the participant a choice of coverage options.

“(b) POINT-OF-SERVICE COVERAGE DEFINED.—In this section, the term ‘point-of-service coverage’ means, with respect to benefits covered under a group health plan (other than a fully insured group health plan), coverage of such benefits when provided by a nonparticipating health care professional.

“(c) SMALL EMPLOYER EXEMPTION.—

“(1) IN GENERAL.—This section shall not apply to any group health plan (other than a fully insured group health plan) of a small employer.

“(2) SMALL EMPLOYER.—For purposes of paragraph (1), the term ‘small employer’ means, in connection with a group health plan (other than a fully insured group health plan) with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year. For purposes of this paragraph, the provisions of subparagraph (C) of section 712(c)(1) shall apply in determining employer size.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) as requiring coverage for benefits for a particular type of health care professional;

“(2) as requiring an employer to pay any costs as a result of this section or to make equal contributions with respect to different health coverage options;

“(3) as preventing a group health plan (other than a fully insured group health plan) from imposing higher premiums or cost-sharing on a participant for the exercise of a point-of-service coverage option; or

“(4) to require that a group health plan (other than a fully insured group health plan) include coverage of health care professionals that the plan excludes because of fraud, quality of care, or other similar reasons with respect to such professionals.

“SEC. 723. PATIENT ACCESS TO OBSTETRIC AND GYNECOLOGICAL CARE.

“(a) GENERAL RIGHTS.—

“(1) DIRECT ACCESS.—A group health plan described in subsection (b) may not require authorization or referral by the primary care provider described in subsection (b)(2) in the case of a female participant or beneficiary who seeks coverage for obstetrical or gynecological care provided by a participating physician who specializes in obstetrics or gynecology.

“(2) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan described in subsection (b) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under paragraph (1), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

“(b) APPLICATION OF SECTION.—A group health plan described in this subsection is a group health plan (other than a fully insured group health plan), that—

“(1) provides coverage for obstetric or gynecologic care; and

“(2) requires the designation by a participant or beneficiary of a participating primary care provider other than a physician who specializes in obstetrics or gynecology.

“(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to require that a group health plan approve or provide coverage for—

“(A) any items or services that are not covered under the terms and conditions of the group health plan;

“(B) any items or services that are not medically necessary and appropriate; or

“(C) any items or services that are provided, ordered, or otherwise authorized under subsection (a)(2) by a physician unless such items or services are related to obstetric or gynecologic care;

“(2) to preclude a group health plan from requiring that the physician described in subsection (a) notify the designated primary care professional or case manager of treatment decisions in accordance with a process implemented by the plan, except that the group health plan shall not impose such a notification requirement on the participant or beneficiary involved in the treatment decision;

“(3) to preclude a group health plan from requiring authorization, including prior authorization, for certain items and services from the physician described in subsection (a) who specializes in obstetrics and gynecology if the designated primary care provider of the participant or beneficiary would otherwise be required to obtain authorization for such items or services;

“(4) to require that the participant or beneficiary described in subsection (a)(1) obtain authorization or a referral from a primary care provider in order to obtain obstetrical or gynecological care from a health care professional other than a physician if the provision of obstetrical or gynecological care by such professional is permitted by the group health plan and consistent with State licensure, credentialing, and scope of practice laws and regulations; or

“(5) to preclude the participant or beneficiary described in subsection (a)(1) from designating a health care professional other than a physician as a primary care provider if such designation is permitted by the group health plan and the treatment by such professional is consistent with State licensure, credentialing, and scope of practice laws and regulations.

“SEC. 724. ACCESS TO PEDIATRIC CARE.

“(a) PEDIATRIC CARE.—If a group health plan (other than a fully insured group health plan) requires or provides for a participant or beneficiary to designate a participating primary care provider for a child of such participant or beneficiary, the plan shall permit the participant or beneficiary to designate a physician who specializes in pediatrics as the child’s primary care provider if such provider participates in the network of the plan.

“(b) RULES OF CONSTRUCTION.—With respect to the child of a participant or beneficiary, nothing in subsection (a) shall be construed to—

“(1) require that the participant or beneficiary obtain prior authorization or a referral from a primary care provider in order to obtain pediatric care from a health care professional other than a physician if the provision of pediatric care by such professional is permitted by the plan and consistent with State licensure, credentialing, and scope of practice laws and regulations; or

“(2) preclude the participant or beneficiary from designating a health care professional other than a physician as a primary care

provider for the child if such designation is permitted by the plan and the treatment by such professional is consistent with State licensure, credentialing, and scope of practice laws.

“SEC. 725. TIMELY ACCESS TO SPECIALISTS.

“(a) TIMELY ACCESS.—

“(1) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall ensure that participants and beneficiaries receive timely coverage for access to specialists who are appropriate to the medical condition of the participant or beneficiary, when such specialty care is a covered benefit under the plan.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

“(A) to require the coverage under a group health plan (other than a fully insured group health plan) of benefits or services;

“(B) to prohibit a plan from including providers in the network only to the extent necessary to meet the needs of the plan’s participants and beneficiaries;

“(C) to prohibit a plan from establishing measures designed to maintain quality and control costs consistent with the responsibilities of the plan; or

“(D) to override any State licensure or scope-of-practice law.

“(3) ACCESS TO CERTAIN PROVIDERS.—

“(A) PARTICIPATING PROVIDERS.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring that a participant or beneficiary obtain specialty care from a participating specialist.

“(B) NONPARTICIPATING PROVIDERS.—

“(i) IN GENERAL.—With respect to specialty care under this section, if a group health plan (other than a fully insured group health plan) determines that a participating specialist is not available to provide such care to the participant or beneficiary, the plan shall provide for coverage of such care by a nonparticipating specialist.

“(ii) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a group health plan (other than a fully insured group health plan) refers a participant or beneficiary to a nonparticipating specialist pursuant to clause (i), such specialty care shall be provided at no additional cost to the participant or beneficiary beyond what the participant or beneficiary would otherwise pay for such specialty care if provided by a participating specialist.

“(b) REFERRALS.—

“(1) AUTHORIZATION.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring an authorization in order to obtain coverage for specialty services so long as such authorization is for an appropriate duration or number of referrals.

“(2) REFERRALS FOR ONGOING SPECIAL CONDITIONS.—

“(A) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall permit a participant or beneficiary who has an ongoing special condition (as defined in subparagraph (B)) to receive a referral to a specialist for the treatment of such condition and such specialist may authorize such referrals, procedures, tests, and other medical services with respect to such condition, or coordinate the care for such condition, subject to the terms of a treatment plan referred to in subsection (c) with respect to the condition.

“(B) ONGOING SPECIAL CONDITION DEFINED.—In this subsection, the term ‘ongoing special condition’ means a condition or disease that—

“(i) is life-threatening, degenerative, or disabling; and

“(ii) requires specialized medical care over a prolonged period of time.

“(c) TREATMENT PLANS.—

“(1) IN GENERAL.—Nothing in this section shall be construed to prohibit a group health plan (other than a fully insured group health plan) from requiring that specialty care be provided pursuant to a treatment plan so long as the treatment plan is—

“(A) developed by the specialist, in consultation with the case manager or primary care provider, and the participant or beneficiary;

“(B) approved by the plan in a timely manner if the plan requires such approval; and

“(C) in accordance with the applicable quality assurance and utilization review standards of the plan.

“(2) NOTIFICATION.—Nothing in paragraph (1) shall be construed as prohibiting a plan from requiring the specialist to provide the plan with regular updates on the specialty care provided, as well as all other necessary medical information.

“(d) SPECIALIST DEFINED.—For purposes of this section, the term ‘specialist’ means, with respect to the medical condition of the participant or beneficiary, a health care professional, facility, or center (such as a center of excellence) that has adequate expertise (including age-appropriate expertise) through appropriate training and experience.

“(e) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 726. CONTINUITY OF CARE.

“(a) TERMINATION OF PROVIDER.—If a contract between a group health plan (other than a fully insured group health plan) and a treating health care provider is terminated (as defined in paragraph (e)(4)), or benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in such plan, and an individual who is a participant or beneficiary in the plan is undergoing an active course of treatment for a serious and complex condition, institutional care, pregnancy, or terminal illness from the provider at the time the plan receives or provides notice of such termination, the plan shall—

“(1) notify the individual, or arrange to have the individual notified pursuant to subsection (d)(2), on a timely basis of such termination;

“(2) provide the individual with an opportunity to notify the plan of the individual’s need for transitional care; and

“(3) subject to subsection (c), permit the individual to elect to continue to be covered with respect to the active course of treatment with the provider’s consent during a transitional period (as provided for under subsection (b)).

“(b) TRANSITIONAL PERIOD.—

“(1) SERIOUS AND COMPLEX CONDITIONS.—The transitional period under this section with respect to a serious and complex condition shall extend for up to 90 days from the date of the notice described in subsection (a)(1) of the provider’s termination.

“(2) INSTITUTIONAL OR INPATIENT CARE.—

“(A) IN GENERAL.—The transitional period under this section for institutional or non-elective inpatient care from a provider shall extend until the earlier of—

“(i) the expiration of the 90-day period beginning on the date on which the notice de-

scribed in subsection (a)(1) of the provider’s termination is provided; or

“(ii) the date of discharge of the individual from such care or the termination of the period of institutionalization.

“(B) SCHEDULED CARE.—The 90 day limitation described in subparagraph (A)(i) shall include post-surgical follow-up care relating to non-elective surgery that has been scheduled before the date of the notice of the termination of the provider under subsection (a)(1).

“(3) PREGNANCY.—If—

“(A) a participant or beneficiary has entered the second trimester of pregnancy at the time of a provider’s termination of participation; and

“(B) the provider was treating the pregnancy before the date of the termination; the transitional period under this subsection with respect to provider’s treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

“(4) TERMINAL ILLNESS.—If—

“(A) a participant or beneficiary was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of a provider’s termination of participation; and

“(B) the provider was treating the terminal illness before the date of termination; the transitional period under this subsection shall extend for the remainder of the individual’s life for care that is directly related to the treatment of the terminal illness.

“(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan (other than a fully insured group health plan) may condition coverage of continued treatment by a provider under this section upon the provider agreeing to the following terms and conditions:

“(1) The treating health care provider agrees to accept reimbursement from the plan and individual involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or at the rates applicable under the replacement plan after the date of the termination of the contract with the group health plan) and not to impose cost-sharing with respect to the individual in an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in this section had not been terminated.

“(2) The treating health care provider agrees to adhere to the quality assurance standards of the plan responsible for payment under paragraph (1) and to provide to such plan necessary medical information related to the care provided.

“(3) The treating health care provider agrees otherwise to adhere to such plan’s policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan.

“(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

“(1) to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider; or

“(2) with respect to the termination of a contract under subsection (a) to prevent a group health plan from requiring that the health care provider—

“(A) notify participants or beneficiaries of their rights under this section; or

“(B) provide the plan with the name of each participant or beneficiary who the provider believes is eligible for transitional care under this section.

“(e) DEFINITIONS.—In this section:

“(1) CONTRACT.—The term ‘contract between a plan and a treating health care provider’ shall include a contract between such a plan and an organized network of providers.

“(2) HEALTH CARE PROVIDER.—The term ‘health care provider’ or ‘provider’ means—

“(A) any individual who is engaged in the delivery of health care services in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State; and

“(B) any entity that is engaged in the delivery of health care services in a State and that, if it is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State, is so licensed.

“(3) SERIOUS AND COMPLEX CONDITION.—The term ‘serious and complex condition’ means, with respect to a participant or beneficiary under the plan, a condition that is medically determinable and—

“(A) in the case of an acute illness, is a condition serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

“(B) in the case of a chronic illness or condition, is an illness or condition that—

“(i) is complex and difficult to manage;

“(ii) is disabling or life-threatening; and

“(iii) requires—

“(I) frequent monitoring over a prolonged period of time and requires substantial ongoing specialized medical care; or

“(II) frequent ongoing specialized medical care across a variety of domains of care.

“(4) TERMINATED.—The term ‘terminated’ includes, with respect to a contract (as defined in paragraph (1)), the expiration or nonrenewal of the contract by the group health plan, but does not include a termination of the contract by the plan for failure to meet applicable quality standards or for fraud.

“(f) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 727. PROTECTION OF PATIENT-PROVIDER COMMUNICATIONS.

“(a) IN GENERAL.—Subject to subsection (b), a group health plan (other than a fully insured group health plan and in relation to a participant or beneficiary) shall not prohibit or otherwise restrict a health care professional from advising such a participant or beneficiary who is a patient of the professional about the health status of the participant or beneficiary or medical care or treatment for the condition or disease of the participant or beneficiary, regardless of whether coverage for such care or treatment are provided under the contract, if the professional is acting within the lawful scope of practice.

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring a group health plan (other than a fully insured group health plan) to provide specific benefits under the terms of such plan.

“SEC. 728. PATIENT’S RIGHT TO PRESCRIPTION DRUGS.

“(a) IN GENERAL.—To the extent that a group health plan (other than a fully insured group health plan) provides coverage for benefits with respect to prescription drugs, and limits such coverage to drugs included in a formulary, the plan shall—

“(1) ensure the participation of physicians and pharmacists in developing and reviewing such formulary; and

“(2) in accordance with the applicable quality assurance and utilization review standards of the plan, provide for exceptions from the formulary limitation when a non-formulary alternative is medically necessary and appropriate.

“(b) **RIGHT TO EXTERNAL REVIEW.**—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 729. SELF-PAYMENT FOR BEHAVIORAL HEALTH CARE SERVICES.

“(a) **IN GENERAL.**—A group health plan (other than a fully insured group health plan) may not—

“(1) prohibit or otherwise discourage a participant or beneficiary from self-paying for behavioral health care services once the plan has denied coverage for such services; or

“(2) terminate a health care provider because such provider permits participants or beneficiaries to self-pay for behavioral health care services—

“(A) that are not otherwise covered under the plan; or

“(B) for which the group health plan provides limited coverage, to the extent that the group health plan denies coverage of the services.

“(b) **RULE OF CONSTRUCTION.**—Nothing in subsection (a)(2)(B) shall be construed as prohibiting a group health plan from terminating a contract with a health care provider for failure to meet applicable quality standards or for fraud.

“SEC. 730. COVERAGE FOR INDIVIDUALS PARTICIPATING IN APPROVED CANCER CLINICAL TRIALS.

“(a) **COVERAGE.**—

“(1) **IN GENERAL.**—If a group health plan (other than a fully insured group health plan) provides coverage to a qualified individual (as defined in subsection (b)), the plan—

“(A) may not deny the individual participation in the clinical trial referred to in subsection (b)(2);

“(B) subject to subsections (b), (c), and (d) may not deny (or limit or impose additional conditions on) the coverage of routine patient costs for items and services furnished in connection with participation in the trial; and

“(C) may not discriminate against the individual on the basis of the participant's or beneficiary's participation in such trial.

“(2) **EXCLUSION OF CERTAIN COSTS.**—For purposes of paragraph (1)(B), routine patient costs do not include the cost of the tests or measurements conducted primarily for the purpose of the clinical trial involved.

“(3) **USE OF IN-NETWORK PROVIDERS.**—If one or more participating providers is participating in a clinical trial, nothing in paragraph (1) shall be construed as preventing a plan from requiring that a qualified individual participate in the trial through such a participating provider if the provider will accept the individual as a participant in the trial.

“(b) **QUALIFIED INDIVIDUAL DEFINED.**—For purposes of subsection (a), the term ‘qualified individual’ means an individual who is a participant or beneficiary in a group health plan and who meets the following conditions:

“(1)(A) The individual has been diagnosed with cancer for which no standard treatment is effective.

“(B) The individual is eligible to participate in an approved clinical trial according to the trial protocol with respect to treatment of such illness.

“(C) The individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual.

“(2) **Either—**

“(A) the referring physician is a participating health care professional and has concluded that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1); or

“(B) the participant or beneficiary provides medical and scientific information establishing that the individual's participation in such trial would be appropriate based upon the individual meeting the conditions described in paragraph (1).

“(c) **PAYMENT.**—

“(1) **IN GENERAL.**—Under this section a group health plan (other than a fully insured group health plan) shall provide for payment for routine patient costs described in subsection (a)(2) but is not required to pay for costs of items and services that are reasonably expected to be paid for by the sponsors of an approved clinical trial.

“(2) **STANDARDS FOR DETERMINING ROUTINE PATIENT COSTS ASSOCIATED WITH CLINICAL TRIAL PARTICIPATION.**—

“(A) **IN GENERAL.**—The Secretary shall, in accordance with this paragraph, establish standards relating to the coverage of routine patient costs for individuals participating in clinical trials that group health plans must meet under this section.

“(B) **FACTORS.**—In establishing routine patient cost standards under subparagraph (A), the Secretary shall consult with interested parties and take into account—

“(i) quality of patient care;

“(ii) routine patient care costs versus costs associated with the conduct of clinical trials, including unanticipated patient care costs as a result of participation in clinical trials; and

“(iii) previous and on-going studies relating to patient care costs associated with participation in clinical trials.

“(C) **APPOINTMENT AND MEETINGS OF NEGOTIATED RULEMAKING COMMITTEE.**—

“(i) **PUBLICATION OF NOTICE.**—Not later than November 15, 2000, the Secretary shall publish notice of the establishment of a negotiated rulemaking committee, as provided for under section 564(a) of title 5, United States Code, to develop the standards described in subparagraph (A), which shall include—

“(I) the proposed scope of the committee;

“(II) the interests that may be impacted by the standards;

“(iii) a list of the proposed membership of the committee;

“(iv) the proposed meeting schedule of the committee;

“(v) a solicitation for public comment on the committee; and

“(vi) the procedures under which an individual may apply for membership on the committee.

“(ii) **COMMENT PERIOD.**—Notwithstanding section 564(c) of title 5, United States Code, the Secretary shall provide for a period, beginning on the date on which the notice is published under clause (i) and ending on November 30, 2000, for the submission of public comments on the committee under this subparagraph.

“(iii) **APPOINTMENT OF COMMITTEE.**—Not later than December 30, 2000, the Secretary shall appoint the members of the negotiated

rulemaking committee under this subparagraph.

“(iv) **FACILITATOR.**—Not later than January 10, 2001, the negotiated rulemaking committee shall nominate a facilitator under section 566(c) of title 5, United States Code, to carry out the activities described in subsection (d) of such section.

“(v) **MEETINGS.**—During the period beginning on the date on which the facilitator is nominated under clause (iv) and ending on March 30, 2001, the negotiated rulemaking committee shall meet to develop the standards described in subparagraph (A).

“(D) **PRELIMINARY COMMITTEE REPORT.**—

“(i) **IN GENERAL.**—The negotiated rulemaking committee appointed under subparagraph (C) shall report to the Secretary, by not later than March 30, 2001, regarding the committee's progress on achieving a consensus with regard to the rulemaking proceedings and whether such consensus is likely to occur before the target date described in subsection (F).

“(ii) **TERMINATION OF PROCESS AND PUBLICATION OF RULE BY SECRETARY.**—If the committee reports under clause (i) that the committee has failed to make significant progress towards such consensus or is unlikely to reach such consensus by the target date described in subsection (F), the Secretary shall terminate such process and provide for the publication in the Federal Register, by not later than June 30, 2001, of a rule under this paragraph through such other methods as the Secretary may provide.

“(E) **FINAL COMMITTEE REPORT AND PUBLICATION OR RULE BY SECRETARY.**—

“(i) **IN GENERAL.**—If the rulemaking committee is not terminated under subparagraph (D)(ii), the committee shall submit to the Secretary, by not later than May 30, 2001, a report containing a proposed rule.

“(ii) **PUBLICATION OF RULE.**—If the Secretary receives a report under clause (i), the Secretary shall provide for the publication in the Federal Register, by not later than June 30, 2001, of the proposed rule.

“(F) **TARGET DATE FOR PUBLICATION OF RULE.**—As part of the notice under subparagraph (C)(i), and for purposes of this paragraph, the ‘target date for publication’ (referred to in section 564(a)(5) of title 5, United States Code) shall be June 30, 2001.

“(G) **EFFECTIVE DATE.**—The provisions of this paragraph shall apply to group health plans (other than a fully insured group health plan) for plan years beginning on or after January 1, 2002.

“(3) **PAYMENT RATE.**—In the case of covered items and services provided by—

“(A) a participating provider, the payment rate shall be at the agreed upon rate, or

“(B) a nonparticipating provider, the payment rate shall be at the rate the plan would normally pay for comparable services under subparagraph (A).

“(d) **APPROVED CLINICAL TRIAL DEFINED.**—

“(1) **IN GENERAL.**—In this section, the term ‘approved clinical trial’ means a cancer clinical research study or cancer clinical investigation approved or funded (which may include funding through in-kind contributions) by one or more of the following:

“(A) The National Institutes of Health.

“(B) A cooperative group or center of the National Institutes of Health.

“(C) The Food and Drug Administration.

“(D) Either of the following if the conditions described in paragraph (2) are met:

“(i) The Department of Veterans Affairs.

“(ii) The Department of Defense.

“(2) **CONDITIONS FOR DEPARTMENTS.**—The conditions described in this paragraph, for a

study or investigation conducted by a Department, are that the study or investigation has been reviewed and approved through a system of peer review that the Secretary determines—

“(A) to be comparable to the system of peer review of studies and investigations used by the National Institutes of Health, and

“(B) assures unbiased review of the highest scientific standards by qualified individuals who have no interest in the outcome of the review.

“(e) CONSTRUCTION.—Nothing in this section shall be construed to limit a plan's coverage with respect to clinical trials.

“(f) PLAN SATISFACTION OF CERTAIN REQUIREMENTS; RESPONSIBILITIES OF FIDUCIARIES.—

“(1) IN GENERAL.—For purposes of this section, insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting the requirements of this section with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer.

“(2) CONSTRUCTION.—Nothing in this section shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

“(g) STUDY AND REPORT.—

“(1) STUDY.—The Secretary shall study the impact on group health plans for covering routine patient care costs for individuals who are entitled to benefits under this section and who are enrolled in an approved cancer clinical trial program.

“(2) REPORT TO CONGRESS.—Not later than January 1, 2005, the Secretary shall submit a report to Congress that contains an assessment of—

“(A) any incremental cost to group health plans resulting from the provisions of this section;

“(B) a projection of expenditures to such plans resulting from this section; and

“(C) any impact on premiums resulting from this section.

“(h) RIGHT TO EXTERNAL REVIEW.—Pursuant to the requirements of section 503B, a participant or beneficiary shall have the right to an independent external review if the denial of an item or service or condition that is required to be covered under this section is eligible for such review.

“SEC. 730A. PROHIBITION OF DISCRIMINATION AGAINST PROVIDERS BASED ON LICENSURE.

“(a) IN GENERAL.—A group health plan (other than a fully insured group health plan) shall not discriminate with respect to participation or indemnification as to any provider who is acting within the scope of the provider's license or certification under applicable State law, solely on the basis of such license or certification.

“(b) CONSTRUCTION.—Subsection (a) shall not be construed—

“(1) as requiring the coverage under a group health plan of a particular benefit or service or to prohibit a plan from including providers only to the extent necessary to meet the needs of the plan's participants or beneficiaries or from establishing any measure designed to maintain quality and control costs consistent with the responsibilities of the plan;

“(2) to override any State licensure or scope-of-practice law; or

“(3) as requiring a plan that offers network coverage to include for participation every

willing provider who meets the terms and conditions of the plan.

“SEC. 730B. GENERALLY APPLICABLE PROVISION.

“In the case of a group health plan that provides benefits under 2 or more coverage options, the requirements of this subpart shall apply separately with respect to each coverage option.”.

(b) RULE WITH RESPECT TO CERTAIN PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, health insurance issuers may offer, and eligible individuals may purchase, high deductible health plans described in section 220(c)(2)(A) of the Internal Revenue Code of 1986. Effective for the 5-year period beginning on the date of the enactment of this Act, such health plans shall not be required to provide payment for any health care items or services that are exempt from the plan's deductible.

(2) EXISTING STATE LAWS.—A State law relating to payment for health care items and services in effect on the date of enactment of this Act that is preempted under paragraph (1), shall not apply to high deductible health plans after the expiration of the 5-year period described in such paragraph unless the State reenacts such law after such period.

(c) DEFINITION.—Section 733(a) of the Employee Retirement Income Security Act of 1974 (42 U.S.C. 1191(a)) is amended by adding at the end the following:

“(3) FULLY INSURED GROUP HEALTH PLAN.—The term ‘fully insured group health plan’ means a group health plan where benefits under the plan are provided pursuant to the terms of an arrangement between a group health plan and a health insurance issuer and are guaranteed by the health insurance issuer under a contract or policy of insurance.”.

(d) CONFORMING AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended—

(1) in the item relating to subpart C of part 7 of subtitle B of title I, by striking “Subpart C” and inserting “Subpart D”; and

(2) by adding at the end of the items relating to subpart B of part 7 of subtitle B of title I, the following:

“SUBPART C—PATIENT RIGHT TO MEDICAL ADVICE AND CARE

“Sec. 721. Access to emergency medical care.

“Sec. 722. Offering of choice of coverage options.

“Sec. 723. Patient access to obstetric and gynecological care.

“Sec. 724. Access to pediatric care.

“Sec. 725. Timely access to specialists.

“Sec. 726. Continuity of care.

“Sec. 727. Protection of patient-provider communications.

“Sec. 728. Patient's right to prescription drugs.

“Sec. 729. Self-payment for behavioral health care services.

“Sec. 730. Coverage for individuals participating in approved cancer clinical trials.

“Sec. 730A. Prohibition of discrimination against providers based on licensure.

“Sec. 730C. Generally applicable provision.”.

SEC. 202. CONFORMING AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.

Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

“Sec. 9813. Standard relating to patient's bill of rights.”;

and

(2) by inserting after section 9812 the following:

“SEC. 9813. STANDARD RELATING TO PATIENTS' BILL OF RIGHTS.

“A group health plan (other than a fully insured group health plan) shall comply with the requirements of subpart C of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as added by section 201 of the Patients' Bill of Rights Plus Act, and such requirements shall be deemed to be incorporated into this section.”.

SEC. 203. EFFECTIVE DATE AND RELATED RULES.

(a) IN GENERAL.—The amendments made by this subtitle shall apply with respect to plan years beginning on or after January 1 of the second calendar year following the date of the enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

(b) LIMITATION ON ENFORCEMENT ACTIONS.—No enforcement action shall be taken, pursuant to the amendments made by this subtitle, against a group health plan with respect to a violation of a requirement imposed by such amendments before the date of issuance of regulations issued in connection with such requirement, if the plan has sought to comply in good faith with such requirement.

Subtitle B—Right to Information About Plans and Providers

SEC. 211. INFORMATION ABOUT PLANS.

(a) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

“SEC. 714. HEALTH PLAN INFORMATION.

“(a) REQUIREMENT—

“(1) DISCLOSURE.—

“(A) IN GENERAL.—A group health plan, and a health insurance issuer that provides coverage in connection with group health insurance coverage, shall provide for the disclosure of the information described in subsection (b) to participants and beneficiaries—

“(i) at the time of the initial enrollment of the participant or beneficiary under the plan or coverage;

“(ii) on an annual basis after enrollment—

“(I) in conjunction with the election period of the plan or coverage if the plan or coverage has such an election period; or

“(II) in the case of a plan or coverage that does not have an election period, in conjunction with the beginning of the plan or coverage year; and

“(iii) in the case of any material reduction to the benefits or information described in paragraphs (1), (2) and (3) of subsection (b), in the form of a summary notice provided not later than the date on which the reduction takes effect.

“(B) PARTICIPANTS AND BENEFICIARIES.—The disclosure required under subparagraph (A) shall be provided—

“(i) jointly to each participant and beneficiary who reside at the same address; or

“(ii) in the case of a beneficiary who does not reside at the same address as the participant, separately to the participant and such beneficiary.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent a group health plan sponsor and health insurance issuer from entering into an agreement under which either the plan sponsor or the

issuer agrees to assume responsibility for compliance with the requirements of this section, in whole or in part, and the party delegating such responsibility is released from liability for compliance with the requirements that are assumed by the other party, to the extent the party delegating such responsibility did not cause such non-compliance.

“(3) PROVISION OF INFORMATION.—Information shall be provided to participants and beneficiaries under this section at the last known address maintained by the plan or issuer with respect to such participants or beneficiaries, to the extent that such information is provided to participants or beneficiaries via the United States Postal Service or other private delivery service.

“(b) REQUIRED INFORMATION.—The informational materials to be distributed under this section shall include for each option available under the group health plan or health insurance coverage the following:

“(1) BENEFITS.—A description of the covered benefits, including—

“(A) any in- and out-of-network benefits;

“(B) specific preventative services covered under the plan or coverage if such services are covered;

“(C) any benefit limitations, including any annual or lifetime benefit limits and any monetary limits or limits on the number of visits, days, or services, and any specific coverage exclusions; and

“(D) any definition of medical necessity used in making coverage determinations by the plan, issuer, or claims administrator.

“(2) COST SHARING.—A description of any cost-sharing requirements, including—

“(A) any premiums, deductibles, coinsurance, copayment amounts, and liability for balance billing above any reasonable and customary charges, for which the participant or beneficiary will be responsible under each option available under the plan;

“(B) any maximum out-of-pocket expense for which the participant or beneficiary may be liable;

“(C) any cost-sharing requirements for out-of-network benefits or services received from nonparticipating providers; and

“(D) any additional cost-sharing or charges for benefits and services that are furnished without meeting applicable plan or coverage requirements, such as prior authorization or precertification.

“(3) SERVICE AREA.—A description of the plan or issuer's service area, including the provision of any out-of-area coverage.

“(4) PARTICIPATING PROVIDERS.—A directory of participating providers (to the extent a plan or issuer provides coverage through a network of providers) that includes, at a minimum, the name, address, and telephone number of each participating provider, and information about how to inquire whether a participating provider is currently accepting new patients.

“(5) CHOICE OF PRIMARY CARE PROVIDER.—A description of any requirements and procedures to be used by participants and beneficiaries in selecting, accessing, or changing their primary care provider, including providers both within and outside of the network (if the plan or issuer permits out-of-network services), and the right to select a pediatrician as a primary care provider under section 724 for a participant or beneficiary who is a child if such section applies.

“(6) PREAUTHORIZATION REQUIREMENTS.—A description of the requirements and procedures to be used to obtain preauthorization for health services, if such preauthorization is required.

“(7) EXPERIMENTAL AND INVESTIGATIONAL TREATMENTS.—A description of the process for determining whether a particular item, service, or treatment is considered experimental or investigational, and the circumstances under which such treatments are covered by the plan or issuer.

“(8) SPECIALTY CARE.—A description of the requirements and procedures to be used by participants and beneficiaries in accessing specialty care and obtaining referrals to participating and nonparticipating specialists, including the right to timely coverage for access to specialists care under section 725 if such section applies.

“(9) CLINICAL TRIALS.—A description the circumstances and conditions under which participation in clinical trials is covered under the terms and conditions of the plan or coverage, and the right to obtain coverage for approved cancer clinical trials under section 729 if such section applies.

“(10) PRESCRIPTION DRUGS.—To the extent the plan or issuer provides coverage for prescription drugs, a statement of whether such coverage is limited to drugs included in a formulary, a description of any provisions and cost-sharing required for obtaining on- and off-formulary medications, and a description of the rights of participants and beneficiaries in obtaining access to access to prescription drugs under section 727 if such section applies.

“(11) EMERGENCY SERVICES.—A summary of the rules and procedures for accessing emergency services, including the right of a participant or beneficiary to obtain emergency services under the prudent layperson standard under section 721, if such section applies, and any educational information that the plan or issuer may provide regarding the appropriate use of emergency services.

“(12) CLAIMS AND APPEALS.—A description of the plan or issuer's rules and procedures pertaining to claims and appeals, a description of the rights of participants and beneficiaries under sections 503, 503A and 503B in obtaining covered benefits, filing a claim for benefits, and appealing coverage decisions internally and externally (including telephone numbers and mailing addresses of the appropriate authority), and a description of any additional legal rights and remedies available under section 502.

“(13) ADVANCE DIRECTIVES AND ORGAN DONATION.—A description of procedures for advance directives and organ donation decisions if the plan or issuer maintains such procedures.

“(14) INFORMATION ON PLANS AND ISSUERS.—The name, mailing address, and telephone number or numbers of the plan administrator and the issuer to be used by participants and beneficiaries seeking information about plan or coverage benefits and services, payment of a claim, or authorization for services and treatment. The name of the designated decision-maker (or decision-makers) appointed under section 502(n)(2) for purposes of making final determinations under section 503A and approving coverage pursuant to the written determination of an independent medical reviewer under section 503B. Notice of whether the benefits under the plan are provided under a contract or policy of insurance issued by an issuer, or whether benefits are provided directly by the plan sponsor who bears the insurance risk.

“(15) TRANSLATION SERVICES.—A summary description of any translation or interpretation services (including the availability of printed information in languages other than English, audio tapes, or information in Braille) that are available for non-English

speakers and participants and beneficiaries with communication disabilities and a description of how to access these items or services.

“(16) ACCREDITATION INFORMATION.—Any information that is made public by accrediting organizations in the process of accreditation if the plan or issuer is accredited, or any additional quality indicators (such as the results of enrollee satisfaction surveys) that the plan or issuer makes public or makes available to participants and beneficiaries.

“(17) NOTICE OF REQUIREMENTS.—A description of any rights of participants and beneficiaries that are established by the Patients' Bill of Rights Plus Act (excluding those described in paragraphs (1) through (16)) if such sections apply. The description required under this paragraph may be combined with the notices required under sections 711(d), 713(b), or 606(a)(1), and with any other notice provision that the Secretary determines may be combined.

“(18) AVAILABILITY OF ADDITIONAL INFORMATION.—A statement that the information described in subsection (c), and instructions on obtaining such information (including telephone numbers and, if available, Internet websites), shall be made available upon request.

“(c) ADDITIONAL INFORMATION.—The informational materials to be provided upon the request of a participant or beneficiary shall include for each option available under a group health plan or health insurance coverage the following:

“(1) STATUS OF PROVIDERS.—The State licensure status of the plan or issuer's participating health care professionals and participating health care facilities, and, if available, the education, training, specialty qualifications or certifications of such professionals.

“(2) COMPENSATION METHODS.—A summary description of the methods (such as capitation, fee-for-service, salary, bundled payments, per diem, or a combination thereof) used for compensating participating health care professionals (including primary care providers and specialists) and facilities in connection with the provision of health care under the plan or coverage. The requirement of this paragraph shall not be construed as requiring plans or issuers to provide information concerning proprietary payment methodology.

“(3) PRESCRIPTION DRUGS.—Information about whether a specific prescription medication is included in the formulary of the plan or issuer, if the plan or issuer uses a defined formulary.

“(4) EXTERNAL APPEALS INFORMATION.—Aggregate information on the number and outcomes of external medical reviews, relative to the sample size (such as the number of covered lives) determined for the plan or issuer's book of business.

“(d) MANNER OF DISCLOSURE.—The information described in this section shall be disclosed in an accessible medium and format that is calculated to be understood by the average participant.

“(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a group health plan, or a health insurance issuer in connection with group health insurance coverage, from—

“(1) distributing any other additional information determined by the plan or issuer to be important or necessary in assisting participants and beneficiaries in the selection of a health plan; and

“(2) complying with the provisions of this section by providing information in brochures, through the Internet or other electronic media, or through other similar means, so long as participants and beneficiaries are provided with an opportunity to request that informational materials be provided in printed form.

“(f) CONFORMING REGULATIONS.—The Secretary shall issue regulations to coordinate the requirements on group health plans and health insurance issuers under this section with the requirements imposed under part 1, to reduce duplication with respect to any information that is required to be provided under any such requirements.

“(g) SECRETARIAL ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—The Secretary may assess a civil monetary penalty against the administrator of a plan or issuer in connection with the failure of the plan or issuer to comply with the requirements of this section.

“(2) AMOUNT OF PENALTY.—

“(A) IN GENERAL.—The amount of the penalty to be imposed under paragraph (1) shall not exceed \$100 for each day for each participant and beneficiary with respect to which the failure to comply with the requirements of this section occurs.

“(B) INCREASE IN AMOUNT.—The amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2000, by the same percentage as the percentage by which the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2000.

“(3) FAILURE DEFINED.—For purposes of this subsection, a plan or issuer shall have failed to comply with the requirements of this section with respect to a participant or beneficiary if the plan or issuer failed or refused to comply with the requirements of this section within 30 days—

“(A) of the date described in subsection (a)(1)(A)(i);

“(B) of the date described in subsection (a)(1)(A)(ii); or

“(C) of the date on which additional information was requested under subsection (c).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking “section 711” and inserting “sections 711 and 714”.

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713, the following:

“Sec 714. Health plan comparative information.”.

(3) Section 502(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(b)(3)) is amended by striking “733(a)(1)” and inserting “733(a)(1), except with respect to the requirements of section 714”.

SEC. 212. INFORMATION ABOUT PROVIDERS.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study, and the submission to the Secretary of a report, that includes—

(1) an analysis of information concerning health care professionals that is currently available to patients, consumers, States, and professional societies, nationally and on a State-by-State basis, including patient pref-

erences with respect to information about such professionals and their competencies;

(2) an evaluation of the legal and other barriers to the sharing of information concerning health care professionals; and

(3) recommendations for the disclosure of information on health care professionals, including the competencies and professional qualifications of such practitioners, to better facilitate patient choice, quality improvement, and market competition.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall forward to the appropriate committees of Congress a copy of the report and study conducted under subsection (a).

Subtitle C—Right to Hold Health Plans Accountable

SEC. 221. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 503 (29 U.S.C. 1133) the following:

“SEC. 503A. CLAIMS AND INTERNAL APPEALS PROCEDURES FOR GROUP HEALTH PLANS.

“(a) INITIAL CLAIM FOR BENEFITS UNDER GROUP HEALTH PLANS.—

“(1) PROCEDURES.—

“(A) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall ensure that procedures are in place for—

“(i) making a determination on an initial claim for benefits by a participant or beneficiary (or authorized representative) regarding payment or coverage for items or services under the terms and conditions of the plan or coverage involved, including any cost-sharing amount that the participant or beneficiary is required to pay with respect to such claim for benefits; and

“(ii) notifying a participant or beneficiary (or authorized representative) and the treating health care professional involved regarding a determination on an initial claim for benefits made under the terms and conditions of the plan or coverage, including any cost-sharing amounts that the participant or beneficiary may be required to make with respect to such claim for benefits, and of the right of the participant or beneficiary to an internal appeal under subsection (b).

“(B) ACCESS TO INFORMATION.—With respect to an initial claim for benefits, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information necessary to make a determination relating to the claim, not later than 5 business days after the date on which the claim is filed or to meet the applicable timelines under clauses (ii) and (iii) of paragraph (2)(A).

“(C) ORAL REQUESTS.—In the case of a claim for benefits involving an expedited or concurrent determination, a participant or beneficiary (or authorized representative) may make an initial claim for benefits orally, but a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may require that the participant or beneficiary (or authorized representative) provide written confirmation of such request in a timely manner.

“(2) TIMELINE FOR MAKING DETERMINATIONS.—

“(A) PRIOR AUTHORIZATION DETERMINATION.—

“(i) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a prior authorization determination on a claim for benefits is made within 14 business days from the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the request for prior authorization, but in no case shall such determination be made later than 28 business days after the receipt of the claim for benefits.

“(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures for expediting a prior authorization determination on a claim for benefits described in such clause when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination and the treating health care professional substantiates, with the request, that a determination under the procedures described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made within 72 hours after a request is received by the plan or issuer under this clause.

“(iii) CONCURRENT DETERMINATIONS.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a concurrent determination on a claim for benefits that results in a discontinuation of inpatient care is made within 24 hours after the receipt of the claim for benefits.

“(B) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a retrospective determination on a claim for benefits is made within 30 business days of the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the claim, but in no case shall such determination be made later than 60 business days after the receipt of the claim for benefits.

“(3) NOTICE OF A DENIAL OF A CLAIM FOR BENEFITS.—Written notice of a denial made under an initial claim for benefits shall be issued to the participant or beneficiary (or authorized representative) and the treating health care professional not later than 2 business days after the determination (or within the 72-hour or 24-hour period referred to in clauses (ii) and (iii) of paragraph (2)(A) if applicable).

“(4) REQUIREMENTS OF NOTICE OF DETERMINATIONS.—The written notice of a denial of a claim for benefits determination under paragraph (3) shall include—

“(A) the reasons for the determination (including a summary of the clinical or scientific-evidence based rationale used in making the determination and instruction on obtaining a more complete description written in a manner calculated to be understood by the average participant);

“(B) the procedures for obtaining additional information concerning the determination; and

“(C) notification of the right to appeal the determination and instructions on how to initiate an appeal in accordance with subsection (b).

“(b) INTERNAL APPEAL OF A DENIAL OF A CLAIM FOR BENEFITS.—

“(1) RIGHT TO INTERNAL APPEAL.—

“(A) IN GENERAL.—A participant or beneficiary (or authorized representative) may appeal any denial of a claim for benefits under subsection (a) under the procedures described in this subsection.

“(B) TIME FOR APPEAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall ensure that a participant or beneficiary (or authorized representative) has a period of not less than 60 days beginning on the date of a denial of a claim for benefits under subsection (a) in which to appeal such denial under this subsection.

“(C) FAILURE TO ACT.—The failure of a plan or issuer to issue a determination on a claim for benefits under subsection (a) within the applicable timeline established for such a determination under such subsection shall be treated as a denial of a claim for benefits for purposes of proceeding to internal review under this subsection.

“(D) PLAN WAIVER OF INTERNAL REVIEW.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may waive the internal review process under this subsection and permit a participant or beneficiary (or authorized representative) to proceed directly to external review under section 503B.

“(2) TIMELINES FOR MAKING DETERMINATIONS.—

“(A) ORAL REQUESTS.—In the case of an appeal of a denial of a claim for benefits under this subsection that involves an expedited or concurrent determination, a participant or beneficiary (or authorized representative) may request such appeal orally, but a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, may require that the participant or beneficiary (or authorized representative) provide written confirmation of such request in a timely manner.

“(B) ACCESS TO INFORMATION.—With respect to an appeal of a denial of a claim for benefits, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information necessary to make a determination relating to the appeal, not later than 5 business days after the date on which the request for the appeal is filed or to meet the applicable timelines under clauses (ii) and (iii) of subparagraph (C).

“(C) PRIOR AUTHORIZATION DETERMINATIONS.—

“(i) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a determination on an appeal of a denial of a claim for benefits under this subsection is made within 14 business days after the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the appeal, but in no case shall such determination be made later than 28 business days after the receipt of the request for the appeal.

“(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures for expediting a prior authorization determination on an appeal of a denial of a claim for

benefits described in clause (i), when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination and the treating health care professional substantiates, with the request, that a determination under the procedures described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made not later than 72 hours after the request for such appeal is received by the plan or issuer under this clause.

“(iii) CONCURRENT DETERMINATIONS.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a concurrent determination on an appeal of a denial of a claim for benefits that results in a discontinuation of inpatient care is made within 24 hours after the receipt of the request for appeal.

“(B) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall maintain procedures to ensure that a retrospective determination on an appeal of a claim for benefits is made within 30 business days of the date on which the plan or issuer receives necessary information that is reasonably required by the plan or issuer to make a determination on the appeal, but in no case shall such determination be made later than 60 business days after the receipt of the request for the appeal.

“(3) CONDUCT OF REVIEW.—

“(A) IN GENERAL.—A review of a denial of a claim for benefits under this subsection shall be conducted by an individual with appropriate expertise who was not directly involved in the initial determination.

“(B) REVIEW OF MEDICAL DECISIONS BY PHYSICIANS.—A review of an appeal of a denial of a claim for benefits that is based on a lack of medical necessity and appropriateness, or based on an experimental or investigational treatment, or requires an evaluation of medical facts, shall be made by a physician with appropriate expertise, including age-appropriate expertise, who was not involved in the initial determination.

“(4) NOTICE OF DETERMINATION.—

“(A) IN GENERAL.—Written notice of a determination made under an internal appeal of a denial of a claim for benefits shall be issued to the participant or beneficiary (or authorized representative) and the treating health care professional not later than 2 business days after the completion of the review (or within the 72-hour or 24-hour period referred to in paragraph (2) if applicable).

“(B) FINAL DETERMINATION.—The decision by a plan or issuer under this subsection shall be treated as the final determination of the plan or issuer on a denial of a claim for benefits. The failure of a plan or issuer to issue a determination on an appeal of a denial of a claim for benefits under this subsection within the applicable timeline established for such a determination shall be treated as a final determination on an appeal of a denial of a claim for benefits for purposes of proceeding to external review under section 503B.

“(C) REQUIREMENTS OF NOTICE.—With respect to a determination made under this subsection, the notice described in subparagraph (A) shall include—

“(i) the reasons for the determination (including a summary of the clinical or scientific-evidence based rationale used in mak-

ing the determination and instruction on obtaining a more complete description written in a manner calculated to be understood by the average participant);

“(ii) the procedures for obtaining additional information concerning the determination; and

“(iii) notification of the right to an independent external review under section 503B and instructions on how to initiate such a review.

“(c) DEFINITIONS.—The definitions contained in section 503B(i) shall apply for purposes of this section.

“SEC. 503B. INDEPENDENT EXTERNAL APPEALS PROCEDURES FOR GROUP HEALTH PLANS.

“(a) RIGHT TO EXTERNAL APPEAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide in accordance with this section participants and beneficiaries (or authorized representatives) with access to an independent external review for any denial of a claim for benefits.

“(b) INITIATION OF THE INDEPENDENT EXTERNAL REVIEW PROCESS.—

“(1) TIME TO FILE.—A request for an independent external review under this section shall be filed with the plan or issuer not later than 60 business days after the date on which the participant or beneficiary receives notice of the denial under section 503A(b)(4) or the date on which the internal review is waived by the plan or issuer under section 503A(b)(1)(D).

“(2) FILING OF REQUEST.—

“(A) IN GENERAL.—Subject to the succeeding provisions of this subsection, a group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, may—

“(i) except as provided in subparagraph (B)(i), require that a request for review be in writing;

“(ii) limit the filing of such a request to the participant or beneficiary involved (or an authorized representative);

“(iii) except if waived by the plan or issuer under section 503A(b)(1)(D), condition access to an independent external review under this section upon a final determination of a denial of a claim for benefits under the internal review procedure under section 503A;

“(iv) except as provided in subparagraph (B)(ii), require payment of a filing fee to the plan or issuer of a sum that does not exceed \$50; and

“(v) require that a request for review include the consent of the participant or beneficiary (or authorized representative) for the release of medical information or records of the participant or beneficiary to the qualified external review entity for purposes of conducting external review activities.

“(B) REQUIREMENTS AND EXCEPTION RELATING TO GENERAL RULE.—

“(i) ORAL REQUESTS PERMITTED IN EXPEDITED OR CONCURRENT CASES.—In the case of an expedited or concurrent external review as provided for under subsection (e), the request may be made orally. In such case a written confirmation of such request shall be made in a timely manner. Such written confirmation shall be treated as a consent for purposes of subparagraph (A)(v).

“(ii) EXCEPTION TO FILING FEE REQUIREMENT.—

“(I) INDIGENCY.—Payment of a filing fee shall not be required under subparagraph (A)(iv) where there is a certification (in a form and manner specified in guidelines established by the Secretary) that the participant or beneficiary is indigent (as defined in

such guidelines). In establishing guidelines under this subclause, the Secretary shall ensure that the guidelines relating to indigency are consistent with the poverty guidelines used by the Secretary of Health and Human Services under title XIX of the Social Security Act.

“(II) FEE NOT REQUIRED.—Payment of a filing fee shall not be required under subparagraph (A)(iv) if the plan or issuer waives the internal appeals process under section 503A(b)(1)(D).

“(III) REFUNDING OF FEE.—The filing fee paid under subparagraph (A)(iv) shall be refunded if the determination under the independent external review is to reverse the denial which is the subject of the review.

“(IV) INCREASE IN AMOUNT.—The amount referred to in subclause (I) shall be increased or decreased, for each calendar year that ends after December 31, 2001, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2001.

“(c) REFERRAL TO QUALIFIED EXTERNAL REVIEW ENTITY UPON REQUEST.—

“(1) IN GENERAL.—Upon the filing of a request for independent external review with the group health plan, or health insurance issuer offering coverage in connection with a group health plan, the plan or issuer shall refer such request to a qualified external review entity selected in accordance with this section.

“(2) ACCESS TO PLAN OR ISSUER AND HEALTH PROFESSIONAL INFORMATION.—With respect to an independent external review conducted under this section, the participant or beneficiary (or authorized representative), the plan or issuer, and the treating health care professional (if any) shall provide the external review entity with access to information that is necessary to conduct a review under this section, as determined by the entity, not later than 5 business days after the date on which a request is referred to the qualified external review entity under paragraph (1), or earlier as determined appropriate by the entity to meet the applicable timelines under clauses (ii) and (iii) of subsection (e)(1)(A).

“(3) SCREENING OF REQUESTS BY QUALIFIED EXTERNAL REVIEW ENTITIES.—

“(A) IN GENERAL.—With respect to a request referred to a qualified external review entity under paragraph (1) relating to a denial of a claim for benefits, the entity shall refer such request for the conduct of an independent medical review unless the entity determines that—

“(i) any of the conditions described in subsection (b)(2)(A) have not been met;

“(ii) the thresholds described in subparagraph (B) have not been met;

“(iii) the denial of the claim for benefits does not involve a medically reviewable decision under subsection (d)(2);

“(iv) the denial of the claim for benefits relates to a decision regarding whether an individual is a participant or beneficiary who is enrolled under the terms of the plan or coverage (including the applicability of any waiting period under the plan or coverage); or

“(v) the denial of the claim for benefits is a decision as to the application of cost-sharing requirements or the application of a specific exclusion or express limitation on the amount, duration, or scope of coverage of items or services under the terms and condi-

tions of the plan or coverage unless the decision is a denial described in subsection (d)(2)(C);

Upon making a determination that any of clauses (i) through (v) applies with respect to the request, the entity shall determine that the denial of a claim for benefits involved is not eligible for independent medical review under subsection (d), and shall provide notice in accordance with subparagraph (D).

“(B) THRESHOLDS.—

“(i) IN GENERAL.—The thresholds described in this subparagraph are that—

“(I) the total amount payable under the plan or coverage for the item or service that was the subject of such denial exceeds a significant financial threshold (as determined under guidelines established by the Secretary); or

“(II) a physician has asserted in writing that there is a significant risk of placing the life, health, or development of the participant or beneficiary in jeopardy if the denial of the claim for benefits is sustained.

“(ii) THRESHOLDS NOT APPLIED.—The thresholds described in this subparagraph shall not apply if the plan or issuer involved waives the internal appeals process with respect to the denial of a claim for benefits involved under section 503A(b)(1)(D).

“(C) PROCESS FOR MAKING DETERMINATIONS.—

“(i) NO DEFERENCE TO PRIOR DETERMINATIONS.—In making determinations under subparagraph (A), there shall be no deference given to determinations made by the plan or issuer under section 503A or the recommendation of a treating health care professional (if any).

“(ii) USE OF APPROPRIATE PERSONNEL.—A qualified external review entity shall use appropriately qualified personnel to make determinations under this section.

“(D) NOTICES AND GENERAL TIMELINES FOR DETERMINATION.—

“(i) NOTICE IN CASE OF DENIAL OF REFERRAL.—If the entity under this paragraph does not make a referral to an independent medical reviewer, the entity shall provide notice to the plan or issuer, the participant or beneficiary (or authorized representative) filing the request, and the treating health care professional (if any) that the denial is not subject to independent medical review. Such notice—

“(I) shall be written (and, in addition, may be provided orally) in a manner calculated to be understood by an average participant;

“(II) shall include the reasons for the determination; and

“(III) include any relevant terms and conditions of the plan or coverage.

“(ii) GENERAL TIMELINE FOR DETERMINATIONS.—Upon receipt of information under paragraph (2), the qualified external review entity, and if required the independent medical reviewer, shall make a determination within the overall timeline that is applicable to the case under review as described in subsection (e), except that if the entity determines that a referral to an independent medical reviewer is not required, the entity shall provide notice of such determination to the participant or beneficiary (or authorized representative) within 2 business days of such determination.

“(d) INDEPENDENT MEDICAL REVIEW.—

“(1) IN GENERAL.—If a qualified external review entity determines under subsection (c) that a denial of a claim for benefits is eligible for independent medical review, the entity shall refer the denial involved to an independent medical reviewer for the conduct of an independent medical review under this subsection.

“(2) MEDICALLY REVIEWABLE DECISIONS.—A denial described in this paragraph is one for which the item or service that is the subject of the denial would be a covered benefit under the terms and conditions of the plan or coverage but for one (or more) of the following determinations:

“(A) DENIALS BASED ON MEDICAL NECESSITY AND APPROPRIATENESS.—The basis of the determination is that the item or service is not medically necessary and appropriate.

“(B) DENIALS BASED ON EXPERIMENTAL OR INVESTIGATIONAL TREATMENT.—The basis of the determination is that the item or service is experimental or investigational.

“(C) DENIALS OTHERWISE BASED ON AN EVALUATION OF MEDICAL FACTS.—A determination that the item or service or condition is not covered but an evaluation of the medical facts by a health care professional in the specific case involved is necessary to determine whether the item or service or condition is required to be provided under the terms and conditions of the plan or coverage.

“(3) INDEPENDENT MEDICAL REVIEW DETERMINATION.—

“(A) IN GENERAL.—An independent medical reviewer under this section shall make a new independent determination with respect to—

“(i) whether the item or service or condition that is the subject of the denial is covered under the terms and conditions of the plan or coverage; and

“(ii) based upon an affirmative determination under clause (i), whether or not the denial of a claim for a benefit that is the subject of the review should be upheld or reversed.

“(B) STANDARD FOR DETERMINATION.—The independent medical reviewer's determination relating to the medical necessity and appropriateness, or the experimental or investigational nature, or the evaluation of the medical facts of the item, service, or condition shall be based on the medical condition of the participant or beneficiary (including the medical records of the participant or beneficiary) and the valid, relevant scientific evidence and clinical evidence, including peer-reviewed medical literature or findings and including expert consensus.

“(C) NO COVERAGE FOR EXCLUDED BENEFITS.—Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, provide coverage for items or services that are specifically excluded or expressly limited under the plan or coverage and that are not covered regardless of any determination relating to medical necessity and appropriateness, experimental or investigational nature of the treatment, or an evaluation of the medical facts in the case involved.

“(D) EVIDENCE AND INFORMATION TO BE USED IN MEDICAL REVIEWS.—In making a determination under this subsection, the independent medical reviewer shall also consider appropriate and available evidence and information, including the following:

“(i) The determination made by the plan or issuer with respect to the claim upon internal review and the evidence or guidelines used by the plan or issuer in reaching such determination.

“(ii) The recommendation of the treating health care professional and the evidence, guidelines, and rationale used by the treating health care professional in reaching such recommendation.

“(iii) Additional evidence or information obtained by the reviewer or submitted by the

plan, issuer, participant or beneficiary (or an authorized representative), or treating health care professional.

“(iv) The plan or coverage document.

“(E) INDEPENDENT DETERMINATION.—In making the determination, the independent medical reviewer shall—

“(i) consider the claim under review without deference to the determinations made by the plan or issuer under section 503A or the recommendation of the treating health care professional (if any);

“(ii) consider, but not be bound by the definition used by the plan or issuer of ‘medically necessary and appropriate’, or ‘experimental or investigational’, or other equivalent terms that are used by the plan or issuer to describe medical necessity and appropriateness or experimental or investigational nature of the treatment; and

“(iii) notwithstanding clause (ii), adhere to the definition used by the plan or issuer of ‘medically necessary and appropriate’, or ‘experimental or investigational’ if such definition is the same as the definition of such term—

“(I) that has been adopted pursuant to a State statute or regulation; or

“(II) that is used for purposes of the program established under titles XVIII or XIX of the Social Security Act or under chapter 89 of title 5, United States Code.

“(F) DETERMINATION OF INDEPENDENT MEDICAL REVIEWER.—An independent medical reviewer shall, in accordance with the deadlines described in subsection (e), prepare a written determination to uphold or reverse the denial under review. Such written determination shall include the specific reasons of the reviewer for such determination, including a summary of the clinical or scientific evidence based rationale used in making the determination. The reviewer may provide the plan or issuer and the treating health care professional with additional recommendations in connection with such a determination, but any such recommendations shall not be treated as part of the determination.

“(e) TIMELINES AND NOTIFICATIONS.—

“(1) TIMELINES FOR INDEPENDENT MEDICAL REVIEW.—

“(A) PRIOR AUTHORIZATION DETERMINATION.—

“(i) IN GENERAL.—The independent medical reviewer (or reviewers) shall make a determination on a denial of a claim for benefits that is referred to the reviewer under subsection (c)(3) not later than 14 business days after the receipt of information under subsection (c)(2) if the review involves a prior authorization of items or services.

“(ii) EXPEDITED DETERMINATION.—Notwithstanding clause (i), the independent medical reviewer (or reviewers) shall make an expedited determination on a denial of a claim for benefits described in clause (i), when a request for such an expedited determination is made by a participant or beneficiary (or authorized representative) at any time during the process for making a determination, and the treating health care professional substantiates, with the request, that a determination under the timeline described in clause (i) would seriously jeopardize the life or health of the participant or beneficiary. Such determination shall be made not later than 72 hours after the receipt of information under subsection (c)(2).

“(iii) CONCURRENT DETERMINATION.—Notwithstanding clause (i), a review described in such subclause shall be completed not later than 24 hours after the receipt of information under subsection (c)(2) if the review involves a discontinuation of inpatient care.

“(B) RETROSPECTIVE DETERMINATION.—The independent medical reviewer (or reviewers) shall complete a review in the case of a retrospective determination on an appeal of a denial of a claim for benefits that is referred to the reviewer under subsection (c)(3) not later than 30 business days after the receipt of information under subsection (c)(2).

“(2) NOTIFICATION OF DETERMINATION.—The external review entity shall ensure that the plan or issuer, the participant or beneficiary (or authorized representative) and the treating health care professional (if any) receives a copy of the written determination of the independent medical reviewer prepared under subsection (d)(3)(F). Nothing in this paragraph shall be construed as preventing an entity or reviewer from providing an initial oral notice of the reviewer’s determination.

“(3) FORM OF NOTICES.—Determinations and notices under this subsection shall be written in a manner calculated to be understood by an average participant.

“(4) TERMINATION OF EXTERNAL REVIEW PROCESS IF APPROVAL OF A CLAIM FOR BENEFITS DURING PROCESS.—

“(A) IN GENERAL.—If a plan or issuer—

“(i) reverses a determination on a denial of a claim for benefits that is the subject of an external review under this section and authorizes coverage for the claim or provides payment of the claim; and

“(ii) provides notice of such reversal to the participant or beneficiary (or authorized representative) and the treating health care professional (if any), and the external review entity responsible for such review, the external review process shall be terminated with respect to such denial and any filing fee paid under subsection (b)(2)(A)(iv) shall be refunded.

“(B) TREATMENT OF TERMINATION.—An authorization of coverage under subparagraph (A) by the plan or issuer shall be treated as a written determination to reverse a denial under section (d)(3)(F) for purposes of liability under section 502(n)(1)(B).

“(f) COMPLIANCE.—

“(1) APPLICATION OF DETERMINATIONS.—

“(A) EXTERNAL REVIEW DETERMINATIONS BINDING ON PLAN.—The determinations of an external review entity and an independent medical reviewer under this section shall be binding upon the plan or issuer involved.

“(B) COMPLIANCE WITH DETERMINATION.—If the determination of an independent medical reviewer is to reverse the denial, the plan or issuer, upon the receipt of such determination, shall authorize coverage to comply with the medical reviewer’s determination in accordance with the timeframe established by the medical reviewer.

“(2) FAILURE TO COMPLY.—If a plan or issuer fails to comply with the timeframe established under paragraph (1)(B)(i) with respect to a participant or beneficiary, where such failure to comply is caused by the plan or issuer, the participant or beneficiary may obtain the items or services involved (in a manner consistent with the determination of the independent external reviewer) from any provider regardless of whether such provider is a participating provider under the plan or coverage.

“(3) REIMBURSEMENT.—

“(A) IN GENERAL.—Where a participant or beneficiary obtains items or services in accordance with paragraph (2), the plan or issuer involved shall provide for reimbursement of the costs of such items or services. Such reimbursement shall be made to the treating health care professional or to the participant or beneficiary (in the case of a

participant or beneficiary who pays for the costs of such items or services).

“(B) AMOUNT.—The plan or issuer shall fully reimburse a professional, participant or beneficiary under subparagraph (A) for the total costs of the items or services provided (regardless of any plan limitations that may apply to the coverage of such items of services) so long as—

“(i) the items or services would have been covered under the terms of the plan or coverage if provided by the plan or issuer; and

“(ii) the items or services were provided in a manner consistent with the determination of the independent medical reviewer.

“(4) FAILURE TO REIMBURSE.—Where a plan or issuer fails to provide reimbursement to a professional, participant or beneficiary in accordance with this subsection, the professional, participant or beneficiary may commence a civil action (or utilize other remedies available under law) to recover only the amount of any such reimbursement that is unpaid and any necessary legal costs or expenses (including attorneys’ fees) incurred in recovering such reimbursement.

“(g) QUALIFICATIONS OF INDEPENDENT MEDICAL REVIEWERS.—

“(1) IN GENERAL.—In referring a denial to 1 or more individuals to conduct independent medical review under subsection (c), the qualified external review entity shall ensure that—

“(A) each independent medical reviewer meets the qualifications described in paragraphs (2) and (3);

“(B) with respect to each review at least 1 such reviewer meets the requirements described in paragraphs (4) and (5); and

“(C) compensation provided by the entity to the reviewer is consistent with paragraph (6).

“(2) LICENSURE AND EXPERTISE.—Each independent medical reviewer shall be a physician or health care professional who—

“(A) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

“(B) typically treats the diagnosis or condition or provides the type or treatment under review.

“(3) INDEPENDENCE.—

“(A) IN GENERAL.—Subject to subparagraph (B), each independent medical reviewer in a case shall—

“(i) not be a related party (as defined in paragraph (7));

“(ii) not have a material familial, financial, or professional relationship with such a party; and

“(iii) not otherwise have a conflict of interest with such a party (as determined under regulations).

“(B) EXCEPTION.—Nothing in this subparagraph (A) shall be construed to—

“(i) prohibit an individual, solely on the basis of affiliation with the plan or issuer, from serving as an independent medical reviewer if—

“(I) a non-affiliated individual is not reasonably available;

“(II) the affiliated individual is not involved in the provision of items or services in the case under review; and

“(III) the fact of such an affiliation is disclosed to the plan or issuer and the participant or beneficiary (or authorized representative) and neither party objects;

“(ii) prohibit an individual who has staff privileges at the institution where the treatment involved takes place from serving as an independent medical reviewer if the affiliation is disclosed to the plan or issuer and the participant or beneficiary (or authorized representative), and neither party objects;

“(iii) permit an employee of a plan or issuer, or an individual who provides services exclusively or primarily to or on behalf of a plan or issuer, from serving as an independent medical reviewer; or

“(iv) prohibit receipt of compensation by an independent medical reviewer from an entity if the compensation is provided consistent with paragraph (6).

“(4) PRACTICING HEALTH CARE PROFESSIONAL IN SAME FIELD.—

“(A) IN GENERAL.—The requirement of this paragraph with respect to a reviewer in a case involving treatment, or the provision of items or services, by—

“(i) a physician, is that the reviewer be a practicing physician of the same or similar specialty, when reasonably available, as a physician who typically treats the diagnosis or condition or provides such treatment in the case under review; or

“(ii) a health care professional (other than a physician), is that the reviewer be a practicing physician or, if determined appropriate by the qualified external review entity, a health care professional (other than a physician), of the same or similar specialty as the health care professional who typically treats the diagnosis or condition or provides the treatment in the case under review.

“(B) PRACTICING DEFINED.—For purposes of this paragraph, the term ‘practicing’ means, with respect to an individual who is a physician or other health care professional that the individual provides health care services to individual patients on average at least 1 day per week.

“(5) AGE-APPROPRIATE EXPERTISE.—The independent medical reviewer shall have expertise under paragraph (2) that is age-appropriate to the participant or beneficiary involved.

“(6) LIMITATIONS ON REVIEWER COMPENSATION.—Compensation provided by a qualified external review entity to an independent medical reviewer in connection with a review under this section shall—

“(A) not exceed a reasonable level; and

“(B) not be contingent on the decision rendered by the reviewer.

“(7) RELATED PARTY DEFINED.—For purposes of this section, the term ‘related party’ means, with respect to a denial of a claim under a plan or coverage relating to a participant or beneficiary, any of the following:

“(A) The plan, plan sponsor, or issuer involved, or any fiduciary, officer, director, or employee of such plan, plan sponsor, or issuer.

“(B) The participant or beneficiary (or authorized representative).

“(C) The health care professional that provides the items of services involved in the denial.

“(D) The institution at which the items or services (or treatment) involved in the denial are provided.

“(E) The manufacturer of any drug or other item that is included in the items or services involved in the denial.

“(F) Any other party determined under any regulations to have a substantial interest in the denial involved.

“(h) QUALIFIED EXTERNAL REVIEW ENTITIES.—

“(1) SELECTION OF QUALIFIED EXTERNAL REVIEW ENTITIES.—

“(A) LIMITATION ON PLAN OR ISSUER SELECTION.—The Secretary shall implement procedures with respect to the selection of qualified external review entities by a plan or issuer to assure that the selection process among qualified external review entities will not create any incentives for external review

entities to make a decision in a biased manner.

“(B) STATE AUTHORITY WITH RESPECT TO QUALIFIED EXTERNAL REVIEW ENTITIES FOR HEALTH INSURANCE ISSUERS.—With respect to health insurance issuers offering health insurance coverage in connection with a group health plan in a State, the State may, pursuant to a State law that is enacted after the date of enactment of the Patients’ Bill of Rights Plus Act, provide for the designation or selection of qualified external review entities in a manner determined by the State to assure an unbiased determination in conducting external review activities. In conducting reviews under this section, an entity designated or selected under this subparagraph shall comply with the provision of this section.

“(2) CONTRACT WITH QUALIFIED EXTERNAL REVIEW ENTITY.—Except as provided in paragraph (1)(B), the external review process of a plan or issuer under this section shall be conducted under a contract between the plan or issuer and 1 or more qualified external review entities (as defined in paragraph (4)(A)).

“(3) TERMS AND CONDITIONS OF CONTRACT.—The terms and conditions of a contract under paragraph (2) shall—

“(A) be consistent with the standards the Secretary shall establish to assure there is no real or apparent conflict of interest in the conduct of external review activities; and

“(B) provide that the costs of the external review process shall be borne by the plan or issuer.

Subparagraph (B) shall not be construed as applying to the imposition of a filing fee under subsection (b)(2)(A)(iv) or costs incurred by the participant or beneficiary (or authorized representative) or treating health care professional (if any) in support of the review, including the provision of additional evidence or information.

“(4) QUALIFICATIONS.—

“(A) IN GENERAL.—In this section, the term ‘qualified external review entity’ means, in relation to a plan or issuer, an entity that is initially certified (and periodically recertified) under subparagraph (C) as meeting the following requirements:

“(i) The entity has (directly or through contracts or other arrangements) sufficient medical, legal, and other expertise and sufficient staffing to carry out duties of a qualified external review entity under this section on a timely basis, including making determinations under subsection (b)(2)(A) and providing for independent medical reviews under subsection (d).

“(ii) The entity is not a plan or issuer or an affiliate or a subsidiary of a plan or issuer, and is not an affiliate or subsidiary of a professional or trade association of plans or issuers or of health care providers.

“(iii) The entity has provided assurances that it will conduct external review activities consistent with the applicable requirements of this section and standards specified in subparagraph (C), including that it will not conduct any external review activities in a case unless the independence requirements of subparagraph (B) are met with respect to the case.

“(iv) The entity has provided assurances that it will provide information in a timely manner under subparagraph (D).

“(v) The entity meets such other requirements as the Secretary provides by regulation.

“(B) INDEPENDENCE REQUIREMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), an entity meets the independence requirements of this subparagraph with respect to any case if the entity—

“(I) is not a related party (as defined in subsection (g)(7));

“(II) does not have a material familial, financial, or professional relationship with such a party; and

“(III) does not otherwise have a conflict of interest with such a party (as determined under regulations).

“(ii) EXCEPTION FOR REASONABLE COMPENSATION.—Nothing in clause (i) shall be construed to prohibit receipt by a qualified external review entity of compensation from a plan or issuer for the conduct of external review activities under this section if the compensation is provided consistent with clause (iii).

“(iii) LIMITATIONS ON ENTITY COMPENSATION.—Compensation provided by a plan or issuer to a qualified external review entity in connection with reviews under this section shall—

“(I) not exceed a reasonable level; and

“(II) not be contingent on the decision rendered by the entity or by any independent medical reviewer.

“(C) CERTIFICATION AND RECERTIFICATION PROCESS.—

“(i) IN GENERAL.—The initial certification and recertification of a qualified external review entity shall be made—

“(I) under a process that is recognized or approved by the Secretary; or

“(II) by a qualified private standard-setting organization that is approved by the Secretary under clause (iii).

“(ii) PROCESS.—The Secretary shall not recognize or approve a process under clause (i)(I) unless the process applies standards (as promulgated in regulations) that ensure that a qualified external review entity—

“(I) will carry out (and has carried out, in the case of recertification) the responsibilities of such an entity in accordance with this section, including meeting applicable deadlines;

“(II) will meet (and has met, in the case of recertification) appropriate indicators of fiscal integrity;

“(III) will maintain (and has maintained, in the case of recertification) appropriate confidentiality with respect to individually identifiable health information obtained in the course of conducting external review activities; and

“(IV) in the case recertification, shall review the matters described in clause (iv).

“(iii) APPROVAL OF QUALIFIED PRIVATE STANDARD-SETTING ORGANIZATIONS.—For purposes of clause (i)(II), the Secretary may approve a qualified private standard-setting organization if the Secretary finds that the organization only certifies (or recertifies) external review entities that meet at least the standards required for the certification (or recertification) of external review entities under clause (ii).

“(iv) CONSIDERATIONS IN RECERTIFICATIONS.—In conducting recertifications of a qualified external review entity under this paragraph, the Secretary or organization conducting the recertification shall review compliance of the entity with the requirements for conducting external review activities under this section, including the following:

“(I) Provision of information under subparagraph (D).

“(II) Adherence to applicable deadlines (both by the entity and by independent medical reviewers it refers cases to).

“(III) Compliance with limitations on compensation (with respect to both the entity and independent medical reviewers it refers cases to).

“(IV) Compliance with applicable independence requirements.

“(V) PERIOD OF CERTIFICATION OR RECERTIFICATION.—A certification or recertification provided under this paragraph shall extend for a period not to exceed 5 years.

“(vi) REVOCATION.—A certification or recertification under this paragraph may be revoked by the Secretary or by the organization providing such certification upon a showing of cause.

“(D) PROVISION OF INFORMATION.—

“(i) IN GENERAL.—A qualified external review entity shall provide to the Secretary, in such manner and at such times as the Secretary may require, such information (relating to the denials which have been referred to the entity for the conduct of external review under this section) as the Secretary determines appropriate to assure compliance with the independence and other requirements of this section to monitor and assess the quality of its external review activities and lack of bias in making determinations. Such information shall include information described in clause (ii) but shall not include individually identifiable medical information.

“(ii) INFORMATION TO BE INCLUDED.—The information described in this subclause with respect to an entity is as follows:

“(I) The number and types of denials for which a request for review has been received by the entity.

“(II) The disposition by the entity of such denials, including the number referred to a independent medical reviewer and the reasons for such dispositions (including the application of exclusions), on a plan or issuer-specific basis and on a health care specialty-specific basis.

“(III) The length of time in making determinations with respect to such denials.

“(IV) Updated information on the information required to be submitted as a condition of certification with respect to the entity's performance of external review activities.

“(iii) INFORMATION TO BE PROVIDED TO CERTIFYING ORGANIZATION.—

“(I) IN GENERAL.—In the case of a qualified external review entity which is certified (or recertified) under this subsection by a qualified private standard-setting organization, at the request of the organization, the entity shall provide the organization with the information provided to the Secretary under clause (i).

“(II) ADDITIONAL INFORMATION.—Nothing in this subparagraph shall be construed as preventing such an organization from requiring additional information as a condition of certification or recertification of an entity.

“(iv) USE OF INFORMATION.—Information provided under this subparagraph may be used by the Secretary and qualified private standard-setting organizations to conduct oversight of qualified external review entities, including recertification of such entities, and shall be made available to the public in an appropriate manner.

“(E) LIMITATION ON LIABILITY.—No qualified external review entity having a contract with a plan or issuer, and no person who is employed by any such entity or who furnishes professional services to such entity (including as an independent medical reviewer), shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this section, to be civilly liable under any law of the United States or of any State (or political subdivision thereof) if there was no actual malice or gross misconduct in the performance of such duty, function, or activity.

“(i) DEFINITIONS.—In this section:

“(1) AUTHORIZED REPRESENTATIVE.—The term ‘authorized representative’ means, with respect to a participant or beneficiary—

“(A) a person to whom a participant or beneficiary has given express written consent to represent the participant or beneficiary in any proceeding under this section;

“(B) a person authorized by law to provide substituted consent for the participant or beneficiary; or

“(C) a family member of the participant or beneficiary (or the estate of the participant or beneficiary) or the participant's or beneficiary's treating health care professional when the participant or beneficiary is unable to provide consent.

“(2) CLAIM FOR BENEFITS.—The term ‘claim for benefits’ means any request by a participant or beneficiary (or authorized representative) for benefits (including requests that are subject to authorization of coverage or utilization review), for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage offered by a health insurance issuer in connection with a group health plan.

“(3) GROUP HEALTH PLAN.—The term ‘group health plan’ shall have the meaning given such term in section 733(a). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

“(4) HEALTH INSURANCE COVERAGE.—The term ‘health insurance coverage’ has the meaning given such term in section 733(b)(1). In applying this paragraph, excepted benefits described in section 733(c) shall not be treated as benefits consisting of medical care.

“(5) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning given such term in section 733(b)(2).

“(6) PRIOR AUTHORIZATION DETERMINATION.—The term ‘prior authorization determination’ means a determination by the group health plan or health insurance issuer offering health insurance coverage in connection with a group health plan prior to the provision of the items and services as a condition of coverage of the items and services under the terms and conditions of the plan or coverage.

“(7) TREATING HEALTH CARE PROFESSIONAL.—The term ‘treating health care professional’ with respect to a group health plan, health insurance issuer or provider sponsored organization means a physician (medical doctor or doctor of osteopathy) or other health care practitioner who is acting within the scope of his or her State licensure or certification for the delivery of health care services and who is primarily responsible for delivering those services to the participant or beneficiary.

“(8) UTILIZATION REVIEW.—The term ‘utilization review’ with respect to a group health plan or health insurance coverage means procedures used in the determination of coverage for a participant or beneficiary, such as procedures to evaluate the medical necessity, appropriateness, efficacy, quality, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.”

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 503 the following:

“Sec. 503A. Claims and internal appeals procedures for group health plans.

“Sec. 503B. Independent external appeals procedures for group health plans.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after 2 years after the date of enactment of this Act. The Secretary shall issue all regulations necessary to carry out the amendments made by this section before the effective date thereof.

SEC. 222. ENFORCEMENT.

Section 502(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)) is amended by adding at the end the following:

“(8) The Secretary may assess a civil penalty against any plan of up to \$10,000 for the plan's failure or refusal to comply with any deadline applicable under section 503B or any determination under such section, except that in any case in which treatment was not commenced by the plan in accordance with the determination of an independent external reviewer, the Secretary shall assess a civil penalty of \$10,000 against the plan and the plan shall pay such penalty to the participant or beneficiary involved.”

Subtitle D—Remedies

SEC. 231. AVAILABILITY OF COURT REMEDIES.

(a) IN GENERAL.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following:

“(n) CAUSE OF ACTION RELATING TO DENIAL OF A CLAIM FOR HEALTH BENEFITS.—

“(1) IN GENERAL.—

“(A) FAILURE TO COMPLY WITH EXTERNAL MEDICAL REVIEW.—In any case in which—

“(i) a designated decision-maker described in paragraph (2) fails to exercise ordinary care in approving coverage pursuant to the written determination of an independent medical reviewer under section 503B(d)(3)(F) that reverses a denial of a claim for benefits; and

“(ii) the failure described in clause (i) is the proximate cause of substantial harm to, or the wrongful death of, the participant or beneficiary;

such designated decision-maker shall be liable to the participant or beneficiary (or the estate of such participant or beneficiary) for economic and noneconomic damages in connection with such failure and such injury or death (subject to paragraph (4)).

“(B) WRONGFUL DETERMINATION RESULTING IN DELAY IN PROVIDING BENEFITS.—In any case in which—

“(i) a designated decision-maker described in paragraph (2) acts in bad faith in making a final determination denying a claim for benefits under section 503A(b);

“(ii) the denial described in clause (i) is reversed by an independent medical reviewer under section 503B(d); and

“(iii) the delay attributable to the failure described in clause (i) is the proximate cause of substantial harm to, or the wrongful death of, the participant or beneficiary;

such designated decision-maker shall be liable to the participant or beneficiary (or the estate of such participant or beneficiary) for economic and noneconomic damages in connection with such failure and such injury or death (subject to paragraph (4)).

“(2) DESIGNATED DECISION-MAKERS FOR PURPOSES OF LIABILITY.—An employer or plan sponsor shall not be liable under any cause of action described in paragraph (1) if the employer or plan sponsor complies with the following provisions:

“(A) APPOINTMENT.—A group health plan may designate one or more persons to serve

as the designated decision-maker for purposes of paragraph (1). Such designated decision-makers shall have the exclusive authority under the group health plan (or under the health insurance coverage in the case of a health insurance issuer offering coverage in connection with a group health plan) to make determinations described in section 503A with respect to claims for benefits and determination to approve coverage pursuant to written determination of independent medical reviewers under section 503B, except that the plan documents may expressly provide that the designated decision-maker is subject to the direction of a named fiduciary.

“(B) PROCEDURES.—A designated decision-maker shall—

“(i) be a person who is named in the plan or coverage documents, or who, pursuant to procedures specified in the plan or coverage documents, is identified as the designated decision-maker by—

“(I) a person who is an employer or employee organization with respect to the plan or issuer;

“(II) a person who is such an employer and such an employee organization acting jointly; or

“(III) a person who is a named fiduciary;

“(ii) agree to accept appointment as a designated decision-maker; and

“(iii) be identified in the plan or coverage documents as required under section 714(b)(14).

“(C) QUALIFICATIONS.—To be appointed as a designated decision-maker under this paragraph, a person shall be—

“(i) a plan sponsor;

“(ii) a group health plan;

“(iii) a health insurance issuer; or

“(iv) any other person who can provide adequate evidence, in accordance with regulations promulgated by the Secretary, of the ability of the person to—

“(I) carry out the responsibilities set forth in the plan or coverage documents;

“(II) carry out the applicable requirements of this subsection; and

“(III) meet other applicable requirements under this Act, including any financial obligation for liability under this subsection.

“(D) FLEXIBILITY IN ADMINISTRATION.—A group health plan, or health insurance issuer offering coverage in connection with a group health plan, may provide—

“(i) that any person or group of persons may serve in more than one capacity with respect to the plan or coverage (including service as a designated decision-maker, administrator, and named fiduciary); or

“(ii) that a designated decision-maker may employ one or more persons to provide advice with respect to any responsibility of such decision-maker under the plan or coverage.

“(E) FAILURE TO DESIGNATE.—In any case in which a designated decision-maker is not appointed under this paragraph, the group health plan (or health insurance issuer offering coverage in connection with the group health plan), the administrator, or the party or parties that bears the sole responsibility for making the final determination under section 503A(b) (with respect to an internal review), or for approving coverage pursuant to the written determination of an independent medical reviewer under section 503B, with respect to a denial of a claim for benefits shall be treated as the designated decision-maker for purposes of liability under this section.

“(3) REQUIREMENT OF EXHAUSTION OF INDEPENDENT MEDICAL REVIEW.—Paragraph (1) shall apply only if a final determination de-

termining a claim for benefits under section 503A(b) has been referred for independent medical review under section 503B(d) and a written determination by an independent medical reviewer to reverse such final determination has been issued with respect to such review.

“(4) LIMITATIONS ON RECOVERY OF DAMAGES.—

“(A) MAXIMUM AWARD OF NONECONOMIC DAMAGES.—The aggregate amount of liability for noneconomic loss in an action under paragraph (1) may not exceed \$350,000.

“(B) INCREASE IN AMOUNT.—The amount referred to in subparagraph (A) shall be increased or decreased, for each calendar year that ends after December 31, 2001, by the same percentage as the percentage by which the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for September of the preceding calendar year has increased or decreased from the such Index for September of 2001.

“(C) JOINT AND SEVERAL LIABILITY.—In the case of any action commenced pursuant to paragraph (1), the defendant shall be liable only for the amount of noneconomic damages attributable to such defendant in direct proportion to such defendant's share of fault or responsibility for the injury suffered by the participant or beneficiary. In all such cases, the liability of a defendant for noneconomic damages shall be several and not joint.

“(D) TREATMENT OF COLLATERAL SOURCE PAYMENTS.—

“(i) IN GENERAL.—In the case of any action commenced pursuant to paragraph (1), the total amount of damages received by a participant or beneficiary under such action shall be reduced, in accordance with clause (ii), by any other payment that has been, or will be, made to such participant or beneficiary to compensate such participant or beneficiary for the injury that was the subject of such action.

“(ii) AMOUNT OF REDUCTION.—The amount by which an award of damages to a participant or beneficiary for an injury shall be reduced under clause (i) shall be—

“(I) the total amount of any payments (other than such award) that have been made or that will be made to such participant or beneficiary to pay costs of or compensate such participant or beneficiary for the injury that was the subject of the action; less

“(II) the amount paid by such participant or beneficiary (or by the spouse, parent, or legal guardian of such participant or beneficiary) to secure the payments described in subclause (I).

“(iii) DETERMINATION OF AMOUNTS FROM COLLATERAL SOURCES.—The reduction required under clause (ii) shall be determined by the court in a pretrial proceeding. At the subsequent trial no evidence shall be admitted as to the amount of any charge, payments, or damage for which a participant or beneficiary—

“(I) has received payment from a collateral source or the obligation for which has been assured by a third party; or

“(II) is, or with reasonable certainty, will be eligible to receive from a collateral source which will, with reasonable certainty, be assumed by a third party.

“(5) AFFIRMATIVE DEFENSES.—In the case of any cause of action under paragraph (1), it shall be an affirmative defense that—

“(A) the group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, involved did not receive from the par-

ticipant or beneficiary (or authorized representative) or the treating health care professional (if any), sufficient information regarding the medical condition of the participant or beneficiary that was necessary to make a final determination on a claim for benefits under section 503A(b);

“(B) the participant or beneficiary (or authorized representative)—

“(i) was in possession of facts that were sufficient to enable the participant or beneficiary (or authorized representative) to know that an expedited review under section 503A or 503B would have prevented the harm that is the subject of the action; and

“(ii) failed to notify the plan or issuer of the need for such an expedited review; or

“(C) the cause of action is based solely on the failure of a qualified external review entity or an independent medical reviewer to meet the timelines applicable under section 503B.

Nothing in this paragraph shall be construed to limit the application of any other affirmative defense that may be applicable to the cause of action involved.

“(6) WAIVER OF INTERNAL REVIEW.—In the case of any cause of action under paragraph (1), the waiver or nonwaiver of internal review under section 503A(b)(1)(D) by the group health plan, or health insurance issuer offering health insurance coverage in connection with a group health plan, shall not be used in determining liability.

“(7) LIMITATIONS ON ACTIONS.—Paragraph (1) shall not apply in connection with any action that is commenced more than 1 year after—

“(A) the date on which the last act occurred which constituted a part of the failure referred to in such paragraph; or

“(B) in the case of an omission, the last date on which the decision-maker could have cured the failure.

“(8) LIMITATION ON RELIEF WHERE DEFENDANT'S POSITION PREVIOUSLY SUPPORTED UPON EXTERNAL REVIEW.—In any case in which the court finds the defendant to be liable in an action under this subsection, to the extent that such liability is based on a finding by the court of a particular failure described in paragraph (1) and such finding is contrary to a previous determination by an independent medical reviewer under section 503B(d) with respect to such defendant, no relief shall be available under this subsection in addition to the relief otherwise available under subsection (a)(1)(B).

“(9) CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing a cause of action under paragraph (1) for—

“(A) the failure of a group health plan or health insurance issuer to provide an item or service that is specifically excluded under the plan or coverage; or

“(B) any denial of a claim for benefits that was not eligible for independent medical review under section 503B(d).

“(10) FEDERAL JURISDICTION.—In the case of any action commenced pursuant to paragraph (1) the district courts of the United States shall have exclusive jurisdiction.

“(11) DEFINITIONS.—In this subsection:

“(A) AUTHORIZED REPRESENTATIVE.—The term ‘authorized representative’ has the meaning given such term in section 503B(i).

“(B) CLAIM FOR BENEFITS.—The term ‘claim for benefits’ shall have the meaning given such term in section 503B(i), except that such term shall only include claims for prior authorization determinations (as such term is defined in section 503B(i)).

“(C) GROUP HEALTH PLAN.—The term ‘group health plan’ shall have the meaning given such term in section 733(a).

“(D) HEALTH INSURANCE COVERAGE.—The term ‘health insurance coverage’ has the meaning given such term in section 733(b)(1).”

“(E) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning given such term in section 733(b)(2) (including health maintenance organizations as defined in section 733(b)(3)).”

“(F) ORDINARY CARE.—The term ‘ordinary care’ means the care, skill, prudence, and diligence under the circumstances prevailing at the time the care is provided that a prudent individual acting in a like capacity and familiar with the care being provided would use in providing care of a similar character.”

“(G) SUBSTANTIAL HARM.—The term ‘substantial harm’ means the loss of life, loss or significant impairment of limb or bodily function, significant disfigurement, or severe and chronic physical pain.”

“(12) EFFECTIVE DATE.—The provisions of this subsection shall apply to acts and omissions occurring on or after the date of enactment of this subsection.”

(b) IMMUNITY FROM LIABILITY FOR PROVISION OF INSURANCE OPTIONS.—

(1) IN GENERAL.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by subsection (a), is further amended by adding at the end the following:

“(o) IMMUNITY FROM LIABILITY FOR PROVISION OF INSURANCE OPTIONS.—

“(1) IN GENERAL.—No liability shall arise under subsection (n) with respect to a participant or beneficiary against a group health plan (other than a fully insured group health plan) if such plan offers the participant or beneficiary the coverage option described in paragraph (2).

“(2) COVERAGE OPTION.—The coverage option described in this paragraph is one under which the group health plan (other than a fully insured group health plan), at the time of enrollment or as provided for in paragraph (3), provides the participant or beneficiary with the option to—

“(A) enroll for coverage under a fully insured health plan; or

“(B) receive an individual benefit payment, in an amount equal to the amount that would be contributed on behalf of the participant or beneficiary by the plan sponsor for enrollment in the group health plan, for use by the participant or beneficiary in obtaining health insurance coverage in the individual market.

“(3) TIME OF OFFERING OF OPTION.—The coverage option described in paragraph (2) shall be offered to a participant or beneficiary—

“(A) during the first period in which the individual is eligible to enroll under the group health plan; or

“(B) during any special enrollment period provided by the group health plan after the date of enactment of the Patients’ Bill of Rights Plus Act for purposes of offering such coverage option.”

(2) AMENDMENTS TO INTERNAL REVENUE CODE.—

(A) EXCLUSION FROM INCOME.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following:

“(d) TREATMENT OF CERTAIN COVERAGE OPTION UNDER SELF-INSURED PLANS.—No amount shall be included in the gross income of an individual by reason of—

“(1) the individual’s right to elect a coverage option described in section 502(o)(2) of the Employee Retirement Income Security Act of 1974, or

“(2) the receipt by the individual of an individual benefit payment described in section 502(o)(2)(A) of such Act.”

(B) NONDISCRIMINATION RULES.—Section 105(h) of such Code (relating to self-insured medical expense reimbursement plans) is amended by adding at the end the following:

“(1) TREATMENT OF CERTAIN COVERAGE OPTIONS.—If a self-insured medical reimbursement plan offers the coverage option described in section 502(o)(2) of the Employee Retirement Income Security Act of 1974, employees who elect such option shall be treated as eligible to benefit under the plan and the plan shall be treated as benefiting such employees.”

(c) CONFORMING AMENDMENT.—Section 502(a)(1)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(a)(1)(A)) is amended by inserting “or (n)” after “subsection (c)”.

SEC. 232. LIMITATION ON CERTAIN CLASS ACTION LITIGATION.

(a) ERISA.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132), as amended by section 231, is further amended by adding at the end the following:

“(p) LIMITATION ON CLASS ACTION LITIGATION.—A claim or cause of action under section 502(n) may not be maintained as a class action.”

(b) RICO.—Section 1964(c) of title 18, United States Code, is amended—

(1) by inserting “(1)” after the subsection designation; and

(2) by adding at the end the following:

“(2) No action may be brought under this subsection, or alleging any violation of section 1962, against any person where the action seeks relief for which a remedy may be provided under section 502 of the Employee Retirement Income Security Act of 1974.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to all civil actions that are filed on or after the date of enactment of this Act.

(2) PENDING CIVIL ACTIONS.—Notwithstanding section 502(p) of the Employee Retirement Income Security Act of 1974 and section 1964(c)(2) of title 18, United States Code, such sections 502(p) and 1964(c)(2) shall apply to civil actions that are pending and have not been finally determined by judgment or settlement prior to the date of enactment of this Act if such actions are substantially similar in nature to the claims or causes of actions referred to in such sections 502(p) and 1964(c)(2).

SEC. 233. SEVERABILITY.

If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE III—WOMEN’S HEALTH AND CANCER RIGHTS

SEC. 301. WOMEN’S HEALTH AND CANCER RIGHTS.

(a) SHORT TITLE.—This section may be cited as the “Women’s Health and Cancer Rights Act of 2000”.

(b) FINDINGS.—Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(3) in order to provide for uniform treatment of health care providers and patients

among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

(c) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 211(a), is further amended by adding at the end the following:

“SEC. 715. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

“(a) INPATIENT CARE.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

“(A) a mastectomy;

“(B) a lumpectomy; or

“(C) a lymph node dissection for the treatment of breast cancer.

“(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

“(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

“(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

“(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

“(2) as part of any yearly informational packet sent to the participant or beneficiary; or

“(3) not later than January 1, 2001; whichever is earlier.

“(d) SECONDARY CONSULTATIONS.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation

are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

“(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

“(e) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

“(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

“(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

“(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d).”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following new item:

“Sec. 715. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations.”.

(d) AMENDMENTS TO PHSA RELATING TO THE GROUP MARKET.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following new section:

“SEC. 2707. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

“(a) INPATIENT CARE.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

“(A) a mastectomy;

“(B) a lumpectomy; or

“(C) a lymph node dissection for the treatment of breast cancer.

“(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

“(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

“(c) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

“(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

“(2) as part of any yearly informational packet sent to the participant or beneficiary; or

“(3) not later than January 1, 2001; whichever is earlier.

“(d) SECONDARY CONSULTATIONS.—

“(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

“(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

“(e) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

“(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

“(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

“(3) provide financial or other incentives to a physician or specialist to induce the

physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (d).”.

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.) is amended—

(1) by redesignating such subpart as subpart 2; and

(2) by adding at the end the following:

“SEC. 2753. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

“The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.”.

(f) AMENDMENTS TO THE IRC.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 202, is further amended by inserting after section 9813 the following:

“SEC. 9814. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND COVERAGE FOR SECONDARY CONSULTATIONS.

“(a) INPATIENT CARE.—

“(1) IN GENERAL.—A group health plan that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically necessary and appropriate following—

“(A) a mastectomy;

“(B) a lumpectomy; or

“(C) a lymph node dissection for the treatment of breast cancer.

“(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

“(b) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a).

“(c) NOTICE.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan and shall be transmitted—

“(1) in the next mailing made by the plan to the participant or beneficiary;

“(2) as part of any yearly informational packet sent to the participant or beneficiary; or

“(3) not later than January 1, 2000; whichever is earlier.

“(d) SECONDARY CONSULTATIONS.—

“(1) IN GENERAL.—A group health plan that provides coverage with respect to medical

and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

“(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

“(e) PROHIBITION ON PENALTIES.—A group health plan may not—

“(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

“(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

“(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (d).”.

(2) CLERICAL AMENDMENT.—The table of contents for chapter 100 of such Code is amended by inserting after the item relating to section 9813 the following new item:

“Sec. 9814. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer and coverage for secondary consultations.”.

TITLE IV—GENETIC INFORMATION AND SERVICES

SEC. 401. SHORT TITLE.

This title may be cited as the “Genetic Information Nondiscrimination in Health Insurance Act of 1999”.

SEC. 402. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 702(a)(1)(F) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)(F)) is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart B of part 7 of subtitle B of title I of

the Employee Retirement Income Security Act of 1974, as amended by section 301(c), is further amended by adding at the end the following:

“SEC. 716. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).”.

(3) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 716.”.

(B) TABLE OF CONTENTS.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974, as amended by section 301, is further amended by inserting after the item relating to section 715 the following new item:

“Sec. 716. Prohibiting premium discrimination against groups on the basis of predictive genetic information.”.

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer’s confidentiality practices, that shall include—

“(i) a description of an individual’s rights with respect to predictive genetic information;

“(ii) the procedures established by the plan or issuer for the exercise of the individual’s rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”.

(c) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

“(5) FAMILY MEMBER.—The term ‘family member’ means with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(6) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(7) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(8) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine

analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(9) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”.

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning 1 year after the date of the enactment of this Act.

SEC. 403. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION IN THE GROUP MARKET.—

(A) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 2702(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)(F)) is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(B) NO DISCRIMINATION IN PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.), as amended by section 301(d), is amended by adding at the end the following new section: “**SEC. 2708. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION IN THE GROUP MARKET.**

“A group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or family member of the individual (including information about a request for or receipt of genetic services).”.

(C) CONFORMING AMENDMENT.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg-1(b)) is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or receipt of genetic services), see section 2708.”.

(D) LIMITATION ON COLLECTION AND DISCLOSURE OF PREDICTIVE GENETIC INFORMATION.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg-1) is amended by adding at the end the following:

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the indi-

vidual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall post or provide, in writing and in a clear and conspicuous manner, notice of the plan or issuer’s confidentiality practices, that shall include—

“(i) a description of an individual’s rights with respect to predictive genetic information;

“(ii) the procedures established by the plan or issuer for the exercise of the individual’s rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan or issuer.”.

(2) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg-91(d)) is amended by adding at the end the following:

“(15) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(16) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(17) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(18) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual’s genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(19) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”.

(e) AMENDMENTS TO PHSA RELATING TO THE INDIVIDUAL MARKET.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) (relating to other requirements) (42 U.S.C. 300gg-51 et seq.), as amended by section 301(e), is further amended by adding at the end the following:

“SEC. 2754. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“(a) PROHIBITION ON PREDICTIVE GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—A health insurance issuer offering health insurance coverage in the individual market may not use predictive genetic information as a condition of eligibility of an individual to enroll in individual health insurance coverage (including information about a request for or receipt of genetic services).

“(b) PROHIBITION ON PREDICTIVE GENETIC INFORMATION IN SETTING PREMIUM RATES.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium rates for individuals on the basis of predictive genetic information concerning such an individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(c) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a health insurance issuer offering health insurance coverage in the individual market shall not request or require predictive genetic information concerning any individual (including

a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES AND DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the health insurance issuer offering health insurance coverage in the individual market shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (d), of such predictive genetic information.

“(d) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A health insurance issuer offering health insurance coverage in the individual market shall post or provide, in writing and in a clear and conspicuous manner, notice of the issuer's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the issuer for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A health insurance issuer offering health insurance coverage in the individual market shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such issuer.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after 1 year after the date of enactment of this Act; and

(2) health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after 1 year after the date of enactment of this Act.

SEC. 404. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION OR GENETIC SERVICES.—

(1) NO ENROLLMENT RESTRICTION FOR GENETIC SERVICES.—Section 9802(a)(1)(F) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: “(including information about a request for or receipt of genetic services)”.

(2) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON PREDICTIVE GENETIC INFORMATION.—

(A) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 301(f), is further amended by adding at the end the following:

“SEC. 9815. PROHIBITING PREMIUM DISCRIMINATION AGAINST GROUPS ON THE BASIS OF PREDICTIVE GENETIC INFORMATION.

“A group health plan shall not adjust premium or contribution amounts for a group on the basis of predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).”

(B) CONFORMING AMENDMENT.—Section 9802(b) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(3) REFERENCE TO RELATED PROVISION.—For a provision prohibiting the adjustment of premium or contribution amounts for a group under a group health plan on the basis of predictive genetic information (including information about a request for or the receipt of genetic services), see section 9815.”

(C) AMENDMENT TO TABLE OF SECTIONS.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended by section 301(f), is further amended by adding at the end the following:

“Sec. 9815. Prohibiting premium discrimination against groups on the basis of predictive genetic information.”

(b) LIMITATION ON COLLECTION OF PREDICTIVE GENETIC INFORMATION.—Section 9802 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(d) COLLECTION OF PREDICTIVE GENETIC INFORMATION.—

“(1) LIMITATION ON REQUESTING OR REQUIRING PREDICTIVE GENETIC INFORMATION.—Except as provided in paragraph (2), a group health plan shall not request or require predictive genetic information concerning any individual (including a dependent) or a family member of the individual (including information about a request for or receipt of genetic services).

“(2) INFORMATION NEEDED FOR DIAGNOSIS, TREATMENT, OR PAYMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), a group health plan that provides health care items and services to an individual or dependent may request (but may not require) that such individual or dependent disclose, or authorize the collection or disclosure of, predictive genetic information for purposes of diagnosis, treatment, or payment relating to the provision of health care items and services to such individual or dependent.

“(B) NOTICE OF CONFIDENTIALITY PRACTICES; DESCRIPTION OF SAFEGUARDS.—As a part of a request under subparagraph (A), the group health plan shall provide to the individual or dependent a description of the procedures in place to safeguard the confidentiality, as described in subsection (e), of such predictive genetic information.

“(e) CONFIDENTIALITY WITH RESPECT TO PREDICTIVE GENETIC INFORMATION.—

“(1) NOTICE OF CONFIDENTIALITY PRACTICES.—

“(A) PREPARATION OF WRITTEN NOTICE.—A group health plan shall post or provide, in

writing and in a clear and conspicuous manner, notice of the plan's confidentiality practices, that shall include—

“(i) a description of an individual's rights with respect to predictive genetic information;

“(ii) the procedures established by the plan for the exercise of the individual's rights; and

“(iii) the right to obtain a copy of the notice of the confidentiality practices required under this subsection.

“(B) MODEL NOTICE.—The Secretary, in consultation with the National Committee on Vital and Health Statistics and the National Association of Insurance Commissioners, and after notice and opportunity for public comment, shall develop and disseminate model notices of confidentiality practices. Use of the model notice shall serve as a defense against claims of receiving inappropriate notice.

“(2) ESTABLISHMENT OF SAFEGUARDS.—A group health plan shall establish and maintain appropriate administrative, technical, and physical safeguards to protect the confidentiality, security, accuracy, and integrity of predictive genetic information created, received, obtained, maintained, used, transmitted, or disposed of by such plan.”

(c) DEFINITIONS.—Section 9832(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(6) FAMILY MEMBER.—The term ‘family member’ means, with respect to an individual—

“(A) the spouse of the individual;

“(B) a dependent child of the individual, including a child who is born to or placed for adoption with the individual; and

“(C) all other individuals related by blood to the individual or the spouse or child described in subparagraph (A) or (B).

“(7) GENETIC INFORMATION.—The term ‘genetic information’ means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member (including information about a request for or receipt of genetic services).

“(8) GENETIC SERVICES.—The term ‘genetic services’ means health services provided to obtain, assess, or interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

“(9) PREDICTIVE GENETIC INFORMATION.—

“(A) IN GENERAL.—The term ‘predictive genetic information’ means, in the absence of symptoms, clinical signs, or a diagnosis of the condition related to such information—

“(i) information about an individual's genetic tests;

“(ii) information about genetic tests of family members of the individual; or

“(iii) information about the occurrence of a disease or disorder in family members.

“(B) EXCEPTIONS.—The term ‘predictive genetic information’ shall not include—

“(i) information about the sex or age of the individual;

“(ii) information derived from physical tests, such as the chemical, blood, or urine analyses of the individual including cholesterol tests; and

“(iii) information about physical exams of the individual.

“(10) GENETIC TEST.—The term ‘genetic test’ means the analysis of human DNA, RNA, chromosomes, proteins, and certain metabolites, including analysis of genotypes, mutations, phenotypes, or karyotypes, for the purpose of predicting risk of disease in asymptomatic or undiagnosed individuals. Such term does not include physical tests,

such as the chemical, blood, or urine analyses of the individual including cholesterol tests, and physical exams of the individual, in order to detect symptoms, clinical signs, or a diagnosis of disease.”

(d) EFFECTIVE DATE.—Except as provided in this section, this section and the amendments made by this section shall apply with respect to group health plans for plan years beginning after 1 year after the date of the enactment of this Act.

TITLE V—PATIENT SAFETY AND ERRORS REDUCTION

SEC. 501. SHORT TITLE.

This title may be cited as the “Patient Safety and Errors Reduction Act”.

SEC. 502. PURPOSES.

It is the purpose of this title to—

(1) promote the identification, evaluation, and reporting of medical errors;

(2) raise standards and expectations for improvements in patient safety;

(3) reduce deaths, serious injuries, and other medical errors through the implementation of safe practices at the delivery level;

(4) develop error reduction systems with legal protections to support the collection of information under such systems;

(5) extend existing confidentiality and peer review protections to the reports relating to medical errors that are reported under such systems that are developed for safety and quality improvement purposes; and

(6) provide for the establishment of systems of information collection, analysis, and dissemination to enhance the knowledge base concerning patient safety.

SEC. 503. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(3) in section 938(1) (as so redesignated), by striking “921” and inserting “931”; and

(4) by inserting after part B the following:

“PART C—REDUCING ERRORS IN HEALTH CARE

“SEC. 921. DEFINITIONS.

“In this part:

“(1) ADVERSE EVENT.—The term ‘adverse event’ means, with respect to the patient of a provider of services, an untoward incident, therapeutic misadventure, or iatrogenic injury directly associated with the provision of health care items and services by a health care provider or provider of services.

“(2) CENTER.—The term ‘Center’ means the Center for Quality Improvement and Patient Safety established under section 922(b).

“(3) CLOSE CALL.—The term ‘close call’ means, with respect to the patient of a provider of services, any event or situation that—

“(A) but for chance or a timely intervention, could have resulted in an accident, injury, or illness; and

“(B) is directly associated with the provision of health care items and services by a provider of services.

“(4) EXPERT ORGANIZATION.—The term ‘expert organization’ means a third party acting on behalf of, or in conjunction with, a provider of services to collect information about, or evaluate, a medical event.

“(5) HEALTH CARE OVERSIGHT AGENCY.—The term ‘health care oversight agency’ means an agency, entity, or person, including the employees and agents thereof, that performs or oversees the performance of any activities necessary to ensure the safety of the health care system.

“(6) HEALTH CARE PROVIDER.—The term ‘health care provider’ means—

“(A) any provider of services (as defined in section 1861(u) of the Social Security Act); and

“(B) any person furnishing any medical or other health care services as defined in section 1861(s)(1) and (2) of such Act through, or under the authority of, a provider of services described in subparagraph (A).

“(7) PROVIDER OF SERVICES.—The term ‘provider of services’ means a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, renal dialysis facility, ambulatory surgical center, or hospice program, and any other entity specified in regulations promulgated by the Secretary after public notice and comment.

“(8) PUBLIC HEALTH AUTHORITY.—The term ‘public health authority’ means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, and an Indian tribe that is responsible for public health matters as part of its official mandate.

“(9) MEDICAL EVENT.—The term ‘medical event’ means, with respect to the patient of a provider of services, any sentinel event, adverse event, or close call.

“(10) MEDICAL EVENT ANALYSIS ENTITY.—The term ‘medical event analysis entity’ means an entity certified under section 923(a).

“(11) ROOT CAUSE ANALYSIS.—

“(A) IN GENERAL.—The term ‘root cause analysis’ means a process for identifying the basic or contributing causal factors that underlie variation in performance associated with medical events that—

“(i) has the characteristics described in subparagraph (B);

“(ii) includes participation by the leadership of the provider of services and individuals most closely involved in the processes and systems under review;

“(iii) is internally consistent; and

“(iv) includes the consideration of relevant literature.

“(B) CHARACTERISTICS.—The characteristics described in this subparagraph include the following:

“(i) The analysis is interdisciplinary in nature and involves those individuals who are responsible for administering the reporting systems.

“(ii) The analysis focuses primarily on systems and processes rather than individual performance.

“(iii) The analysis involves a thorough review of all aspects of the process and all contributing factors involved.

“(iv) The analysis identifies changes that could be made in systems and processes, through either redesign or development of new processes or systems, that would improve performance and reduce the risk of medical events.

“(12) SENTINEL EVENT.—The term ‘sentinel event’ means, with respect to the patient of a provider of services, an unexpected occurrence that—

“(A) involves death or serious physical or psychological injury (including loss of a limb); and

“(B) is directly associated with the provision of health care items and services by a health care provider or provider of services.

“SEC. 922. RESEARCH TO IMPROVE THE QUALITY AND SAFETY OF PATIENT CARE.

“(a) IN GENERAL.—To improve the quality and safety of patient care, the Director shall—

“(1) conduct and support research, evaluations and training, support demonstration

projects, provide technical assistance, and develop and support partnerships that will identify and determine the causes of medical errors and other threats to the quality and safety of patient care;

“(2) identify and evaluate interventions and strategies for preventing or reducing medical errors and threats to the quality and safety of patient care;

“(3) identify, in collaboration with experts from the public and private sector, reporting parameters to provide consistency throughout the errors reporting system;

“(4) identify approaches for the clinical management of complications from medical errors; and

“(5) establish mechanisms for the rapid dissemination of interventions and strategies identified under this section for which there is scientific evidence of effectiveness.

“(b) CENTER FOR QUALITY IMPROVEMENT AND PATIENT SAFETY.—

“(1) ESTABLISHMENT.—The Director shall establish a center to be known as the Center for Quality Improvement and Patient Safety to assist the Director in carrying out the requirements of subsection (a).

“(2) MISSION.—The Center shall—

“(A) provide national leadership for research and other initiatives to improve the quality and safety of patient care;

“(B) build public-private sector partnerships to improve the quality and safety of patient care; and

“(C) serve as a national resource for research and learning from medical errors.

“(3) DUTIES.—

“(A) IN GENERAL.—In carrying out this section, the Director, acting through the Center, shall consult and build partnerships, as appropriate, with all segments of the health care industry, including health care practitioners and patients, those who manage health care facilities, systems and plans, peer review organizations, health care purchasers and policymakers, and other users of health care research.

“(B) REQUIRED DUTIES.—In addition to the broad responsibilities that the Director may assign to the Center for research and related activities that are designed to improve the quality of health care, the Director shall ensure that the Center—

“(i) builds scientific knowledge and understanding of the causes of medical errors in all health care settings and identifies or develops and validates effective interventions and strategies to reduce errors and improve the safety and quality of patient care;

“(ii) promotes public and private sector research on patient safety by—

“(I) developing a national patient safety research agenda;

“(II) identifying promising opportunities for preventing or reducing medical errors; and

“(III) tracking the progress made in addressing the highest priority research questions with respect to patient safety;

“(iii) facilitates the development of voluntary national patient safety goals by convening all segments of the health care industry and tracks the progress made in meeting those goals;

“(iv) analyzes national patient safety data for inclusion in the annual report on the quality of health care required under section 913(b)(2);

“(v) strengthens the ability of the United States to learn from medical errors by—

“(I) developing the necessary tools and advancing the scientific techniques for analysis of errors;

“(II) providing technical assistance as appropriate to reporting systems; and

“(III) entering into contracts to receive and analyze aggregate data from public and private sector reporting systems;

“(vi) supports dissemination and communication activities to improve patient safety, including the development of tools and methods for educating consumers about patient safety; and

“(vii) undertakes related activities that the Director determines are necessary to enable the Center to fulfill its mission.

“(C) LIMITATION.—Aggregate data gathered for the purposes described in this section shall not include specific patient, health care provider, or provider of service identifiers.

“(c) LEARNING FROM MEDICAL ERRORS.—

“(1) IN GENERAL.—To enhance the ability of the health care community in the United States to learn from medical events, the Director shall—

“(A) carry out activities to increase scientific knowledge and understanding regarding medical error reporting systems;

“(B) carry out activities to advance the scientific knowledge regarding the tools and techniques for analyzing medical events and determining their root causes;

“(C) carry out activities in partnership with experts in the field to increase the capacity of the health care community in the United States to analyze patient safety data;

“(D) develop a confidential national safety database of medical event reports;

“(E) conduct and support research, using the database developed under subparagraph (D), into the causes and potential interventions to decrease the incidence of medical errors and close calls; and

“(F) ensure that information contained in the national database developed under subparagraph (D) does not include specific patient, health care provider, or provider of service identifiers.

“(2) NATIONAL PATIENT SAFETY DATABASE.—The Director shall, in accordance with paragraph (1)(D), establish a confidential national safety database (to be known as the National Patient Safety Database) of reports of medical events that can be used only for research to improve the quality and safety of patient care. In developing and managing the National Patient Safety Database, the Director shall—

“(A) ensure that the database is only used for its intended purpose;

“(B) ensure that the database is only used by the Agency, medical event analysis entities, and other qualified entities or individuals as determined appropriate by the Director and in accordance with paragraph (3) or other criteria applied by the Director;

“(C) ensure that the database is as comprehensive as possible by aggregating data from Federal, State, and private sector patient safety reporting systems;

“(D) conduct and support research on the most common medical errors and close calls, their causes, and potential interventions to reduce medical errors and improve the quality and safety of patient care;

“(E) disseminate findings made by the Director, based on the data in the database, to clinicians, individuals who manage health care facilities, systems, and plans, patients, and other individuals who can act appropriately to improve patient safety; and

“(F) develop a rapid response capacity to provide alerts when specific health care practices pose an imminent threat to patients or health care practitioners, or other providers of health care items or services.

“(3) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other

provision of law any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a health care provider or provider of services with respect to a medical event, that is contained in the National Patient Safety Database shall be confidential in accordance with section 925.

“(4) PATIENT SAFETY REPORTING SYSTEMS.—The Director shall identify public and private sector patient safety reporting systems and build scientific knowledge and understanding regarding the most effective—

“(A) components of patient safety reporting systems;

“(B) incentives intended to increase the rate of error reporting;

“(C) approaches for undertaking root cause analyses;

“(D) ways to provide feedback to those filing error reports;

“(E) techniques and tools for collecting, integrating, and analyzing patient safety data; and

“(F) ways to provide meaningful information to patients, consumers, and purchasers that will enhance their understanding of patient safety issues.

“(5) TRAINING.—The Director shall support training initiatives to build the capacity of the health care community in the United States to analyze patient safety data and to act on that data to improve patient safety.

“(d) EVALUATION.—The Director shall recommend strategies for measuring and evaluating the national progress made in implementing safe practices identified by the Center through the research and analysis required under subsection (b) and through the voluntary reporting system established under subsection (c).

“(e) IMPLEMENTATION.—In implementing strategies to carry out the functions described in subsections (b), (c), and (d), the Director may contract with public or private entities on a national or local level with appropriate expertise.

“SEC. 923. MEDICAL EVENT ANALYSIS ENTITIES.

“(a) IN GENERAL.—The Director, based on information collected under section 922(c), shall provide for the certification of entities to collect and analyze information on medical errors, and to collaborate with health care providers or providers of services in collecting information about, or evaluating, certain medical events.

“(b) COMPATIBILITY OF COLLECTED DATA.—To ensure that data reported to the National Patient Safety Database under section 922(c)(2) concerning medical errors and close calls are comparable and useful on an analytic basis, the Director shall require that the entities described in subsection (c) follow the recommendations regarding a common set of core measures for reporting that are developed by the National Forum for Health Care Quality Measurement and Reporting, or other voluntary private standard-setting organization that is designated by the Director taking into account existing measurement systems and in collaboration with experts from the public and private sector.

“(c) DUTIES OF CERTIFIED ENTITIES.—

“(1) IN GENERAL.—An entity that is certified under subsection (a) shall collect and analyze information, consistent with the requirement of subsection (b), provided to the entity under section 924(a)(4) to improve patient safety.

“(2) INFORMATION TO BE REPORTED TO THE ENTITY.—A medical event analysis entity shall, on a periodic basis and in a format that is specified by the Director, submit to the Director a report that contains—

“(A) a description of the medical events that were reported to the entity during the period covered under the report;

“(B) a description of any corrective action taken by providers of services with respect to such medical events or any other measures that are necessary to prevent similar events from occurring in the future; and

“(C) a description of the systemic changes that entities have identified, through an analysis of the medical events included in the report, as being needed to improve patient safety.

“(3) COLLABORATION.—A medical event analysis entity that is collaborating with a health care provider or provider of services to address close calls and adverse events may, at the request of the health care provider or provider of services—

“(A) provide expertise in the development of root cause analyses and corrective action plan relating to such close calls and adverse events; or

“(B) collaborate with such provider of services to identify on-going risk reduction activities that may enhance patient safety.

“(d) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other provision of law, any information (including any data, reports, records, memoranda, analyses, statements, and other communications) collected by a medical event analysis entity or developed by or on behalf of such an entity under this part shall be confidential in accordance with section 925.

“(e) TERMINATION AND RENEWAL.—

“(1) IN GENERAL.—The certification of an entity under this section shall terminate on the date that is 3 years after the date on which such certification was provided. Such certification may be renewed at the discretion of the Director.

“(2) NONCOMPLIANCE.—The Director may terminate the certification of a medical event analysis entity if the Director determines that such entity has failed to comply with this section.

“(f) IMPLEMENTATION.—In implementing strategies to carry out the functions described in subsection (c), the Director may contract with public or private entities on a national or local level with appropriate expertise.

“SEC. 924. PROVIDER OF SERVICES SYSTEMS FOR REPORTING MEDICAL EVENTS.

“(a) INTERNAL MEDICAL EVENT REPORTING SYSTEMS.—Each provider of services that elects to participate in a medical error reporting system under this part shall—

“(1) establish a system for—

“(A) identifying, collecting information about, and evaluating medical events that occur with respect to a patient in the care of the provider of services or a practitioner employed by the provider of services, that may include—

“(i) the provision of a medically coherent description of each event so identified;

“(ii) the provision of a clear and thorough accounting of the results of the investigation of such event under the system; and

“(iii) a description of all corrective measures taken in response to the event; and

“(B) determining appropriate follow-up actions to be taken with respect to such events;

“(2) establish policies and procedures with respect to when and to whom such events are to be reported;

“(3) take appropriate follow-up action with respect to such events; and

“(4) submit to the appropriate medical event analysis entity information that contains descriptions of the medical events identified under paragraph (1)(A).

“(b) PROMOTING IDENTIFICATION, EVALUATION, AND REPORTING OF CERTAIN MEDICAL EVENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a provider of services with respect to a medical event pursuant to a system established under subsection (a) shall be privileged in accordance with section 925.

“(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting—

“(A) disclosure of a patient’s medical record to the patient;

“(B) a provider of services from complying with the requirements of a health care oversight agency or public health authority; or

“(C) such an agency or authority from disclosing information transferred by a provider of services to the public in a form that does not identify or permit the identification of the health care provider or provider of services or patient.

“SEC. 925. CONFIDENTIALITY.

“(a) CONFIDENTIALITY AND PEER REVIEW PROTECTIONS.—Notwithstanding any other provision of law—

“(1) any information (including any data, reports, records, memoranda, analyses, statements, and other communications) developed by or on behalf of a health care provider or provider of services with respect to a medical event, that is contained in the National Patient Safety Database, collected by a medical event analysis entity, or developed by or on behalf of such an entity, or collected by a health care provider or provider of services for use under systems that are developed for safety and quality improvement purposes under this part—

“(A) shall be privileged, strictly confidential, and may not be disclosed by any other person to which such information is transferred without the authorization of the health care provider or provider of services; and

“(B) shall—

“(i) be protected from disclosure by civil, criminal, or administrative subpoena;

“(ii) not be subject to discovery or otherwise discoverable in connection with a civil, criminal, or administrative proceeding;

“(iii) not be subject to disclosure pursuant to section 552 of title 5, United States Code (the Freedom of Information Act) and any other similar Federal or State statute or regulation; and

“(iv) not be admissible as evidence in any civil, criminal, or administrative proceeding; without regard to whether such information is held by the provider or by another person to which such information was transferred;

“(2) the transfer of any such information by a provider of services to a health care oversight agency, an expert organization, a medical event analysis entity, or a public health authority, shall not be treated as a waiver of any privilege or protection established under paragraph (1) or established under State law.

“(b) PENALTY.—It shall be unlawful for any person to disclose any information described in subsection (a) other than for the purposes provided in such subsection. Any person violating the provisions of this section shall, upon conviction, be fined in accordance with title 18, United States Code, and imprisoned for not more than 6 months, or both.

“(c) APPLICATION OF PROVISIONS.—The protections provided under subsection (a) and the penalty provided for under subsection (b)

shall apply to any information (including any data, reports, memoranda, analyses, statements, and other communications) collected or developed pursuant to research, including demonstration projects, with respect to medical error reporting supported by the Director under this part.

“SEC. 926. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this part, \$50,000,000 for fiscal year 2001, and such sums as may be necessary for subsequent fiscal years.”

SEC. 504. EFFECTIVE DATE.

The amendments made by section 503 shall become effective on the date of the enactment of this Act.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001.”

SCHUMER AMENDMENT NO. 3695

(Ordered to lie on the table.)

Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

On page 27, line 24, before the period insert the following: “: *Provided further*, That in addition to amounts made available under this heading for the National Program of Cancer Registries, an additional \$15,000,000 shall be made available for such Program and special emphasis in carrying out such Program shall be given to States with the highest number of the leading causes of cancer mortality: *Provided further*, That amounts made available under this Act for the administrative and related expenses of the Centers for Disease Control and Prevention shall be reduced by \$15,000,000”.

BINGAMAN AMENDMENT NO. 3696

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. JOHNSON, Mr. McCAIN, Mr. CONRAD, Mrs. MURRAY, Mr. LEAHY, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill, H.R. 4577, supra; as follows:

At the end of title III, insert the following:
SEC. ____ CONSTRUCTION AND RENOVATION PROJECTS.

Notwithstanding any other provision of this Act—

(1) the amount made available under this title under the heading “OFFICE OF POSTSECONDARY EDUCATION” under the heading “HIGHER EDUCATION” to carry out section 316 of the Higher Education Act of 1965 is increased by \$6,000,000, which increase shall be used for construction and renovation projects under such section; and

(2) the amount made available under this title under the heading “OFFICE OF POSTSECONDARY EDUCATION” under the heading “HIGHER EDUCATION” to carry out part B of title VII of the Higher Education Act of 1965 is decreased by \$5,000,000.

HELMS AMENDMENT NO. 3697

Mr. HELMS proposed an amendment to the bill, H.R. 4577, supra; as follows:

At the appropriate place, insert the following:

SEC. ____ (a) None of the funds appropriated under this Act to carry out section 330 or title X of the Public Health Service Act (42 U.S.C. 254b, 300 et seq.), title V or XIX of the Social Security Act (42 U.S.C. 701

et seq., 1396 et seq.), or any other provision of law, shall be used for the distribution or provision of postcoital emergency contraception, or the provision of a prescription for postcoital emergency contraception, to an unemancipated minor, on the premises or in the facilities of any elementary school or secondary school.

(b) This section takes effect 1 day after the date of enactment of this Act.

(c) In this section:

(1) The terms “elementary school” and “secondary school” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) The term “unemancipated minor” means an unmarried individual who is 17 years of age or younger and is a dependent, as defined in section 152(a) of the Internal Revenue Code of 1986.

**WELLSTONE (AND JOHNSON)
AMENDMENT NO. 3698**

Mr. WELLSTONE (for himself and Mr. JOHNSON) proposed an amendment to the bill, H.R. 4577, supra; as follows:

On page 92, between lines 4 and 5, insert the following:

SEC. ____ (a) LIMITATION ON USE OF FUNDS FOR CERTAIN AGREEMENTS.—Except as provided in subsection (b), none of the funds made available under this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or on another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials that are conducted by the Department of Health and Human Services with respect to a drug, including an agreement under which such information is provided by the Department to another Federal agency on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug, excluding cooperative research and development agreements between the Department of Health and Human Services and a college or university.

(b) EXCEPTIONS.—Subsection (a) shall not apply to an agreement where—

(1) the sale of the drug involved is subject to a price agreement that is reasonable (as defined by the Secretary of Health and Human Services); or

(2) a reasonable price agreement with respect to the sale of the drug involved is not required by the public interest (as defined by such Secretary).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to any agreement entered into by a college or university and any entity other than the Secretary of Health and Human Services or an entity within the Department of Health and Human Services.

**HARKIN (AND WELLSTONE)
AMENDMENT NO. 3699**

Mr. HARKIN (for himself and Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4577, as follows:

On page 60, line 16, strike “\$7,352,341,000” and insert “\$15,800,000,000.”

On page 60, line 19, strike “\$4,624,000,000” and insert “\$13,071,659,000.”

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 2294, a bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; S. 2331, a bill to direct the Secretary of the Interior to recalculate the franchise fee owned by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument, South Carolina; S. 2598, a bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; and S. Con. Res. 106, a resolution recognizing the Hermann Monument and Herman Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage.

The hearing will take place on Thursday, July 13, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364, Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, June 29, 2000. The purpose of this meeting will be to mark up new legislation.

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

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 9:15 a.m., in closed session to mark up the Fiscal Year 2001 Intelligence Authorization Act.

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

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 10 a.m., in open and closed session to receive testimony on the report of the National Missile Defense Independent Review Team.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, June 29, 2000, at 1 p.m., for a hearing regarding Oversight of Rising Oil Prices and the Efficiency and Effectiveness of Executive Branch Response—Part II.

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

COMMITTEE ON THE JUDICIARY

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 29, 2000, at 10 a.m., in SD226.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Thursday, June 29, at 9:30 a.m., to conduct a hearing to receive testimony on pending issues in the implementation of the Safe Drinking Water Act.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands be authorized to meet during the session of the Senate on Thursday, June 29, at 10 a.m., to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's Draft Environmental Impact Statement for the Sierra Nevada Forest Plan Amendment, and Draft Supplemental Environmental Impact Statement for the Interior Columbia Basin Ecosystem Management Plan.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations be authorized to meet during the session of the Senate on Thursday, June 29, 2000, 9:30 a.m., for a hearing entitled "HUD's Government Insured Mortgages: The Problem of Property 'Flipping.'"

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

SUBCOMMITTEE ON NATIONAL PARKS HISTORIC PRESERVATION AND RECREATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation be authorized to meet during the session of the Senate on Thursday, June 29, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 134, a bill to direct the Secretary of the Interior to study whether the Apostle Islands National Lakeshore should be protected as a wilderness area; S. 2051, a bill to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes; S. 2279, a bill to authorize the addition of land to Sequoia National Park, and for other purposes; S. 2512, a bill to convey certain Federal properties on Governors Island, New York.

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be authorized to meet during the session of the Senate on Thursday, June 29, at 2 p.m., to conduct a hearing to receive testimony on S. 2700, the Brownfields Revitalization and Environmental Restoration Act of 2000.

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

PRIVILEGES OF THE FLOOR

Mr. JOHNSON. Mr. President, I ask unanimous consent that Sharon Boyesen of my office be granted floor privileges for the remainder of the day.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar, nominations en bloc: 560 through 563.

I further ask unanimous consent the nominations be confirmed, the motion to consider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Daniel G. Webber, Jr., of Oklahoma, to be United States Attorney for the Western District of Oklahoma.

James L. Whigham, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

Russell John Qualliotine, of New York, to be United States marshal for the Southern

District of New York for the term of four years.

Julio F. Mercado, of Texas, to be Deputy Administrator of Drug Enforcement.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 148), to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 148) entitled "An Act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term "Account" means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term "conservation" means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) PROJECT REPORTING.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of each project shall be not greater than 25 percent.

(2) NON-FEDERAL SHARE.—

(A) SOURCE.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) FORM OF PAYMENT.—

(i) PROJECTS IN THE UNITED STATES.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) PROJECTS IN FOREIGN COUNTRIES.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) IN GENERAL.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of

the Treasury a separate account to be known as the "Neotropical Migratory Bird Conservation Account", which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE ACCOUNT.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and
(2) other amounts appropriated to the Account.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) ADMINISTRATIVE EXPENSES.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act \$5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

Mr. ABRAHAM. Mr. President, the Migratory Bird Conservation Act which I introduced with the Minority Leader, Senator DASCHLE, and our late colleague Senator Chafee, is designed to protect the habitat of the over 90 endangered species of migratory birds which spend the spring and summer months in the United States and the winter months in other Western Hemisphere nations.

This will be the third time this bill has passed the Senate. It previously cleared the Senate in 1998 and early 1999, but, until Monday's 384-22 House vote, the legislation was stalled in the other chamber.

Despite taking almost three years, this legislation remains very timely. Many bird species of birds are threatened despite the growing popularity of birdwatching.

Every year approximately 25 million Americans travel to observe birds, and 60 million American adults watch and feed birds at home. According to the Fish and Wildlife Service, bird watching and feeding generates fully \$20 billion every year in revenue across America.

Protecting the various species of birds benefits the nation in a variety of ways. The increased popularity of birdwatching is increasingly reflected in the new tourist dollars being spent in small, rural communities. Healthy bird communities also prevent crop failures and infestations by controlling insect populations, thus saving hundreds of millions of dollars in economic losses each year to farming and timber interests. And yet, despite the enormous

benefits we derive from our bird populations, many of them are struggling to survive.

In my own State we are working to bring the Kirtland's Warbler back from the brink of extinction. A few years ago, the population of this distinctive bird has been estimated at approximately 200 nesting pairs. Since then, a great deal of work has been done by Michigan DNR employees to preserve the Kirtland's Warbler habitat in the Bahamas, where they winter. Thanks in large part to this effort, the number of breeding pairs has recently increased to an estimated 800.

The problem we face in Michigan is simple. Since the entire species spends half of the year in the Bahamas, the significant efforts made by Michigan's Department of Natural Resources and concerned residents of Michigan will not be enough to save this bird if its winter habitat is destroyed. The same story is likely true for at least one bird species in every other state.

Because migratory birds range across a number of international borders every year, we must work to establish safeguards at both ends of their migration routes, as well as at critical stop-over areas along their way. Only in this case can conservation efforts prove successful.

That is why Senator DASCHLE, Senator Chafee, and I introduced the Neotropical Migratory Bird Conservation Act. This legislation will protect bird habitats across international boundaries by teaming businesses with conservation groups, thus combining capital with know-how.

These entities will then partner with local organizations in countries where bird habitat is endangered to help teach the local people how to preserve and maintain their critical natural habitat.

The 5 year demonstration project created by this Act will provide \$5 million each year to help establish cost-sharing, habitat conservation programs in the United States, Latin America and the Caribbean.

This legislation is proactive, avoids complicated and expensive bureaucratic structures and will bring needed focus and expertise to areas now receiving relatively little attention in the area of environmental degradation. And it has wide support in the environmental and conservation communities.

This legislation is endorsed by the National Audubon Society, Ducks Unlimited, the Nature Conservancy, the American Bird Conservancy, Defenders of Wildlife, the American Forest and Paper Association and the Conservation Fund. These organizations agree that establishing partnerships between business, government and nongovernmental organizations both here and abroad can greatly enhance the protection of migratory bird habitat.

I want to thank the distinguished minority leader, my original partner for

the past two and one half years, for his hard work and efforts on behalf of this legislation. His involvement and perseverance—long with those of Peter Hanson and Eric Washburn of his staff—helped us overcome a variety of obstacles and pave the way for this bill to become law.

I also want to thank Senator BOB SMITH, Chairman of the Environment and Public Works Committee, for his efforts to move this legislation forward. The continuing commitment of the Senate Environment Committee was essential to bringing this bill to the finish line.

And let me recognize the efforts of Kevin Kolevar of my staff, who began the work on this bill back in February of 1998.

Finally, Mr. President, I want to recognize the efforts of our former colleague and friend, Senator John Chafee, who passed away earlier this year. As chairman of the Environmental Committee, Senator Chafee was a driving force behind this legislation. Senator Chafee and his committee staffer, Jason Patlis, shepherded this bill through the Senate twice.

This legislation is yet another addition to the long list of contributions made by Senator John Chafee to protect our natural resources for generations.

I can think of no better tribute to Senator Chafee than to send this bill to the President with a resounding bipartisan vote by the Senate.

Mr. STEVENS. I ask unanimous consent the Senate agree to the amendment of the House.

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

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. ELLEN ROSE HART

Mr. STEVENS. Mr. President, I now ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 331, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 331), to authorize testimony, document production, and legal representation in United States v. Ellen Rose Hart.

The Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in the United States District Court for the Eastern District of California. In a federal indictment, the defendant has been charged with making a false statement on a passport application and possessing a false identification document in violation of federal law.

In connection with the passport application that is the subject of the indictment, the defendant sought constituent casework assistance from the offices of Senator BARBARA BOXER and Senator DIANE FEINSTEIN. At the request of the U.S. attorney who is prosecuting this case, this resolution authorizes employees in both Senators' offices who worked on this constituent casework matter to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. STEVENS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas, in the case of *United States v. Ellen Rose Hart*, CR-F 99-5275 AWI, pending in the United States District Court for the Eastern District of California, testimony has been requested from Eric Vizcaino, an employee in the office of Senator Boxer, and Monica Borvice, an employee in the office of Senator Feinstein;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Eric Vizcaino, Monica Borvice, and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of *United States v. Ellen Rose Hart*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Eric Vizcaino, Monica Borvice, and any Member or employee of the

Senate in connection with the testimony and document production authorized in section 1 of this resolution.

MEASURE READ THE FIRST
TIME—H.R. 4680

Mr. STEVENS. Mr. President, I understand H.R. 4680 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4680) to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes.

Mr. STEVENS. I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the following legislative day.

ORDERS FOR FRIDAY, JUNE 30, 2000

Mr. STEVENS. I now ask unanimous consent when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Friday, June 30, 2000. I further ask that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4577, the Labor, Health and Human Services, and Education appropriations bill under the previous order.

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

Mr. STEVENS. Mr. President, I further ask consent that following the votes, Senator DOMENICI be recognized as in morning business.

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

PROGRAM

Mr. STEVENS. For the information of all Senators, on Friday the Senate will resume consideration of the Labor, Health and Human Services, and Education bill at 9:30 a.m. Under the previous order, there will be several votes on the remaining amendments, which include the Wellstone amendment re-

garding drug pricing, the Helms amendment regarding school facilities, the Harkin amendment regarding IDEA, the Baucus amendment regarding the impact aid, any amendment that is not cleared within the managers' package, disposition of the point of order that is pending, final passage of the Labor, Health and Human Services, and Education appropriations bill, and possibly a vote on adoption of the conference report to accompany the military construction appropriations bill.

Mr. President, I hope that "possibly" is not possibly but it is a fact tomorrow.

I do want to say on my own behalf that the enactment of this bill that we have just brought out of conference is absolutely essential to the well-being of the men and women of the armed services of this country. If it is not passed tomorrow and signed by the President before the Fourth of July, there will be severe repercussions in the military services of this country. We have worked day and night to get this bill done, and I congratulate the Members of the House in accomplishing passage of it earlier this evening. I do encourage our colleagues to remain in the Chamber during the series of votes that will come about in the morning hours tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. STEVENS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:30 p.m., adjourned until Friday, June 30, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 2000:

DEPARTMENT OF JUSTICE

DANIEL G. WEBBER, JR., OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA.

JAMES L. WHIGHAM, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

RUSSELL JOHN QUALLIOTINE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

JULIO F. MERCADO, OF TEXAS, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT.

HOUSE OF REPRESENTATIVES—Thursday, June 29, 2000

The House met at 10 a.m.

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

As Independence Day approaches this Millennium Year, we praise You and bless You, Lord God, for the birth, life, and continuing development of this great Nation, the United States of America.

Whenever and wherever in the course of human events courage and commitment cause a people to take a stand on self-evident truths, we rejoice. Before You and in You, the Creator, all are created equal.

Endowed by You, the Creator, with certain unalienable rights; we as a people accept as well certain responsibilities to protect and defend always for ourselves and for others life, liberty and the pursuit of happiness.

With a firm reliance on the protection of Your Divine Providence, we renew our pledge today to serve this Nation, knowing full well that the power of this assembly is derived from the consent of the governed.

In You we place our solemn trust, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. TURNER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico, and for other purposes.

H. Con. Res. 333. Concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes.

H. Con. Res. 344. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present the Congressional Gold Medal to Father Theodore Hesburgh.

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

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. Con. Res. 125. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1515) "An Act to amend the Radiation Exposure Compensation Act, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

PARTIAL BIRTH ABORTION DECISION

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

Mr. PITTS. Mr. Speaker, yesterday the Supreme Court, by the narrowest of margins, ruled that the Nebraska law banning partial birth abortion was unconstitutional. Actually, partial birth abortion is not an abortion. It is a pre-term delivery that results in infanticide.

Partial-birth abortion is so gruesome and barbaric that it is beyond the pale of any nation wishing to be known as civilized. It is in every case unjustifiable. It is in no case the lesser of two evils. It violates every principle of dignity, morality, ethics, and law that this Nation has stood for since its founding.

The Supreme Court, acting as an oligarchy of five, has imposed infanticide on a decent nation. Sadly, it is declared the murder of innocent, healthy newborns to be within the bounds of the law.

The court used Roe v. Wade as the basis for their decision, showing how

radical the Roe decision really was. This ruling, like the Dredd Scott decision, has excluded a whole class of human beings from constitutional protection.

Shame on the court. This is a dark day for America.

SENIOR CITIZENS SUFFERED BIG LOSS YESTERDAY

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

Mr. TURNER. Mr. Speaker, last night on this floor, the big drug manufacturers won a big victory, and our senior citizens suffered a big loss.

The big drug companies spent \$100 million on a lobbying campaign that paid dividends, but only by a margin of three votes, and only after the rules were manipulated to deny the House Democrats the opportunity to vote on a real plan providing real relief for our seniors who are paying the high cost of prescription drugs.

Looking out for the big drug manufacturers instead of our seniors led our Republican leadership to pass a plan that will funnel hundreds of millions of dollars into the hands of big insurance companies rather than help our seniors afford to pay their medicines.

Even the big insurance companies say it will not work. In fact, the President of Blue Cross/Blue Shield said, and I quote, "This idea of a private sector drug benefit provides false hope to America's seniors because it is neither workable nor affordable." We can do better. Let us work together to be sure we do better. Our seniors deserve no less.

CONGRESS ANSWERED PLEAS OF NEVADA'S SENIORS

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

Mr. GIBBONS. Mr. Speaker, let us come back to reality for a minute. For months now, our seniors have been asking, even begging, for relief from the high cost of prescription drugs that they have to take.

Mr. Speaker, I am proud to stand here in this well and announce that this Republican Congress heard and answered the calls of those senior citizens.

Yesterday, the Republicans passed the Bipartisan Medicare Prescription Drug Benefit plan that will benefit

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

every Medicare senior. Our bipartisan plan provides for a voluntary, affordable, and available prescription drug benefit to all Medicare beneficiaries in need.

We have created a much-needed entitlement for every Medicare beneficiary, which, at the same time, allows seniors to choose the plan they want, and yet keeps Washington out of their medicine cabinets.

While the Democrats took a walk on our seniors yesterday, Republicans are lowering drug prices and providing real prescription drug relief and benefits and yet fighting for our seniors at the same time.

“ROGUE STATES” NOW CALLED “STATES OF CONCERN”

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

Mr. TRAFICANT. Mr. Speaker, I have heard it all. The State Department is doing away with the term “rogue states” for Libya and Iran. They are now called “states of concern”.

Now if that is not enough to confuse Henny Youngman, a State Department spokesman said, and I quote, “If these states of concern continue to be of concern because they have no concern about the concerns that concern America, then we are prepared to go beyond concern.”

Beam me up. These double-speaking, bric-a-bracking, ratch-a-fratching, pantaloonicists need their brain examined by a concerned proctologist.

I yield back the concerns for any common sense left at the State Department.

JEWISH PRISONERS IN IRAN

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

Ms. ROS-LEHTINEN. Mr. Speaker, I condemn the government of Iran for its actions against 13 imprisoned Jews.

The official crime that these men have been charged with is espionage on behalf of the United States and Israel, but their real crime was being Jewish in a country that does not tolerate freedom of religion.

The Iranian mullahs have concocted a “show trial” that Joseph Stalin would be proud of, void of any evidence or legitimate legal proceedings.

During this scripted play, nine of the accused were coerced into a nationally televised confession. This staged trial has been running since April without any tangible evidence.

Kept out of the trial are the families of the accused, the press, human rights advocates, and the general public.

These brave and devout men have been in prison for over a year, almost

entirely bereft of any kind of legal representation. While this masquerade of a trial will soon conclude, these 13 may soon be executed. The world will be watching and praying that these courageous men will be released.

SHIRAZ 13 VERDICT TO COME ANY DAY

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

Mr. WEINER. Mr. Speaker, on this Independence Day, Americans should keep the Shiraz 13 in our thoughts and prayers. Since March of 1999, the government of Iran has held these people simply because of their religion.

The trial is over, and it looked more like a kangaroo court. The investigator, the prosecutor, and the judge were the same person, someone who is affectionately known in Iran as the butcher.

The verdict will come any day now, and we are all watching. Will this new so-called moderate government of Iran free the Shiraz 13?

Until we know, we should not loosen our import restrictions on Iran on rugs, nuts and caviar which have been authorized to be imported here as of the end of 1999.

This 4th of July, we should send a strong message about where the U.S. Congress stands. Today in the Agriculture Appropriations bill, the gentleman from California (Mr. SHERMAN) and I will be offering an amendment to cut the funding from the Agriculture import budget that it takes to implement these loosening of these export quotas. Let us send a message this 4th of July.

TOP TEN REASONS TO VOTE FOR H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

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

Mr. BALLENGER. Mr. Speaker, when the doctor cartel bill comes up this afternoon, I will give my colleagues 10 reasons to vote for it.

First, they like what OPEC has done to oil prices.

Second, they think that too many low-income children have health insurance.

They think Americans pay too little for health insurance.

They would like to increase the number of uninsured Americans to a nice round number, say, like 50 million.

They would like to reduce prescription drug coverage among seniors.

They would like to increase out-of-pocket health care cost.

They think that the best way to spend the surplus is on doctors' fees.

They think that people's wages and fringe benefits are just too high and they would like to reduce them.

They think doctors should change patients' medications for political reasons and not for medication.

Finally, they think that the most pressing problem in our health care system today is that doctors make too little money.

I ask my colleagues to watch how they vote on this.

13 JEWISH CITIZENS ARRESTED SOLELY BECAUSE OF RELIGION

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

Mr. SHERMAN. Mr. Speaker, in March of 1999, Iran arrested 13 of its Jewish citizens solely because of their religion. The trial has just concluded, and it was a show trial worthy of Joseph Stalin: no evidence, but confessions, not showing the guilt of the accused, but showing their justified fear.

The prosecutor is also the judge, is also the jury. Of course no one is allowed to view the trial.

□ 1015

These men have been in prison, most of them, for a year and a half, and it is time for Iran to let them go. The charges against them are ridiculous, because in Iran's discriminatory society no one of the Jewish faith would be allowed near anything of national security significance. So certainly the CIA would not hire from this minority group in any search for spies.

The verdict will be issued on Saturday. We in this House must take a stand. The agricultural appropriations bill comes up, and I will have an amendment to deny the use of funds to allow the importation of agricultural products from Iran and, thus, reinstitute the policy of Ronald Reagan to prevent those goods from coming in at this time.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, imagine how many single family homes and apartment buildings could be built for \$1 billion. That is the amount the Inspector General at the Department of Housing and Urban Development reports has been wastefully spent.

In several different reports, the Inspector General details wasteful spending ranging from overpayments to pure abuse. One report identified \$935 million in Federal housing subsidy overpayments during 1998 in HUD's assisted living programs. The overpayments resulted from the HUD's inability to accurately know if recipients qualified based on income or housing benefits. It has been estimated that \$935 million

could provide housing assistance to 150,000 needy families.

Another report on a Bronx, New York, housing project uncovered ineligible and unnecessary expenses totaling \$258,000. The audit uncovered expenses totaling \$26,000 that was either unnecessary for the project's operation or not supported by adequate documentation, including \$13,000 for unnecessary telephone charges and \$10,000 for unnecessary cab fares.

The Department of Housing and Urban Development gets my porker of the week award.

PLIGHT OF THE IRAN 13

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

Mrs. LOWEY. Mr. Speaker, I rise today to call attention to the plight of the 13 Iranian Jews that have been held for over a year on trumped-up charges of spying for Israel and the United States. After months of incarceration, coerced confessions and show trials, the fate of these 13 will be decided this weekend by a revolutionary court judge who alone will make a decision whether these 13 will live or die.

The arrest of these innocent people was in itself an outrage, but the Iranian government has doggedly pursued these false charges, denying the defendants representation and visitation from their families, and using them as a pawn in the ongoing ideological tug-of-war of Iran's future.

We have read and heard that the so-called moderates are slowly eroding the power base of Iran's hard line clerical leadership, but I do not see the evidence. There is no religious freedom in Iran, there is no respect for human rights and due process in Iran, and anti-Semitic, anti-Western scapegoating persists in Iran.

A country like this has no place among the community of nations; and the United States, as the premiere defender of democracy around the world, should make no overtures to welcome Iran. I join my colleagues telling Iran that we are watching.

PRESCRIPTION DRUGS

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

Mr. CALVERT. Mr. Speaker, as co-chairman of the Generic Drug Equity Caucus, I would like to talk about generic drugs and how they make prescription drugs more affordable.

Currently, generics fill over 40 percent of all prescriptions in the United States and are extremely affordable, at only 10 to 15 cents per dollar spent on brand names. The Congressional Budget Office reported in 1994 that generic

drug competition results in a cost savings to consumers of \$8 to \$10 billion annually, while meeting the FDA's requirement on bioequivalence, meaning that generics have the exact same effect on the human body as brand names.

Too many of the brand name companies seek to extend their patents, thereby restricting prompt market access by generics and raising drug costs. Americans have a right to be concerned about the high cost of prescription drugs. The solution could be as simple as encouraging the use of generic substitutes and providing co-pay differentials between brand name and generic drugs, and preventing abusive marketing and regulatory practices.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, today I want to talk about Marcus Farina, one of the 10,000 American children who have been abducted to foreign countries. Marcus was abducted when he was 5½ years old by his noncustodial father, Sergio Farina. It is believed he was taken to South America.

Mr. Farina picked up Marcus on December 6, 1991, for his first court-ordered unsupervised visit and never returned. Marcus's mother, Patricia Rose Diggs, has been working diligently on this case since his abduction. Evidence came to light that Mr. Farina went to Brazil before he went to Uruguay. It is believed Mr. Farina left Marcus in South America and has traveled without him. He still has family who live in Uruguay, and they have all been interviewed by law enforcement to no avail.

The National Center for Missing and Exploited Children has created a poster on the child, and it now includes an age-progressed picture of Mr. Farina. Mr. Farina is fluent in English, Spanish, and Portuguese and has many friends and contacts throughout South America.

Mr. Speaker, Marcus's mother and others like her need our help. Children deserve and need to grow up with both parents in their lives. I hope that my colleagues will continue to work with me to bring our children home.

GAS CRISIS

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

Mr. CHABOT. Mr. Speaker, the first summer of the new millennium is well under way. Americans have been looking forward to summer vacations with their families all year. Unfortunately, they are discovering that the temperature is not the only thing rising this

summer. Across the Nation, gas prices are shooting through the roof; and American families are feeling the pinch in their wallets.

But since the beginning of the gas crisis, the Clinton-Gore administration has been missing in action. In fact, Energy Secretary Bill Richardson even admitted that "we were caught napping." The response of the President's spokesman, Joe Lockhart, to the high prices was, "Prices tend to go up a bit this time of year."

Well, Mr. Speaker, it is high time that Secretary Richardson and the rest of the administration woke up. The Vice President, AL GORE, has long tried to increase gas prices and taxes on gas as a way to get us out of our cars and supposedly to clean up the environment. Well, he is getting his way.

Let us face it, we are not being gouged at the gas pumps, we are being gored.

PRESCRIPTION DRUGS NEEDED

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

Mr. GREEN of Texas. Mr. Speaker, yesterday we witnessed one of the biggest legislative shams of the 106th Congress. This Congress did not pass a prescription drug benefit to help our seniors; we passed an insurance policy.

From the Patient's Bill of Rights to education funding, my colleagues have used Democratic rhetoric to masquerade their bad ideas. They are using the same old strategy, watered-down legislation to ultimately secure its failure.

We did not even get a vote on an alternative. The Republican bill costs seniors more each year, but it gives them less. It was either their way or the highway. Well, our seniors see through this sham, and maybe in November they will give them the highway.

Today, I have seniors from my own district, from my home, visiting D.C. They are from the Magnolia Multipurpose Center in Houston. And I have to tell them that, yes, they now have a benefit; but only if their insurance policy decides to give it to them. And who knows how much it will cost.

Mr. Speaker, we should be providing lifesaving pharmaceuticals to seniors, not an insurance policy. We should be providing a secure, stable and reliable benefit instead of creating a bureaucratic nightmare. And we should be building up Medicare, not tearing it down. Our seniors deserve more than a voucher.

TRUCKERS SUFFERING DUE TO GAS CRISIS

(Mr. BARTLETT of Maryland asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, America's truckers are a vital part of our economy. Truckers deliver the food we eat, the clothes we wear, and the materials we use to build our homes.

Unfortunately, for the past several months truckers have been hit particularly hard by rising fuel prices. These outrageous fuel prices are threatening the livelihood of thousands of truckers across the United States. When truckers cannot afford to fill their tanks, they will be forced off the road. Without trucking, commerce in our Nation would grind to a halt. With gas prices continuing their steep rise this summer, an even greater number of truckers are being threatened.

Energy Secretary Bill Richardson has admitted that the Clinton-Gore administration was "caught napping" when it comes to fuel prices. And now the American people are forced to foot the bill for the Clinton-Gore failure. How unfair.

CONDEMNING ACTIONS OF IRANIAN GOVERNMENT

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

Mr. VISCLOSKY. Mr. Speaker, I rise today to condemn the actions of the Iranian government against 13 members of that Nation's Jewish community. The citizens arrested over a year ago have been accused of spying for Israel. Ten of the 13 have been in prison since their arrest last year. All have been brought before a court with no jury, in which the judge also serves as the prosecutor, to face accusations that they have not heard, without the assistance of a lawyer or any contact with their families or friends.

This would, unfortunately, not be the first time a show trial in Iran resulted in the deaths of members of the Jewish community. Since the Islamic revolution in 1979, 17 Jews have been executed in Iran. I say it is time for this to stop.

I call on those in Iran who represent reason and reform to intervene and prevent a brutal outcome to this trial.

GAS PRICES SOARING OUT OF CONTROL

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

Mr. SCHAFFER. Mr. Speaker, Americans are taking to the roads for summer vacations. At least that is what they would like to do.

Regrettably, rising gallons prices may keep many Americans from taking summer vacations this year. Gasoline prices are soaring out of control.

In the Midwest, those prices are nearing \$2.50 a gallon.

Americans across the Nation are paying for the failed energy policy of the Clinton-Gore administration. Thanks to them, our Nation is more dependent on foreign oil today than it was during the gas crisis of the Carter administration. Worst of all, the President famous for saying "I feel your pain" has an Energy Secretary who admitted he was "caught napping" when the energy crisis hit our Nation.

Well, Secretary Richardson should wake up and pay attention. Americans cannot afford much more of these outrageous gas prices. Americans are tired of getting gored at the pump.

REPEAL GAS TAX DURING GAS CRISIS

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

Mr. KINGSTON. Mr. Speaker, we have a Vice President who wants to do away with the internal combustion engine. And I guess that is fine, for the inventor of the Internet, who thinks all the world should go to the office on the information highway.

But with that information in mind, for the past 7 years we have had an administration that has locked up the strategic oil petroleum reserves in America, choking off our own domestic supply. We have had an administration who has taken great pride in blowing up dams out West, even though we get 10 percent of our energy from hydropower. And we have an administration who has closed off our oil pipelines in Alaska.

As a result, today Americans are paying anywhere from 50 cents to 75 cents to \$1 a gallon higher at the pump. It does not have to be this way. We need to have a coherent, cohesive energy policy that says if we need to be weaned from this evil internal combustion engine, let us do it so we do not have the hardships that we have at the pump for the American middle-class family.

I think we should repeal the 18 cents per-gallon gas tax and give Americans some relief.

GOLDEN OPPORTUNITY FOR PRE- SCRIPTION DRUG COVERAGE MISSED

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

Ms. DELAURO. Mr. Speaker, yesterday we missed a golden opportunity to make prescription drugs more affordable for America's seniors. We passed a sham Republican leadership bill that fails to give all the seniors the Medicare prescription drug coverage that they so richly deserve.

We need to have a prescription drug benefit that is affordable, that gives doctors the right to prescribe medications, that addresses soaring costs; and yet the proposal yesterday does not accomplish any of those goals. It does not cover all seniors, it does not give doctors and seniors the right to choose the best medications, and it does nothing to address the skyrocketing prices of prescription drugs.

The Democratic plan would provide American seniors with an affordable, voluntary, and reliable prescription drug coverage. The plan is firmly rooted in the Medicare program that seniors know and that they trust. In contrast, the Republican plan is complex, and it is built on an already failing HMO system.

The Republican leadership forced through this plan that gives seniors false promises and false hopes. It might be the right remedy for the insurance companies, but it certainly is the wrong remedy for America's seniors.

□ 1030

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.R. 4461.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOP- MENT, FOOD AND DRUG ADMIN- ISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4461

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with Mr. NUSSLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

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

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2001 appropriations bill for Agriculture, Rural Development, Food and Drug Administration and Related Agencies.

The subcommittee began work on this bill in early February when the administration produced its budget. We have had 11 public hearings, beginning on February 16; and the transcripts of these hearings, the administration's official statements, the detailed budget request, and several thousand questions for the record and the statement of Members and the public are all available in seven hearing volumes.

The subcommittee and full committee marked up the bill on May 4 and May 10 respectfully.

In the allocation process, our discretionary 302(b) allocation and budget authority will be \$14.548 billion and we are exactly at that level. The allocation for outlays will be \$15.025 billion, and we are slightly below that level.

We have tried very hard to accommodate the requests of Members and to provide increases for critical programs. From all Members of the House, we received about 350 letters with more than

2,900 individual requests for more spending.

I am pleased to inform my colleagues that the interest in additional spending in this bill is completely bipartisan. In spite of a very tight budget situation, we have managed to provide increases over fiscal year 2000 to several important programs. Some of those increases include the Animal and Plant Health Inspection Service, \$32 million; the Food Safety and Inspection Service, \$24.7 million; the Farm Service Agency, \$34 million; the Natural Resources Conservation Service, \$8.6 million; the Rural Community Advancement Program, \$82 million; WIC, \$35 million dollars; and the Food and Drug Administration, a net increase of \$57 million.

Most accounts have been frozen at the previous year's level, and many of those accounts have been at the same level for several years.

Mr. Chairman, we all refer to this bill as an agriculture bill, but it does far more than assisting basic agriculture. It also supports human nutrition; the environment; and food, drug, and medical safety. This is a bill that will deliver benefits to every one of our constituents every day no matter what kind of district they represent.

I would say to all Members that they can support this bill and tell all their constituents that they voted to im-

prove their lives while maintaining fiscal responsibility.

The bill is a bipartisan product with a lot of hard work and input from both sides of the aisle. I would like to thank all my subcommittee colleagues: the gentleman from New York (Mr. WALSH); the gentleman from Arkansas (Mr. DICKEY); the gentleman from Georgia (Mr. KINGSTON); the gentleman from Washington (Mr. NETHERCUTT); the gentleman from Texas (Mr. BONILLA); the gentleman from Iowa (Mr. LATHAM); the gentlewoman from Missouri (Mrs. EMERSON); the chairman of the full committee, the gentleman from Florida (Mr. YOUNG); the gentlewoman from Connecticut (Ms. DELAURO); the gentleman from New York (Mr. HINCHEY); the gentleman from California (Mr. FARR); the gentleman from Florida (Mr. BOYD); and the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

In particular, I want to thank my good friend the gentlewoman from Ohio (Ms. KAPTUR), the distinguished ranking member of the subcommittee, for all her good work on this bill this year and the years in the past.

Mr. Chairman, I include the following chart for the RECORD:

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary.....	15,435	2,914	2,836	-12,599	-78
Executive Operations:					
Chief Economist.....	6,408	8,612	6,408	.....	-2,204
National Appeals Division.....	11,707	12,610	11,718	+ 11	-892
Office of Budget and Program Analysis.....	6,581	6,765	6,581	.....	-184
Office of the Chief Information Officer.....	6,046	14,680	10,051	+ 4,005	-4,629
Office of the Chief Financial Officer.....	4,783	6,465	4,783	.....	-1,682
Common computing environment.....	.....	75,000	25,000	+25,000	-50,000
Total, Executive Operations.....	35,525	124,132	64,541	+29,016	-59,591
Office of the Assistant Secretary for Administration.....	613	629	613	.....	-16
Agriculture buildings and facilities and rental payments.....	140,343	182,747	150,343	+ 10,000	-32,404
Payments to GSA.....	(115,542)	(125,542)	(125,542)	(+ 10,000)	.....
Building operations and maintenance.....	(24,801)	(31,205)	(24,801)	.....	(-6,404)
Repairs, renovations, and construction.....	.....	(26,000)	.....	.....	(-26,000)
Hazardous materials management.....	15,700	30,073	15,700	.....	-14,373
Departmental administration.....	34,708	40,740	34,708	.....	-6,032
Outreach for socially disadvantaged farmers.....	3,000	10,000	3,000	.....	-7,000
Office of the Assistant Secretary for Congressional Relations.....	3,568	3,778	3,568	.....	-210
Office of Communications.....	8,138	9,031	8,138	.....	-893
Office of the Inspector General.....	65,097	70,214	65,097	.....	-5,117
Office of the General Counsel.....	29,194	32,881	29,194	.....	-3,687
Office of the Under Secretary for Research, Education and Economics.....	540	1,356	540	.....	-816
Economic Research Service.....	65,363	55,424	66,419	+ 1,056	+ 10,995
National Agricultural Statistics Service.....	99,333	100,615	100,851	+ 1,518	+ 236
Census of Agriculture.....	(16,490)	(15,000)	(15,000)	(-1,490)	.....
Agricultural Research Service.....	630,384	894,258	850,384	+ 20,000	-43,874
Buildings and facilities.....	52,500	39,300	39,300	-13,200	.....
Total, Agricultural Research Service.....	882,884	933,558	889,684	+ 6,800	-43,874
Cooperative State Research, Education, and Extension Service:					
Research and education activities.....	481,881	460,865	477,551	-4,330	+ 16,686
Native American Institutions Endowment Fund.....	(4,600)	(7,100)	(7,100)	(+ 2,500)	.....
Extension activities.....	424,174	428,236	428,740	+ 4,566	+ 504
Integrated activities.....	39,541	76,194	39,541	.....	-36,653
Total, Cooperative State Research, Education, and Extension Service.....	945,596	965,295	945,832	+ 236	-19,463
Office of the Under Secretary for Marketing and Regulatory Programs.....	618	635	618	.....	-17
Animal and Plant Health Inspection Service:					
Salaries and expenses.....	437,768	512,444	470,000	+ 32,232	-42,444
AQI user fees.....	(87,000)	(87,000)	(87,000)	.....	.....
Buildings and facilities.....	5,200	5,200	5,200	.....	.....
Total, Animal and Plant Health Inspection Service.....	442,968	517,644	475,200	+ 32,232	-42,444
Agricultural Marketing Service:					
Marketing Services.....	51,497	66,572	56,326	+ 4,829	-10,246
Standardization user fees.....	(4,000)	(4,000)	(4,000)	.....	.....
(Limitation on administrative expenses, from fees collected).....	(60,730)	(60,730)	(60,730)	.....	.....
Funds for strengthening markets, income, and supply (transfer from section 32).....	12,428	13,438	13,438	+ 1,010	.....
Payments to states and possessions.....	1,200	1,500	1,500	+ 300	.....
Total, Agricultural Marketing Service.....	65,125	81,510	71,264	+ 6,139	-10,246
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses.....	26,433	33,549	27,801	+ 1,368	-5,748
Limitation on inspection and weighing services.....	(42,557)	(42,557)	(42,557)	.....	.....
Office of the Under Secretary for Food Safety.....	446	560	446	.....	-114
Food Safety and Inspection Service.....	649,119	688,204	673,790	+ 24,671	-14,414
Lab accreditation fees 1/.....	(1,000)	(1,000)	(1,000)	.....	.....
Total, Food Safety and Inspection Service.....	649,119	688,204	673,790	+ 24,671	-14,414
Total, Production, Processing, and Marketing.....	3,529,746	3,885,489	3,630,183	+ 100,437	-255,306
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services.....	572	589	572	.....	-17
Farm Service Agency:					
Salaries and expenses.....	794,394	828,385	828,385	+ 33,991	.....
(Transfer from export loans).....	(589)	(589)	(589)	.....	.....
(Transfer from P.L. 480).....	(815)	(815)	(815)	.....	.....
(Transfer from ACIF).....	(209,861)	(265,315)	(265,315)	(+ 55,454)	.....
Subtotal, Transfers from program accounts.....	(211,265)	(266,719)	(266,719)	(+ 55,454)	.....
Total, salaries and expenses.....	(1,005,659)	(1,095,104)	(1,095,104)	(+ 89,445)	.....
State mediation grants.....	3,000	4,000	3,000	.....	-1,000
Dairy indemnity program.....	450	450	450	.....	.....
Subtotal, Farm Service Agency.....	797,844	832,835	831,835	+ 33,991	-1,000

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct.....	(128,049)	(128,000)	(128,000)	(-49)	.....
Guaranteed.....	(431,373)	(1,000,000)	(1,000,000)	(+568,627)	.....
Subtotal.....	(559,422)	(1,128,000)	(1,128,000)	(+568,578)	.....
Farm operating loans:					
Direct.....	(500,000)	(700,000)	(700,000)	(+200,000)	.....
Guaranteed unsubsidized.....	(1,697,842)	(2,000,000)	(2,000,000)	(+302,158)	.....
Guaranteed subsidized.....	(200,000)	(477,868)	(477,868)	(+277,868)	.....
Subtotal.....	(2,397,842)	(3,177,868)	(3,177,868)	(+780,026)	.....
Indian tribe land acquisition loans.....	(1,028)	(2,006)	(2,006)	(+978)	.....
Emergency disaster loans.....	(25,000)	(150,064)	(150,064)	(+125,064)	.....
Boll weevil eradication loans.....	(100,000)	(100,000)	(100,000)	.....	.....
Total, Loan authorizations.....	(3,083,292)	(4,557,938)	(4,557,938)	(+1,474,646)	.....
Loan subsidies:					
Farm ownership loans:					
Direct.....	4,827	13,786	13,786	+8,959	.....
Guaranteed.....	2,416	5,100	5,100	+2,684	.....
Subtotal.....	7,243	18,886	18,886	+11,643	.....
Farm operating loans:					
Direct.....	29,300	63,140	63,140	+33,840	.....
Guaranteed unsubsidized.....	23,940	27,400	27,400	+3,460	.....
Guaranteed subsidized.....	17,620	38,994	38,994	+21,374	.....
Subtotal.....	70,860	129,534	129,534	+58,674	.....
Indian tribe land acquisition.....	21	323	323	+302	.....
Emergency disaster loans.....	3,882	36,811	36,811	+32,929	.....
Total, Loan subsidies.....	82,006	185,554	185,554	+103,548	.....
ACIF expenses:					
Salaries and expense (transfer to FSA).....	209,861	265,315	265,315	+55,454	.....
Administrative expenses.....	4,300	4,139	4,139	-161	.....
Total, ACIF expenses.....	214,161	269,454	269,454	+55,293	.....
Total, Agricultural Credit Insurance Fund.....	296,167	455,008	455,008	+158,841	.....
(Loan authorization).....	(3,083,292)	(4,557,938)	(4,557,938)	(+1,474,646)	.....
Total, Farm Service Agency.....	1,094,011	1,287,843	1,286,843	+192,832	-1,000
Risk Management Agency.....	63,983	67,700	67,700	+3,717	.....
Total, Farm Assistance Programs.....	1,158,566	1,356,132	1,355,115	+196,549	-1,017
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund.....	710,857	1,727,671	1,727,671	+1,016,814	.....
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses.....	30,037,136	27,771,007	27,771,007	-2,266,129	.....
Operations and maintenance for hazardous waste management (limitation on administrative expenses).....	(5,000)	(5,000)	(5,000)	.....	.....
Total, Corporations.....	30,747,993	29,498,678	29,498,678	-1,249,315	.....
Total, title I, Agricultural Programs.....	35,436,305	34,740,299	34,483,976	-952,329	-256,323
(By transfer).....	(211,265)	(266,719)	(266,719)	(+55,454)	.....
(Loan authorization).....	(3,083,292)	(4,557,938)	(4,557,938)	(+1,474,646)	.....
(Limitation on administrative expenses).....	(108,287)	(108,287)	(108,287)	.....	.....
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment.....	693	711	693	.....	-18

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Natural Resources Conservation Service:					
Conservation operations	660,812	747,243	676,812	+ 16,000	-70,431
Watershed surveys and planning.....	10,368	10,368	10,868	+ 500	+ 500
Watershed and flood prevention operations.....	91,643	83,423	83,423	-8,220	
Resource conservation and development	35,265	36,265	41,015	+ 5,750	+ 4,750
Forestry incentives program	5,377			-5,377	
Total, Natural Resources Conservation Service.....	803,465	877,299	812,118	+ 8,653	-65,181
Total, title II, Conservation Programs	804,158	878,010	812,811	+ 8,653	-65,199
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development.....	588	605	588		-17
Rural Development:					
Rural community advancement program	693,637	762,542	775,837	+ 82,200	+ 13,295
RD expenses:					
Salaries and expenses		130,371	120,270	+ 120,270	-10,101
(Transfer from RHIF)		(409,233)	(375,879)	(+ 375,879)	(-33,354)
(Transfer from RDLFP)		(3,640)	(3,337)	(+ 3,337)	(-303)
(Transfer from RETLP)		(34,716)	(31,046)	(+ 31,046)	(-3,670)
(Transfer from RTP)		(3,000)	(3,000)	(+ 3,000)	
Total, RD expenses		(580,960)	(533,532)	(+ 533,532)	(-47,428)
Total, Rural Development.....	693,637	892,913	896,107	+ 202,470	+ 3,194
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family (sec. 502)	(1,100,000)	(1,300,000)	(1,100,000)		(-200,000)
Unsubsidized guaranteed	(3,200,000)	(3,700,000)	(3,700,000)	(+ 500,000)	
Housing repair (sec. 504)	(32,396)	(40,000)	(32,396)		(-7,604)
Farm labor (sec. 514)	(25,001)			(-25,001)	
Rental housing (sec. 515)	(114,321)	(120,000)	(114,321)		(-5,679)
Multifamily housing guarantees (sec. 538)	(100,000)	(200,000)	(100,000)		(-100,000)
Site loans (sec. 524)	(5,152)	(5,000)	(5,000)	(-152)	
Multifamily housing credit sales	(1,250)	(5,000)	(1,780)	(+ 530)	(-3,220)
Single family housing credit sales	(6,253)	(10,000)	(15,000)	(+ 8,747)	(+ 5,000)
Self-help housing land development fund.....	(5,000)	(5,009)	(5,000)		(-9)
Total, Loan authorizations.....	(4,589,373)	(5,385,009)	(5,073,497)	(+ 484,124)	(-311,512)
Loan subsidies:					
Single family (sec. 502)	93,830	208,780	176,760	+ 82,930	-32,020
Unsubsidized guaranteed	19,520	44,400	7,400	-12,120	-37,000
Housing repair (sec. 504)	9,900	14,176	11,481	+ 1,581	-2,695
Farm labor (sec. 514)	11,308			-11,308	
Rental housing (sec. 515)	45,363	59,124	56,326	+ 10,063	-2,798
Multifamily housing guarantees (sec. 538)	480	3,040	1,520	+ 1,040	-1,520
Site loans (sec. 524)	4			-4	
Multifamily housing credit sales	494	2,452	874	+ 380	-1,578
Single family housing credit sales	380			-380	
Self-help housing land development fund.....	281	279	279	-2	
Total, Loan subsidies.....	181,560	332,251	254,640	+ 73,080	-77,611
RHIF administrative expenses (transfer to RHS)	375,879			-375,879	
RHIF administrative expenses (transfer to RD)		409,233	375,879	+ 375,879	-33,354
Rental assistance program:					
(Sec. 521)	634,100	674,100	650,000	+ 15,900	-24,100
(Sec. 502(c)(5)(D))	5,900	5,900	5,900		
Total, Rental assistance program.....	640,000	680,000	655,900	+ 15,900	-24,100
Total, Rural Housing Insurance Fund	1,197,439	1,421,484	1,286,419	+ 88,980	-135,065
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(+ 484,124)	(-311,512)
Mutual and self-help housing grants	28,000	40,000	28,000		-12,000
Rural housing assistance grants	45,000	39,000	39,000	-6,000	
Farm labor program account		35,777	30,000	+ 30,000	-5,777
Subtotal, grants and payments	73,000	114,777	97,000	+ 24,000	-17,777
RHS expenses:					
Salaries and expenses	61,551			-61,551	
(Transfer from RHIF)	(375,879)			(-375,879)	
Total, RHS expenses	(437,430)			(-437,430)	
Total, Rural Housing Service	1,331,990	1,536,261	1,383,419	+ 51,429	-152,842
(Loan authorization)	(4,589,373)	(5,385,009)	(5,073,497)	(+ 484,124)	(-311,512)

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(38,256)	(64,495)	(38,256)		(-26,239)
Loan subsidy	16,615	32,834	19,476	+2,861	-13,358
Administrative expenses (transfer to RBCS)	3,337			-3,337	
Administrative expenses (transfer to RD)		3,640	3,337	+3,337	-303
Total, Rural Development Loan Fund	19,952	36,474	22,813	+2,861	-13,661
Rural Economic Development Loans Program Account:					
(Loan authorization)	(15,000)	(15,000)	(15,000)		
Direct subsidy	3,453	3,911	3,911	+458	
Rural cooperative development grants	6,000	11,500	6,500	+500	-5,000
National sheep industry improvement center revolving fund		5,000	5,000	+5,000	
RBCS expenses:					
Salaries and expenses	24,612			-24,612	
(Transfer from RDLFP)	(3,337)			(-3,337)	
Total, RBCS expenses	(27,949)			(-27,949)	
Total, Rural Business-Cooperative Service	54,017	56,885	38,224	-15,793	-18,661
(By transfer)	(3,337)			(-3,337)	
(Loan authorization)	(53,256)	(79,495)	(53,256)		(-26,239)
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(121,500)	(50,000)	(50,000)	(-71,500)	
Direct, Municipal rate	(295,000)	(300,000)	(295,000)		(-5,000)
Direct, FFB	(1,700,000)	(800,000)	(800,000)	(-900,000)	
Guaranteed		(400,000)	(400,000)	(+400,000)	
Subtotal	(2,116,500)	(1,550,000)	(1,545,000)	(-571,500)	(-5,000)
Telecommunications:					
Direct, 5%	(75,000)	(75,000)	(75,000)		
Direct, Treasury rate	(300,000)	(300,000)	(300,000)		
Direct, FFB	(120,000)	(120,000)	(120,000)		
Subtotal	(495,000)	(495,000)	(495,000)		
Total, Loan authorizations	(2,611,500)	(2,045,000)	(2,040,000)	(-571,500)	(-5,000)
Loan subsidies:					
Electric:					
Direct, 5%	1,095	4,980	4,980	+3,885	
Direct, Municipal rate	10,827	20,850	20,480	+9,653	-370
Direct, FFB					
Guaranteed		40	40	+40	
Subtotal	11,922	25,870	25,500	+13,578	-370
Telecommunications:					
Direct, 5%	840	7,770	7,770	+6,930	
Direct, Treasury rate	2,370			-2,370	
Direct, FFB					
Subtotal	3,210	7,770	7,770	+4,560	
Total, Loan subsidies	15,132	33,640	33,270	+18,138	-370
RETLP administrative expenses (transfer to RUS)	31,046			-31,046	
RETLP administrative expenses (transfer to RD)		34,716	31,046	+31,046	-3,670
Total, Rural Electrification and Telecommunications Loans Program Account	46,178	68,356	64,316	+18,138	-4,040
(Loan authorization)	(2,611,500)	(2,045,000)	(2,040,000)	(-571,500)	(-5,000)
Rural Telephone Bank Program Account:					
(Loan authorization)	(175,000)	(175,000)	(175,000)		
Direct loan subsidy	3,290	2,590	2,590	-700	
RTP administrative expenses (transfer to RUS)	3,000			-3,000	
RTP administrative expenses (transfer to RD)		3,000	3,000	+3,000	
Total	6,290	5,590	5,590	-700	
Distance learning and telemedicine program:					
(Loan authorization)	(200,000)	(400,000)	(400,000)	(+200,000)	
Direct loan subsidy	700			-700	
Grants	20,000	27,000	19,500	-500	-7,500
Total	20,700	27,000	19,500	-1,200	-7,500

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
RUS expenses:					
Salaries and expenses	34,107			-34,107	
(Transfer from RETLP)	(31,046)			(-31,046)	
(Transfer from RTP)	(3,000)			(-3,000)	
Total, RUS expenses	(68,153)			(-68,153)	
Total, Rural Utilities Service	107,275	100,946	89,406	-17,869	-11,540
(By transfer)	(34,046)			(-34,046)	
(Loan authorization)	(2,986,500)	(2,620,000)	(2,615,000)	(-371,500)	(-5,000)
Total, title III, Rural Economic and Community Development Programs	2,187,507	2,587,610	2,407,744	+220,237	-179,866
(By transfer)	(413,262)	(450,589)	(413,262)		(-37,327)
(Loan authorization)	(7,629,129)	(8,084,504)	(7,741,753)	(+112,624)	(-342,751)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services.....	554	570	554		-16
Food and Nutrition Service:					
Child nutrition programs	4,611,829	4,570,482	4,407,460	-204,369	-163,022
Transfer from section 32	4,935,199	4,967,574	5,127,579	+192,380	+160,005
Discretionary spending	7,000	8,000		-7,000	-8,000
Total, Child nutrition programs	9,554,028	9,546,056	9,535,039	-18,989	-11,017
Special supplemental nutrition program for women, infants, and children (WIC).....	4,032,000	4,148,100	4,067,000	+35,000	-81,100
Food stamp program:					
Expenses	19,605,751	19,730,993	19,730,993	+125,242	
Reserve	100,000	1,000,000	100,000		-900,000
Nutrition assistance for Puerto Rico	1,268,000	1,301,000	1,301,000	+33,000	
The emergency food assistance program	98,000	100,000	100,000	+2,000	
Total, Food stamp program.....	21,071,751	22,131,993	21,231,993	+160,242	-900,000
Commodity assistance program	133,300	158,300	138,300	+5,000	-20,000
Food donations programs:					
Needy family program	1,081	1,081	1,081		
Elderly feeding program.....	140,000	150,000	140,000		-10,000
Total, Food donations programs.....	141,081	151,081	141,081		-10,000
Food program administration	111,392	128,558	116,392	+5,000	-12,166
Total, Food and Nutrition Service.....	35,043,552	36,264,088	35,229,805	+186,253	-1,034,283
Total, title IV, Domestic Food Programs.....	35,044,106	36,264,658	35,230,359	+186,253	-1,034,299
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service and General Sales Manager:					
Direct appropriation	109,186	113,587	109,186		-4,401
(Transfer from export loans)	(3,231)	(3,231)	(3,231)		
(Transfer from P.L. 480)	(1,035)	(1,035)	(1,035)		
Total, Program level.....	(113,452)	(117,853)	(113,452)		(-4,401)
Public Law 480 Program and Grant Accounts:					
Title I - Credit sales:					
Program level.....	(176,000)	(180,000)	(180,000)	(+4,000)	
Direct loans.....	(145,298)	(159,678)	(159,678)	(+14,380)	
Ocean freight differential	21,000	20,322	20,322	-678	
Title II - Commodities for disposition abroad:					
Program level.....	(800,000)	(837,000)	(800,000)		(-37,000)
Appropriation	800,000	837,000	800,000		-37,000
Loan subsidies.....	119,813	114,186	114,186	-5,627	
Salaries and expenses:					
General Sales Manager (transfer to FAS).....	1,035	1,035	1,035		
Farm Service Agency (transfer to FSA)	815	815	815		
Subtotal	1,850	1,850	1,850		
Total, Public Law 480:					
Program level.....	(976,000)	(1,017,000)	(980,000)	(+4,000)	(-37,000)
Appropriation.....	942,663	973,358	936,358	-6,305	-37,000
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS).....	3,231	3,231	3,231		
Farm Service Agency (transfer to FSA)	589	589	589		
Total, CCC Export Loans Program Account	3,820	3,820	3,820		
Total, title V, Foreign Assistance and Related Programs.....	1,055,669	1,090,785	1,049,364	-6,305	-41,401
(By transfer)	(4,266)	(4,266)	(4,266)		

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2001 (H.R. 4461)—Continued
(Amounts in thousands)**

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VI - FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,037,861	1,156,905	1,117,905	+ 80,244	-39,000
Prescription drug user fee act	(145,434)	(149,273)	(149,273)	(+ 3,839)	.....
Subtotal	(1,183,095)	(1,306,178)	(1,267,178)	(+ 84,083)	(-39,000)
Rescission.....	.....	.....	-27,000	-27,000	.....
Total, Salaries and expenses (net)	(1,183,095)	(1,306,178)	(1,240,178)	(+ 57,083)	(-66,000)
Export and certification	(4,907)	(5,992)	(5,992)	(+ 1,085)	.....
Limitation on payments to GSA	(99,954)	(104,954)	(104,954)	(+ 5,000)	.....
Buildings and facilities	11,350	31,350	11,350	.....	-20,000
Advance appropriations, FY 2002.....	.....	23,000	.....	.....	-23,000
Total, Food and Drug Administration.....	1,049,011	1,211,255	1,102,255	+ 53,244	-109,000
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission.....	63,000	72,000	69,000	+ 6,000	-3,000
Farm Credit Administration (limitation on administrative expenses)	(35,800)	.....	(36,800)	(+ 1,000)	(+ 36,800)
Total, title VI, Related Agencies and Food and Drug Administration	1,112,011	1,283,255	1,171,255	+ 59,244	-112,000
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships.....	2,000	.....	4,000	+ 2,000	+ 4,000
Loss assistance for apples and potatoes (contingent emergency appropriations) .....	.....	.....	115,000	+ 115,000	+ 115,000
Sec. 388 Fair Act - NH	250	.....	.....	-250	.....
Total, title VII, General provisions	2,250	.....	119,000	+ 116,750	+ 119,000
TITLE VIII					
DEPARTMENT OF AGRICULTURE					
Commodity Credit Corporation					
Crop loss (contingent emergency appropriations)	1,200,000	.....	.....	-1,200,000	.....
Market loss (contingent emergency appropriations)	5,520,351	.....	.....	-5,520,351	.....
Specialty Crops:					
Peanuts (contingent emergency appropriations)	42,000	.....	.....	-42,000	.....
Suspend sugar assessments (contingent emergency appropriations)	42,000	.....	.....	-42,000	.....
Tobacco (contingent emergency appropriations)	326,601	.....	.....	-326,601	.....
Subtotal, Specialty crops.....	410,601	.....	.....	-410,601	.....
Oilseeds (contingent emergency appropriations)	467,974	.....	.....	-467,974	.....
Livestock and dairy (contingent emergency appropriations)	320,614	.....	.....	-320,614	.....
Upland cotton competitiveness (contingent emergency appropriations)	201,000	.....	.....	-201,000	.....
Extend milk price supports (contingent emergency appropriations)	-102,000	.....	.....	+ 102,000	.....
Crop insurance (contingent emergency appropriations)	400,000	.....	.....	-400,000	.....
Crop insurance discount associated costs (contingent emergency appropriations)	250,000	.....	.....	-250,000	.....
Water and waste loan forgiveness (contingent emergency appropriations)	2,000	.....	.....	-2,000	.....
Trade sanctions reform and export enhancement .....	.....	.....	.....	.....	.....
Total, title VIII.....	8,670,540	.....	.....	-8,670,540	.....
Grand total:					
New budget (obligational) authority.....	84,312,546	76,844,597	75,274,509	-9,038,037	-1,570,088
Appropriations	(75,842,006)	(76,821,597)	(75,186,509)	(-455,497)	(-1,635,088)
Rescission.....	.....	.....	(-27,000)	(-27,000)	(-27,000)
Contingent emergency appropriations	(8,670,540)	.....	(115,000)	(-8,555,540)	(+ 115,000)
Advance appropriations .....	.....	(23,000)	.....	.....	(-23,000)
(By transfer)	(628,793)	(721,574)	(684,247)	(+ 55,454)	(-37,327)
(Loan authorization)	(10,712,421)	(12,642,442)	(12,299,691)	(+ 1,587,270)	(-342,751)
(Limitation on administrative expenses).....	(144,087)	(108,287)	(145,087)	(+ 1,000)	(+ 36,800)

1/ In addition to appropriation.

NOTE: FY 2000 Enacted budget authority includes the impact of 0.38 percent reduction pursuant to P.L. 106-113.

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

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

Mr. Chairman, I thank the chairman for yielding me the time. I want to say that it is a great pleasure for me to rise today as we bring our bill to the floor, the fiscal year 2001 appropriation for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

I want to also begin by saying that this is the last bill that will be managed by my dear friend and colleague, the gentleman from New Mexico (Mr. SKEN), as chairman of the subcommittee because his limited subcommittee chairmanship has been reached under current House rules, which I certainly would like to change.

He is and has been such a leader, a fine gentleman in the true sense of the word, a caring chairman, an advocate for America's farmers and ranchers, and a true friend to every single Member of this institution. So I wanted to acknowledge his hard work on this bill. It has been a joy to work with him, and I number these days and years among the most memorable of my own life.

I also want to thank the subcommittee staff: Hank Moore, Martin Delgado, John Ziolkowski, Joanne Orndorf; and our detailees: Anne DuBey and Maureen Holohan; and to the minority staff leader David Reich; and Roger Szemraj of my own staff, for all the hard work that has gone into putting this bill together.

Let me begin by saying that I come to the floor rather conflicted this morning. This is a very, very important bill and one that we will focus on today. But we have just learned that, contrary to an agreement that was reached yesterday, the majority has chosen to place the sanctions language dealing with Cuba and Libya, the issue that we debated for hours here yesterday, into the supplemental appropriation bill, contrary to an agreement that had been reached with the minority.

This is creating a great disarray that I think threatens not just this bill but the supplemental and its ability to move through the Congress and, also, to be signed by the President. There are many programs in there, such as firefighting and so forth, that are needed immediately in the western part of the country.

I would just urge the Majority to remove that sanctions provision from the supplemental legislation. This is a violation of an accord that had been reached with the minority, and it truly places us in a most difficult position as we proceed forward with this bill today.

Now, let me say that this bill deals with the basics of life that touch every American every day, have already touched every one of us as we awak-

ened this morning, the food that we have eaten, the fiber that we wear, the fuel that we use to move vehicles and in industry, and forest production, all the land and water conservation programs that cover the vast majority of private lands in this country, the stewardship of those lands and the help that goes to those landholders is contained in this legislation.

The food that we ate this morning no doubt was influenced in millions of different ways by the research that has been supported over the years through the U.S. Department of Agriculture. All the marketing programs, the safety that we felt when we ate that food, that the milk was okay and that it was very healthy to eat, the various medicines that we take, our certainty that that medication will do what it says and if there is a side effect that it is labeled. All of the Food and Drug Administration programs come within our jurisdiction.

So this is a very important bill that goes to the center of life in America. And we hope by our example that we can influence the world's people as well.

The bill's spending level is at about a level of \$75.3 billion. Nearly a little more than 80 percent of that, or \$60 billion, is what we call mandatory spending, money that we have for important programs like the Commodity Credit Corporation reimbursements that are central to the operation of our farm assistance programs to those who produce that food, fiber, and forest product. So there is \$27.7 billion in the bill that goes to that major segment of this proposal.

The Food Stamp program, which helps those who cannot afford to feed themselves in this country, \$21.2 billion contained in this bill. An even more important program as Welfare to Work locks in across this country and our feeding kitchens and elderly feeding programs and so forth become short changed.

Our School Lunch program, \$5.4 billion, so that every child in this country will have decent food at least during the week while they are in school, \$5.4 billion, and \$1.5 billion for the School Breakfast program so those little urchins out there, their brains grow and, as they go to school, they are able to lead healthy lives and that they grow properly.

Our conservation programs, nearly a billion dollars here, working with all the private owners of America to make sure that the land and the water and the ditches and the runoff is handled properly. We are making progress there, but we certainly have a long way to go.

This is an incredible piece of legislation. Of the total amount of spending, \$75.3 billion, the discretionary amount, the part our committee struggles with so greatly, \$14.5 billion is, unfortu-

nately, \$400 million below the spending of the current fiscal year.

This is a very tight bill, hard choices had to be made. In fact, the entire bill is \$400 million below this year's spending when we discount the nearly \$3.7 billion that was provided in emergency assistance last year.

Now, I said that this bill came forward under difficult circumstances. The most recent nick, however, being the fact that the sanctions language was put into the supplemental against the will of the minority and against the agreement that was reached.

The allocation we were given by the Committee on the Budget makes it difficult to detail with responsible priorities submitted by the administration.

We are at least \$1.6 billion in this proposal under the administration's request for all programs and, as I mentioned, \$400 million under last year.

If we look at what was done in the supplemental, which is linked to this bill directly, there was nearly \$400 million in the supplemental that we were expecting to help cushion the cuts and the lack of full support in this bill, and we were told yesterday that that has now been reduced by \$204 million, which means that there is only about \$195 million left in the supplemental, which absolutely underfunds these programs at a time when rural America is just caving under the continuing low price situation, the drought, the high water levels in other parts of the country.

To be underfunding agriculture at a time when rural America is in recession makes absolutely no sense to this Member.

Now, the bill, as best as we were able to try to fund programs that are so necessary, does have some additional problems. For example, in the Animal and Plant Health Inspection Service, we do not provide the resources requested by the President. In fact, we are \$53 million below his request for funds to deal with the growing infestation in this country by invasive species, other pests, and viruses.

For example, in the area of citrus canker in Florida where entire orange and lime crops are threatened, we do not have funding sufficient to deal with the eradication nor with trying to prevent further spread of that particular problem.

The same is true with Pierce's disease in California. The Administration released about \$12 million this past week, but that is not sufficient to deal with the vineyard problems all throughout California. Plum pox in States like Pennsylvania, which are affecting our fruit crops, all of these dollars that were proposed by the minority to try to deal with the Animal and Plant Health Inspection Service have not been fully provided.

I can tell my colleagues that failure to deal with these pests and failure to

deal with prevention will mean costs in the future of billions and billions and billions of dollars to deal with something like the Asian Longhorn Beetle, which is destroying our hardwoods in Chicago and in New York. This is not an insignificant issue. It has long-term consequences.

There are cuts in this bill, unfortunately, for the Food for Peace program \$37 million below the President's request.

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We keep saying that access to foreign markets is what will help our farmers recover from low prices, but at the same time we disarm ourselves by failing to provide the level of resources we need to get the job done and move our product into other markets, certainly when we have a surplus, to those people in our country and around the world who remain hungry and in fact in many quarters of the world that are starving.

In this bill also we fail to adequately fund or place restrictions on the use of funds to deal with the problems faced by the most needy and the most powerless people in our country. For example, there are insufficient funds in this bill for the 1890 colleges, those colleges that have been dealing with those historically discriminated against in our society, as we try to spread the knowledge of the Department of Agriculture in all of its different aspects throughout the university and college systems of this country.

Further, the bill prohibits further expansion of the Colonias initiative to deal with the tremendous pollution at the southwestern border of Mexico with Texas, New Mexico, and Arizona.

So there is no additional funding in the bill for that important effort.

Finally, if we think about our food programs in general, the underfunding is largely in the area of food programs, certainly food stamps, our school breakfast, our school lunch, our elderly feeding programs, the Women Infants and Children feeding program.

Totally, the funding in this bill is about a billion dollars under the administration's request.

On the conservation front, which is so important to us, as the most productive land on Earth, the conservation programs are \$65 million below the President's request in what we were able to provide in this bill. With the significant erosion problems, the drought problems and in my part of the country the significant water runoff problems right now, they are having a real impact on our ability to hold soil and prevent leaching into our ditches, rivers and ultimately lakes. These conservation programs are more important than ever.

Now, in terms of the overall bill, while we do not provide all prudent increases that I have just talked about,

we do not cut most programs under current operating levels, and we do provide some modest increases in rural economic and community development programs, and we have provided vital support for the Food and Drug Administration.

I would be remiss if I stood on this floor, however, and I did not remind Members that in this supplemental bill, however, there were severe cuts made in important agriculture programs such as the replacement of our Food and Drug Administration building in Los Angeles. That was cut from the supplemental, and we do not cover it in this bill. We did not provide sufficient funding for our technical assistance providers for our natural resource and conservation programs to help people apply for the Conservation Reserve and Enhancement program, the Wetlands Reserve program, the Conservation Reserve program. This bill, and the supplemental, are underfunded in those areas.

The supplemental, and this bill does not replace the funding for the renovation of the south building here in Washington, D.C. Our own Department of Agriculture, which is very old, gets lots of tourists, lots of visitors and needs to be repaired. Neither in this bill nor in the supplemental are those kinds of concerns taken care of.

We have dozens and dozens of amendments we will be considering today, and I will just end with the request, respectful request of the majority, please do not violate the agreement that was reached with the minority to remove the sanctions language from the supplemental bill. This is going to cause us havoc on the floor here. It is going to cause havoc on the floor of the other body. It was our understanding that the sanctions language for Cuba, for Libya, for North Korea, for Sudan, for Iran, would not be put in the supplemental bill. That was done last night, violating an agreement that Members of the minority party had signed, and I would just beg the leadership of this institution to reconsider that very ill-timed decision.

This bill is too important to be hung up in a partisan war over the sanctions issue on the supplemental bill, and this bill will be held hostage to that debate.

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

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

Mr. LATHAM. Mr. Chairman, I very much appreciate the opportunity to stand here in support of this bill. I think this is an effort that obviously under very tight budget constraints the gentleman from New Mexico (Mr. SKEEN) has done an outstanding job, and I want to commend the chairman, a great leader in agriculture, a good friend to all farmers and ranchers and

someone who I admire very much personally, and the gentlewoman from Ohio (Ms. KAPTUR), who I have had the pleasure in working with on various issues.

This bill, I think, does a lot of very, very good things as far as the farm service agencies. The people in our county offices are under tremendous stress today. The workload is unbelievable that they are having to deal with, and they are on the front line of service to our farmers. I am very pleased that the committee has funded to the President's request, and I think we always have to look at additional funding and directing that funding to the local offices rather than the bureaucracy here in Washington.

Agricultural credit programs, \$1.475 billion over last year, and this, I think, is very, very positive; rural housing loan authorizations increased by \$484 million over last year. As far as Iowa, this is very, very good news for us; and I in particular want to thank the chairman for including \$9 million for the National Animal Disease Center to be built in Ames, Iowa.

This is a first step to what I think is an extraordinarily important project as far as animal health, as far as disease research, and really as far as protecting our food supply for the public. This is going to go a long ways. The current facility was built back in the '60s. This is a very, very important project for the whole country but in particular for Iowa. To have this centered in Iowa I think is very, very important, which is obviously the center of livestock production, especially in the pork industry.

One item, it is a small item, but I think very important to a lot of farmers out there to keep them in agriculture, the AgrAbility program we continue to fund at \$3 million. This helps handicapped farmers be able to stay on the farm, be productive, a small program that does so much good for a lot of people who love agriculture, want to stay there. I think this is a very good example of our dollars being used in a very positive way.

In closing, again I want to thank the chairman, the ranking member, the gentlewoman from Ohio (Ms. KAPTUR). The staff has done an outstanding job.

Ms. KAPTUR. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), a very distinguished member of the subcommittee.

Ms. DELAURO. Mr. Chairman, I would like to extend my deep thanks and appreciation to our chairman, the gentleman from New Mexico (Mr. SKEEN), our ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for all of their hard work in crafting this

bill. It is a tough job to balance the important priorities that the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies needs to address each and every year. As my colleague, the gentlewoman from Ohio (Ms. KAPTUR) pointed out, this bill really does deal with the basic sustenance of life for folks in our country.

I might add that the unrealistic budget constraints that have been placed on the subcommittee made our work even more difficult, made their work more difficult this year. As always, there was the effort to work together in a bipartisan fashion to try to do what is best for American farmers and for all of America's families. So I think that that, in fact, is a tribute to the chairman and to the ranking member.

Let me add my voice to that of my colleague, the gentlewoman from Ohio (Ms. KAPTUR), and encourage the majority to please remove the sanctions legislation from the supplemental bill, because it in fact violates the agreement with the minority, and it places enormous restrictions on both this bill and on the supplemental bill.

We did not come here to do harm, especially in light of having an agreement that was made and just willy-nilly violated last evening. That is wrong. We are going to hold up the process in both of these pieces of legislation which contain basic relief and help to farmers in the United States, plus people who are waiting to see what is happening in here for relief of all kinds in both of these two bills.

We have tried to work together under the constraints, as I said, of the budget forces to shortchange a number of important priorities.

The subcommittee has been denied the opportunity to meet America's priorities and reflect the values, to provide a strong safety net for farmers in crisis, to ensure safe foods on America's dinner tables, and to guarantee the proper nutrition for the children and the elderly.

We could have better provided for these priorities if we had a budget resolution that did not put tax cuts for the wealthy above the needs of hard-working, middle-class American families across this country.

Each year contaminated food causes up to 81 million cases of food-borne illnesses, as many as 9,000 deaths. It costs Americans over \$8 billion a year in lost work and medical care. The situation requires decisive action. This bill undermines progress by underfunding the Food Safety and Inspection Service by more than \$14 million. When one wants to take their youngsters out to dinner, they want to know that they are going to go some place and they are going to be safe and sound with whatever they are eating on those tables.

The WIC program guarantees women and children receive solid nutrition and

health advice. We could have covered more people if we increased the allocation for the WIC program.

My final comment is that there is a great crisis facing farmers today. They are begging Congress to do something. We must. It is our responsibility. The allocation dealt the subcommittee prevents it from fully addressing the depression-level prices our farmers face.

We need to emphasize Congress' responsibility to ensure the long-term safety and security of all Americans and their families. People deserve our highest commitment to these goals.

Mr. SKEEN. Mr. Chairman, I yield 8 minutes to the gentleman from Georgia (Mr. KINGSTON), a member of our subcommittee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for yielding me the time to speak.

Mr. Chairman, I stand in strong support of this bill. I think this bill is philosophically in line with the objectives of this Congress in that it has common sense fiscal responsibility and balances social needs, agriculture-business needs.

This Congress, on a bipartisan basis in 1997, signed off on a budget that said these will be our priorities. We are going to protect and preserve the Social Security system, and we have done that. We now have a surplus in Social Security.

We said, number two, we are going to protect and preserve Medicare, and we have done that. Many of us remember working very hard in somewhat shock after the 1995 Medicare trustee's report came out saying Medicare would be bankrupt in 3 years if we did not act to do something on it.

Well, this Congress on a bipartisan basis did do something, and now we have protected and preserved Medicare.

The next priority is to pay down the debt, and this Congress has paid down over \$350 billion in debt relief. As a result of this fiscal responsibility, this common sense approach to governing, we now have a budget surplus. This surplus, Mr. Chairman, should not be squandered on more government expansion and political initiatives designed to corral in another constituency group. It should be very careful to keep in mind that the money that we spend here in this Chamber does not belong to us. The Government has no money. The money belongs to the people, the hard-working taxpayers. So with that approach in mind, we have a budget here on agriculture and related agencies of about \$76 billion.

Now, half of that money goes to feeding programs, nutrition programs, funding for the poor feeding-type programs, nutrition for the poor, people who are socially disadvantaged. Half the money goes to that.

□ 1100

I make that point, because so many people look at agriculture from the cit-

ies and they sneer and they say, \$76 billion for farmers. Guess what? It does not go to farmers. Half of the money goes to children in inner cities, and they need it; the other balance of that goes to, among other agencies, the Food and Drug Administration, very careful, each one of us take medicines, have a loved one that takes medicines. This bill funds that.

Farm service agencies, conservation reserves and also research gets the balance of that money; very few dollars go directly to the farmers.

Let me say something on behalf of America's farmers. We have less than 2 percent of our population today who are directly farming. We have maybe a little bit more, if we count the romantic farmer, and I would say that would be somebody who works in the city and has a 40-hour-a-week job, but they have inherited some land or they have that gnawing that we all have, they want to have a piece of property and they want to work with their hands. They are part-time farmers. They often skew the statistics of who is out there actually farming and who is not. Certainly if they have some acres under cultivation, it goes into food, it is part of food production.

The true farmers, Mr. Chairman, are less than 2 percent these days and, yet, that small sector of our population feeds 100 percent of us and a great portion of the rest of the world, and we can feed more of the world.

I think that our farmers need eight things as we debate agriculture policy: number one, they need good credit; number two, they need a crop insurance program that works; number three, they need good conservation programs; number four, they need good specialty programs; number five, they need market relief, international market relief; number six, they need regulatory relief; number seven, they need tax relief; and number eight, they need good basic research.

Mr. Chairman, I wanted to just elaborate a little bit more on this, and I will try to go quickly. We on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies are limited as to what we can do with need number one, credit. But we can work with institutions, and we can work through our other committees.

We can work with the private sector to try to say one of the big things we hear day in and day out from our farmers is the need for long-term credit. Just like any other business, they are at risk. They invest money. The return comes when they harvest, sometimes the return is not there because of disaster, but they need long-term and short-term credit.

Number two, they need a good crop insurance program. A crop insurance program that is based on the cost of production, a crop insurance program

that rewards them for good farming practices which reduce losses, and crop insurance that would serve them the same way a commercial business is served by commercial and fire insurance; something that is understandable.

Number three, conservation programs. Just think how much money we could save during a farm disaster, during the time of a drought if we had money available for irrigation systems, smart farming systems, and for building dams. If farmers could get water on a regular basis and get it abundantly and inexpensively, it would truly reduce the costs of farm disasters.

Number four, as I said before, we need specialty programs, good specialty programs. I come from peanut country. It is amazing the number of people that say well, the peanut program is a strange ag program; that is not unusual. A lot of ag programs are very hard and complex to understand. I can say this, do we know what it does? It makes it possible for the young couple to stay on the farm and not move off to Atlanta, Georgia and sell real estate or not to move to Savannah and become a medical doctor, but it makes it possible for them to have a steady cash flow and stay on the farm.

It makes it possible for the consumers of America to have a cheap and abundant supply of peanuts; the same is true with all the other myriad of specialty programs.

Number five, they need market relief. When we can buy oats at the Port of Brunswick, Georgia cheaper than we can raise them in Millen, Georgia, we have a problem. Even with all the greatest of farm technology, we should be able to grow oats cheaper domestically than importing them. Because some of our international ag competition subsidizes their farmers heavily, it makes our farmers have a disadvantage in the marketplace.

We do need to have market relief. Market promotion is part of that. I love the idea that my district's vidalia onion can be eaten and bought all over the world because they are the best and most delicious onions that have ever been made. We all know that. The folks all over the globe ought to be eating them. We need to have a program that promotes them and lets our farmers develop markets overseas.

Number six, regulatory relief. It is not fair for our farmers to be restricted in what kind of fertilizer, what kind of pesticides they can use when farmers south of the border in Mexico or north of the border in Canada or wherever else can use the same fertilizers that are banned here. We need to work with our international partners. If a fertilizer is bad here, it ought to be bad anywhere in the globe; and we should be protected from those markets dumping on our farmers.

Number seven, tax relief. If we do not have estate or a death tax relief, that

farm cannot be passed on to the next generation. It is economically prohibitive.

Number eight, we need good research. This bill will always catch a lot of grief. Oh, they are spending millions or thousands of dollars to study the mating habits of some obscure fly or a worm. That makes a good little press hit and a good humorous article in Reader's Digest or a great one-liner for Jay Leno, but the reality is a lot of the times ag research can save American consumers millions of dollars in lowering the cost of production.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) has 16 minutes remaining and the gentlewoman from Ohio (Ms. KAPTUR) has 12½ minutes remaining.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of our time, if the gentleman from New Mexico (Mr. SKEEN) would like to call on another speaker so that we are more balanced in our time.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. EWING), the chairman of the Subcommittee on Risk Management, Research and Specialty Crop.

Mr. EWING. Mr. Chairman, I thank the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies for yielding me the time.

Mr. Chairman, I rise today in support of this appropriations bill, H.R. 4461. This committee, the Committee on Appropriations, this Congress, the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies have recognized the tremendous problems in American agriculture over the last 3 years.

This bill goes along and provides the additional money which we need in discretionary spending for the year 2001. The bill also provides important funding for initiatives dealing with biotechnology, soybean diseases and aflatoxin and corn; particularly, biotechnology, an issue of critical importance to our farmers in America and our trading partners in Europe.

This is a good piece of legislation which will go a long way in assisting our struggling agricultural economy.

Mr. Chairman, I ask the rest of my colleagues to help American farmers and ranchers by voting yes on H.R. 4461.

Ms. KAPTUR. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the full committee.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, we have had one of the wonders of congressional history plaguing every farmer in this country the past few years; it has been called the Freedom to Farm Act. And under

that act, farmers have had the freedom to experience record lows in the prices they are getting for their products.

Dairy farmers, for instance, are getting about 40 percent less than they were getting just a few years ago for every hundred pounds of milk they sell, and you have lots of other commodities where farm prices are in the tank. You have suicide rates in farm-dominated counties at very high levels, and one would think that a Congress, which is supposedly dedicated to the free market to letting the "wondrous" market forces work, would insist that you have really true markets.

Mr. Chairman, but if you look at the adequacy of this budget in terms of enabling the U.S. Department of Agriculture to assure that we have the tools to prevent undue market concentration so that you can maintain real markets, you see this bill is woefully inadequate.

One of the great Supreme Court justices in our history noted once that a free market is the most essential ingredient in our capitalist system for any legitimate business to function, and yet you see four companies now control 81 percent of the cattle purchases, beef processing, and wholesale marketing.

You see that four companies now control 56 percent of the pork market, and you see the same concentration in other areas; poultry, for instance. And this bill is grossly inadequate to prevent that problem from getting worse.

We also have seen in the supplemental all efforts to help our farmers on the commodity price front have been stripped from that bill, so at this point that bill does not do anything for farmers. It pretends to do something on allowing additional exports. But in reality, it is a drop in the bucket, because of loopholes in the provision which was put in the conference report last night after the conference report had been signed, which is why I had to remove my name from that conference report, regrettably, because I had intended to try to support that bill.

I do not believe in keeping my name on an agreement after that agreement has been unilaterally altered. I think that practice is offensive or ought to be to this House.

I am going to ask Members, when the time comes, to vote against this bill, because this bill certainly is not adequate to our challenges on the farm front. It is not adequate with respect to pest control. It is not adequate with respect to agricultural research. It is not adequate with respect to rural development.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I would just commend the gentleman from New Mexico (Mr.

SKEEN) for his work on this bill. I just wanted to add basically one editorial comment and, that is, that I do have one reservation on this bill that I would like to touch on, and; that is, I think that what was worked out with Cuba has a fatal flaw, and that is, if we propose to offer food and medicine without the ability to travel, I think we are making a real mistake.

I would say that for a couple of different reasons. First of all, the present policy in Cuba has not worked. We changed welfare, because it supposedly did not work. Here we have a policy that has been in place for 40 years that has not worked, and we are not going to change it. That, to me, does not make common sense.

Mr. Chairman, I would say also it does not make common sense from the standpoint of history, which interesting thing is, that one of the tools that Ronald Reagan used in changing things behind the Berlin Wall was travel, allowing young kids with backpacks to travel in the international community, in South Africa, apartheid South Africa, allowed people to travel, actually promoted the exchanges with young kids coming to America or American kids going there, so we had one-on-one personal diplomacy. It was key to changing things down there.

Mr. Chairman, the other reason I do not think the present policy works and, therefore, I think it was tragic that it was incorporated in this bill, I think that Americans have a constitutional right to travel. We can travel anywhere in the globe with the exception of Sudan and Iraq and Cuba, that makes no sense to me.

We can travel to North Korea. They are developing nuclear weapons. They are sending bombs over to the top of Japan. We can travel to Serbia. We just bombed the place, but we cannot travel to Cuba. That makes no sense to me. In fact, *Zemel v. Rusk*, which was a Supreme Court decision back in the 1960s, said Americans have the right to travel unless there are overwhelming military reasons not to do so.

□ 1115

The Defense Intelligence Agency in 1998 said, there is no military threat from Cuba, so Americans ought to be able to travel there from a constitutional right.

Finally, it is inconsistent with the notion of engagement. Engagement is what this body proposed. China engagement is what this body has proposed in many places around the globe, but for some reason we will not do that with Cuba, and that is inconsistent with what I heard when I traveled down there myself from political dissidents and independent journalists who said, if we want to change things in Cuba, we need to change the embargo.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Cali-

fornia (Mr. FARR), who is such a hard-working, able member of the subcommittee.

Mr. FARR of California. Mr. Chairman, I rise as a very proud member of the Subcommittee on Agriculture of the Committee on Appropriations, and I have to say that it is an incredible joy to serve under the chairmanship of the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member. I think the camaraderie on this committee is one of the most outstanding in all of the House.

The underlying bill that we are debating today is about appropriating money for the U.S. Department of Food and Agriculture. The difficulty with this bill is the allocation that was given to the committee is far less than it was last year, so we have to squeeze a lot of funds; and in the end, we squeeze a lot of programs that probably should not be squeezed.

We squeeze funding shortfalls for food safety. This bill underfunds the budget request for USDA by about \$14 million. They inspect meat and poultry. I am not sure that people want us to have shortfalls and an inability to inspect meat and poultry.

It shortfalls the resources to deal with market concentration and abusive practices. One of the biggest problems in America is that we are finding that the consolidation of markets is making the prices stay low. It is good for the consumers, but it is also putting a lot of restraints on the ability to get the best price for a farmer's crop. In addition to that, there are all kinds of slotting fees and other things. They underfund the request from the President, which was about \$7 million; and they only gave them \$1 million, a little over \$1 million.

It falls short by \$53 million for new and the spreading diseases that we have in agriculture and pests.

On conservation programs, the bill falls short \$70 million from the budget request for conservation operations at the Natural Resources Conservation Service.

The list goes on and on, and probably one of the most difficult or hardest hit is the rural areas of the United States.

Speaking of the rural areas, I would just like to say, this bill is not about the sanctions that were lifted by this committee. It is about the fact that the sanctions were taken out by a rule. That greatly disturbs us.

The CHAIRMAN. The gentleman's time has expired.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman.

The concern here is that in a bipartisan fashion, we funded the farmers of this country who grow the food that feeds the people, that feeds the chil-

dren through school lunch programs and school breakfast programs and infants and newborns, and feeds the elderly through Second Harvest and Meals-on-Wheels; but we cannot sell that food to countries like Sudan, Libya, North Korea, Iran, and Cuba. We voted to lift those sanctions to allow that food to flow to those countries.

That is what the concern is here, that the rule was adopted last night which does not allow this. The promise was made that it would be in another committee report, but it was not there. It was not there last night when I checked. I am very concerned about this.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BOYD), a member of the subcommittee.

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

I want to thank the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for their wonderful leadership on getting us to this point where we have this legislation on the floor today.

Mr. Chairman, 4 years ago, in 1996, when we changed, significantly changed, this Congress changed the agricultural policy of this country with the so-called Freedom to Farm bill, that was a very drastic change and a move in the opposite direction of the way we had managed our agricultural policy in this country for the last 60 or 70 previous years.

At that time, our farmers were promised that in exchange for the support program that had been in place for that 60 or 70 years, that the farmers would be given two things, as I recall. One was they would be given access to worldwide markets which would assist us in keeping a price at a level where our farmers could make a profit. The other was some decline in the excessive regulation that exists at the farm level.

Now, it is obvious after 4 years that neither one of these promises have been delivered upon. I think we should have known back in 1996 that the regulation that is in place is put there in many cases for a good purpose, and we are not going back on that. Meanwhile, we have been unable to deliver the worldwide markets that we promised in 1996.

What we are experiencing today is worldwide low commodity prices at levels where our farmers really are not able to make a profit in the long term. If that is the only source they had, they would not be able to sustain themselves and stay in business. As a result, this United States Congress comes in every year with an ad hoc disaster assistance program.

The CHAIRMAN. The time of the gentleman from Florida (Mr. BOYD) has expired.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. So, Mr. Chairman, we have a situation where the current agricultural policy is costing this Treasury more than it ever has in the past. As a matter of fact, in the 4 years since we have had Freedom to Farm, we have spent more money out of the Treasury trying to sustain our agricultural industry. Mr. Chairman, it is a national security issue. We should not allow this agricultural industry to be weakened, because we never want to rely upon another country for our food supply.

Mr. Chairman, this bill I think is the best that we can do, given the limited resources that we have. I am concerned about the fact that the subcommittee worked its will, the full committee worked its will, it went to the Committee on Rules, and now all of the rules have been changed, some of the sanctions language that was put in there will now be removed, and I do not think that is the way we should operate.

So I do have some concerns about that, however. But my larger concern is about the national agricultural policy we have in place today.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a very able and distinguished member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR), my leader, for yielding me this time.

First of all, I want to express my appreciation to our chairman. I have never met a more affable man, nor a better gentleman, and to say it has been a pleasure to serve under his leadership for the past 2 years on this subcommittee is, frankly, an understatement. It has been more than that, and it has been a learning experience as well.

I particularly want to thank our chairman for the help and consideration that he and his staff provided in recognizing some of the agricultural problems that exist in the northeastern part of the country and elsewhere as well. Particularly with regard to apples and, to some extent potatoes, as a result of that cooperation, we were able to obtain in this bill \$115 million, which will provide assistance for apple-growers in New England and New York and elsewhere around the country whose crop has been hard hit, first of all, by economic circumstances and secondly, by weather, hurricanes, and hail over the course of the last couple of years.

I can tell my colleagues that the apple farmers in New York are going to be very grateful for this assistance. It is modest assistance. Yes, it is. Nevertheless, it is assistance that is very

desperately needed and will be very greatly appreciated.

In addition to that, we have another amendment in this bill which I was able to pass through the subcommittee again, with the blessings of my chairman and the help of the staff to provide \$57 million for additional rural development. I think that that is very important. The bill itself underfunded rural development, not because of deficiencies in the approach by our Chairman, but by the fact that the allocation was so low. Now with his assistance, we have been able to provide an additional \$57 million in rural development assistance in various places across the country.

So for these two measures particularly, I want to express my appreciation to the chairman for this legislation. I do not want to give the impression that that is perfect by any means. There are certain aspects of the bill which need improving which we will point out as we go through the debate, but I do want to again express my appreciation to the chairman for his leadership and for the pleasure it has been working with him through this process.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), who is such an able representative of rural America, and certainly all of the agricultural facilities and interests in Beltsville, probably the most important research station in the world.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her comments with reference to the Beltsville Agricultural Research Center.

I rise not to talk about the substance; I know there is some concern expressed by the gentlewoman from Ohio and the gentleman from Florida and others about exactly where this bill is now; but I do want to say to the gentleman from New Mexico (Mr. SKEEN) that I echo the remarks of the gentleman from New York (Mr. HINCHEY). There is no more affable individual nor better friend to any of us in this House than the gentleman from New Mexico (Mr. SKEEN), an honorable, decent and good legislator; and I thank him for his help.

I rise simply to say that we do have a lot of interests in my district in farming and agriculture. We have a lot of interest obviously in the Beltsville Agricultural Research Center, and I want to thank the gentleman from New Mexico for his focus on those concerns and certainly the gentlewoman from Ohio, who does such an extraordinary job on behalf of the agriculture community, not just in Ohio, but throughout this country. I thank both of them for their leadership. Very frankly, it is unfortunate that we do not work together as collegially in every instance as I know these two do and we do on our committee.

I might say in closing that I trust that we can get back at some point in time during this process to where we were when we came out of committee.

Mr. SKEEN. Mr. Chairman, I reserve the balance of our time.

Ms. KAPTUR. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI), who is, by the way, a very involved member of the authorizing Committee on Agriculture, and we are very pleased that he is down here on an appropriation bill.

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentlewoman, the ranking member, for her leadership on agricultural issues in making sure that agricultural energy issues are addressed on a national stage. So we appreciate her leadership.

I want to thank the chairman of the committee also for his leadership in being able to recognize the needs of the Northeast in developing this legislation. We certainly do appreciate the focus that has been given to apples and potatoes. We also appreciate the focus that has been given to value-added in research, recognizing, as we get to a global economy, that we have to be able to give our farmers the latest research and technology and the opportunities to add values for farmers and farmer-owned cooperatives, and to be able to market those goods around the world.

I rise also to thank the appropriators for doing the best that they can under trying circumstances with a very important spending bill. This bill impacts the lives of more than farmers. There are programs for the hungry, for food safety initiatives and economic development proposals which all get funded through this bill. I want to say it has been a pleasure to work with the appropriators, the chairman of the subcommittee and the ranking member, and the members of the committee. Working with the gentleman from New York (Mr. HINCHEY), the gentleman from New York (Mr. WALSH), and the gentleman from New Mexico (Mr. SKEEN) and others on the committee has been a very rewarding process.

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And recognizing that Rome was not built in a day and rocky roads lead to the Promised Land, I want to thank the gentleman and use this as a very good first step.

Ms. KAPTUR. Mr. Chairman, could I ask, what is the remaining time on both sides, please.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) has 9½ minutes remaining; the gentlewoman from Ohio (Ms. KAPTUR) has 2 minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield our remaining 2 minutes to the gentleman from Minnesota (Mr. PETERSON), one of the most active and insightful members of the authorizing

committee from the State of Minnesota, which has weathered such difficulties in the agricultural sector.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

Mr. Chairman, I rise today first of all to compliment the gentleman from New Mexico (Chairman SKEEN) and the gentlewoman from Ohio, our ranking member, for all the hard work they do for us in the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, as well as all the members of the committee. They have a tough job and by and large they do a pretty good job.

As the gentlewoman said, I represent an area that has had a lot of difficulties the last number of years. This year we had probably the best crop coming that we ever had, and about a week ago we got 7 inches of rain. Now I have one county that is pretty much under water. What I wanted to talk about today a little bit is the situation that we are in.

In the 1996 bill, we eliminated the disaster programs with the idea that we were going to fix crop insurance. The foreign markets were going to help us keep the prices up where they needed to be. We finally got a pretty good crop insurance bill through; the problem is that it does not really take effect until next year.

So in 1998 and 1999, we passed ad hoc disaster programs that helped out a lot of people. We did not fund them completely, but it made a big difference. We have had the extra AMTA payments which have helped people. But I have an area now that these folks have lost their crop now. This is the seventh year in a row for these people that are under water now.

Mr. Chairman, my plea is that for these people, and any others around the country that are having these kinds of problems that are of no fault of their own, that we look at doing another disaster program for the year 2000, because the crop insurance fixes that would have helped some of these people, as I said, are not going to take effect until next year. Frankly, if we are going to keep these people in business, and it is literally one whole county, they need a Federal disaster program to underpin the crop insurance that they are going to get that is not going to cover the cost of production.

So I would ask the chairman and the ranking member of the subcommittee, as we go through this process that they remain open to the possibility of having a disaster program for the year 2000 for some of these folks that have had this problem.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON) a member of the subcommittee.

Mrs. EMERSON. Mr. Chairman, I want to rise in support of this bill today and thank the gentleman from New Mexico (Mr. SKEEN) for his strong leadership on issues of importance to America's farmers and ranchers.

My friend, the gentleman from New Mexico, has been a great champion of agriculture as chairman of this subcommittee, and it has been an honor for me to serve with him, as it is for me to serve with the gentlewoman from Ohio (Ms. KAPTUR), our ranking member. She has done an extraordinary job as well, and that not only shows in her dedication to the support of American agriculture.

Mr. Chairman, this is an extraordinarily difficult time for America's farmers and ranchers, as everyone who has spoken today has said. We are in the midst of our third straight year of low commodity prices and third year of financial hardship on the farm. And when we factor in the other challenges that our producers are facing, agricultural embargoes, consolidation of big agribusiness companies, punitive and heavy-handed overregulation by the Environmental Protection Agency and Fish and Wildlife, it is really very clear that farmers and ranchers have their backs up against the wall.

Mr. Chairman, I think the gentleman from New Mexico (Chairman SKEEN) recognizes the problems in farm country and the legislation that is before us today represents a lot of hard work by the entire committee. But it does not do everything I like. I particularly want to associate myself with the words of the gentlewoman from Ohio (Ms. KAPTUR) with regard to the issue of agriculture embargoes which the gentleman from Washington (Mr. NETHERCUTT) has championed so well. I just pray that our leaders follow through on their commitment to us, all of us, to make sure that that part of lifting of sanctions gets put into legislation and gets passed by the Congress this week.

I do have to say, though, I think that this bill is an important step forward and it does a pretty good job of balancing all of the different needs of agriculture. I am particularly pleased that the bill fully funds the TEFAP program. It increases funding for rural America through the Rural Community Advancement Program, so very, very important for rural America. It also maintains a firm commitment to agriculture research, which obviously is very, very important to the long-term productivity and profitability of our producers.

Mr. Chairman, in short, I have to say, while we all would like additional funds for our agriculture programs, and I include myself among that, this bill does do a lot of good for American agriculture and moves the process forward. So, I would urge a "yes" vote on the legislation.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I appreciate the gentleman from New Mexico (Mr. SKEEN) yielding me this time for the purposes of a colloquy with the gentleman from Florida (Mr. BOYD).

Mr. Chairman, last year, the House Committee on Appropriations and the final conference committee on the Agricultural Appropriations bill approved language giving special consideration for funding for a joint aquaculture distance learning/education and research project through Harbor Branch Oceanographic Institution in my district and Florida State University in Tallahassee. The original request for the project called for \$470,000 for the work to be carried out in fiscal year 2000.

Mr. BOYD. Mr. Chairman, if the gentleman will yield, as a Member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, I appreciate the support of the gentleman from New Mexico (Chairman SKEEN) for this project that the gentleman from Florida is speaking of. It is of high priority to the Florida State University in the Second Congressional District of Florida.

Mr. FOLEY. Mr. Chairman, however, now, despite the strong support of the House, and by reference the conference committee, the Rural Utilities Service of the Department of Agriculture has ignored the intent of Congress and refused to fund the Harbor Branch-FSU aquaculture project. In fact, it is my understanding that the agency rejected the congressional language as "non-binding" and made fundamental errors in analyzing the proposal that was submitted to the Department for funding.

Mr. Chairman, was it the intent of the committee and the Congress that the proposed Harbor Branch-Florida State University project be fully funded by the Rural Utilities Service in fiscal 2000?

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, the gentleman from Florida (Mr. FOLEY) is absolutely correct. Traditionally, we have given special priority to projects such as this one through the committee report language; and we fully expect the agency to fully fund those proposals. I expect the Rural Utilities Service to make appropriated funds available in fiscal year 2000 to fully fund the Harbor Branch-FSU aquaculture distance learning project.

Mr. FOLEY. Mr. Chairman, I yield to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I thank the gentleman from Florida (Mr. FOLEY), my friend, and distinguished gentleman from New Mexico (Chairman SKEEN), who knows very well that the committee report language is taken very seriously on the Committee

on Appropriations. I share the gentleman's concern that the Department has not complied with the clear intent of the committee and Congress.

Mr. FOLEY. Mr. Chairman, reclaiming my time, I thank both the gentleman from New Mexico and the gentleman from Florida who serve on the subcommittee, and commend them both for their bipartisan support for this project. I am especially grateful for the leadership that the chairman of the subcommittee provides on agricultural issues facing the Congress.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Iowa (Mr. LATHAM), a member of the subcommittee.

The CHAIRMAN. The gentleman from Iowa (Mr. LATHAM) is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time, and I will not use all of the available time. I just wanted to emphasize the importance of the trade discussion that has been going on here. The gentleman from Florida (Mr. BOYD) brought up in his statement the idea and the concern that we have as far as opening up trade around the world and relating that to the farm bill.

He is correct in exactly that we anticipated some cooperation with the administration when we passed the Freedom to Farm to open up markets. The reality is just the opposite, however. In the past 80 years, there have been 120 sanctions put on other countries. Sanctions is a nice word for an embargo. The fact of the matter is over half of those embargoes have been put on in this last administration.

So while we have fought to open up markets, to make sales available to our farmers overseas, it has flown in the face of the administration's policy of continuing and expanding the number of sanctions. I will say again, over half of the sanctions in the last 80 years have been put on in the last 7 years, and it is very, very unfortunate.

That is why opening up trade today for Cuba, for North Korea, for Sudan, for Iran, Libya, is so very, very important to change the dynamics of the whole debate here. I think it is imperative that we move forward, that we make sure that we do crack open the door and allow us to sell our products, food and medicine, to these countries who are so much in need.

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

Mr. LATHAM. I yield to the gentleman from Florida.

Mr. BOYD. Mr. Chairman, I just would like to say that I did not invoke a partisan tint to my comments. And I would like to remind the gentleman that it is the administration who has worked very hard on Fast Track, and it is the administration that worked very hard on PNTR and these other trade

agreements. I would like to remind the gentleman that those are divisive issues on this floor. Many Republicans and many Democrats both were against them, but it was not the administration that was against them.

Mr. Chairman, I would just like to remind the gentleman of that.

Mr. LATHAM. Mr. Chairman, reclaiming my time, sure, and I very much appreciate the statement of the gentleman from Florida. I agree, as far as trade relations with China. The administration worked very hard, and I think that is very, very positive.

And Congress is not beyond blame, also, in some of the sanctions that were put on. There is no question about that. But the reality is it is more difficult today in many parts of the world to sell our products than it was even 10 years ago. And if we have learned anything in the past decades, it is that using food and medicine as a weapon in foreign policy has never worked. All it does is punish our farmers here. It does not help the people in the countries that we are supposedly punishing. I think the gentleman's point is well taken.

Mr. BOYD. Mr. Chairman, if the gentleman would continue to yield, I would like to remind the gentleman, and the Congress also, that we, the subcommittee and the full committee, addressed those issues in our bill and that language has been stricken when it arrived at the Committee on Rules by the majority leadership of this Congress. And so I just wanted to remind the gentleman; I want to be certain he is aware of that.

Mr. LATHAM. Mr. Chairman, again reclaiming my time, I certainly am.

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

Mr. LATHAM. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, let me congratulate the gentleman from Iowa (Mr. LATHAM), my colleague, who well knows that more than half of what U.S. farmers and ranchers produce every year is exported somewhere around the world. Without more markets for our farmers to participate in around the world, price improvement in the domestic market is not likely to happen.

I appreciate the gentleman's defense of our current farm policy. As we did hearings around the country all spring, members of the Committee on Agriculture from both sides of the aisle, we all heard the same thing from every farmer and rancher in all parts of the country. No one wants to go back to the old farm policy, the old command and control system that we had in this country for some 60 years where the Government decided what we needed and what we did not need. And the fact is farmers like the freedom and the flexibility they have to make decisions about what markets they want to enter

and what crops they want to plant on their land.

Mr. Chairman, when we started this program some 4 years ago now, no one had the idea that this was going to be an easy transition away from 60 years of the Government making the determination about what ought to be planted and this transition to a more open and more competitive marketplace. And so I congratulate the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, reclaiming my time just in closing, I think there is a consensus with all of us in trade policy, and it is the debate that we should have. And just in closing, also, I would certainly hope that everyone would support this bill on final passage.

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

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 4461, the Agriculture Appropriations bill for fiscal year 2001.

This Member would like to commend the distinguished gentleman from New Mexico (Mr. SKEEN), the Chairman of the Agriculture Appropriations Subcommittee, and the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee for their hard work in bringing this bill to the Floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the full Appropriations Committee and the Agriculture Appropriations Subcommittee operated. In light of these constraints, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the State of Nebraska.

First, this Member is pleased that H.R. 4461 provides \$500,000 for the Midwest Advanced Food Manufacturing Alliance (MAFMA). The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The MAFMA awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. In the first six years of funding, MAFMA has directed \$2,142,317 toward a research competition at the 12 universities. Projects must receive matching funds. Over the first six years, matching funds of \$2,666,129 plus in-kind contributions of \$625,407 were received for MAFMA funded projects from 105 companies or organizations. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from the food manufacturing and processing industries.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between

universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in an increasingly competitive global economy.

This Member is also pleased that this bill includes \$200,00 to fund the National Drought Mitigation Center (NDMC) at the University of Nebraska-Lincoln. This project is in its fourth year and has assisted numerous states and cities in developing drought plans and developing drought response teams. Given the nearly unprecedented levels of drought in several parts of our country, this effort is obviously important.

On March 13, 2000, the Federal Government issued its first-ever spring drought forecast. It anticipates drought across the southern U.S. and in the central part of the nation. These drought conditions clearly pose a threat to individuals, agriculture and industry throughout the nation. As the drought continues, the NDMC will play an increasingly important role in helping people and institutions develop and implement measures to reduce societal vulnerability to this danger. Most of the NDMC's services are directed to state, Federal, regional and tribal governments that are involved in drought and water supply planning.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that the legislation has agreed to fund the following ongoing Cooperative State Research, Education, and Extension Service (CSREES) projects at the University of Nebraska-Lincoln:

Food Processing Center	\$42,000
Non-food agricultural products ...	64,000
Sustainable agricultural systems	59,000
Rural Policy Research Institute (RUPRI) (a joint effort with Iowa State University and the University of Missouri)	1,000,000

Also, this Member is pleased that H.R. 4461 includes \$100 million for the Section 538, the rural rental multi-family housing loan guarantee program. The program provides a Federal guarantee on loans made to eligible persons by private lenders. Developers will bring ten percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100% Federal guarantee on the loans they make. Unlike the current Section 515 direct loan Program, where the full costs are borne by the Federal Government, the only costs to the Federal Government under the 538 Guarantee Program will be for administrative costs and potential defaults.

Mr. Chairman, this Member appreciates the Subcommittee's support for the Department of Agriculture's 502 Unsubsidized Loan Guarantee Program. The program has been very effective in rural communities by guaranteeing loans made by approved lenders to eligible income households in small communities of up to 20,000 residents in non-metropolitan areas

and in rural areas. The program provides guarantees for 30 year fixed-rate mortgages for the purchase of an existing home or the construction of a new home.

Mr. Chairman, in conclusion, this Member supports H.R. 4461 and urges my colleagues to approve it.

Mr. WATTS of Oklahoma. Mr. Chairman, today the House will consider H.R. 4461, the FY2001 Agriculture Appropriations Act. I would like to thank Chairman SKEEN and the members of the Subcommittee for their leadership in drafting this legislation and I rise in strong support of its passage.

Included in this legislation is funding for the Retired Educators for Agricultural Programs, or REAP. REAP is an organization which was established in 1994 to address the diminishing numbers of African American agricultural education teachers in Oklahoma and the scarcity of African American youth enrolled in vocational agriculture and programs such as the Future Farmers of America. Initially, REAP was operating in five counties in Oklahoma. It has since begun to operate in other areas throughout the State.

The mission of REAP is to build a foundation that promotes personal and economic opportunities in agriculture for African American youth through project development and partnerships with educational and other community resources. One of the primary goals of REAP is to emphasize citizenship, economic development, leadership and scholarship to the African American youth involved in the program.

REAP extends its outreach to the parents and community members by means of programs, forums and opportunities to chaperone student activities. The program encourages this participation in the hope that the adults will become better informed, more involved and more supportive of the reasonable and achievable aspirations of their young people.

REAP exemplifies a model that can be easily replicated. It is a program of vision, partnerships and commitment that is timeless in focus and limited only by the parameters of the imagination. Field trips to areas in my district in Southwest Oklahoma have ignited great interest in expanding the program into this area of our state. Parents and teachers in Lawton, Altus, Frederick and Tipton, assure me that there is a great need for REAP in our area of the State where limited financial resources have precluded service.

Mr. Chairman, REAP is an important program which could be used as a model for similar programs in other states. This program is vital to the further development of rural America. I am honored to have the opportunity to play a role in furthering the efforts of this very important program. I would like to urge my colleagues in the House to join me in support of REAP and the development of programs like it elsewhere by casting their vote in favor of H.R. 4461.

Mr. COLLINS. Mr. Chairman, I am pleased to note that the Committee has recognized the vital role the College of Agricultural and Environmental Sciences in Griffin, Georgia plays in improving and sustaining the Southeast's food supply. I would like to specifically thank Chairman SKEEN for his efforts in assessing the merits of this facility and am gratified he rec-

ognizes the importance of providing farmers and scientists with safe and accessible plant genetic resources.

The Griffin campus is the headquarters of the Plant Genetic Resources Conservation Unit (PGRCU). As one of four working collections in the National Plant Germplasm System, the PGRCU conducts research critical to the national effort to develop plant varieties resistant to insects, diseases, and other pests. The work done at Griffin is especially important when one considers that many of the edible plants we take for granted in this nation have countries of origin outside the United States. The PGRCU stores and reproduces the genetic materials of these plants, in the form of seeds and vegetative tissue, for use in domestic food production and scientific research.

The PGRCU was established in 1949 as a cooperative effort of the USDA Agricultural Research Service (ARS) and the Southern State Agricultural Experiment Stations. Significant advances in genetic technology have been made over the last decade, and the PGRCU's collection of genetic resources has expanded. However, since 1989, funding from USDA has remained essentially constant at approximately \$1,500,000. An increase in the operational budget is urgently needed to bring the genetic resource collection to an acceptable level of quality, and to provide the expected and necessary germplasm quality to users of the collection. As we continue consideration of Fiscal Year 2001 funding levels, I urge my colleagues to recognize the importance of the Griffin Agriculture Experiment Station to agriculture in the Southeastern United States. I hope we will be able to ensure the full funding request, as it is necessary to continue the Griffin facility's vital work.

□ 1145

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and title VIII shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, namely:

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

Mr. Chairman, I will not take the 5 minutes. But I want to continue the discussion between the gentleman from Iowa (Mr. LATHAM) and the gentleman from Ohio (Mr. BOEHNER). It is a very important discussion.

I would just like to say that I think there is agreement in the agricultural community all across this Nation that our rural markets are very critical to us to agriculture being successful.

But where there is not agreement, and I would dispute what the gentleman from Ohio (Mr. BOEHNER) said, the farm policy that was put in place by this Congress, the 104th Congress in 1996, is not working. It is not working in many parts of the country. It may be working in certain parts of the country. But it is important for the future national security of this country that our agriculture industry stays strong, and it will not stay strong under this current farm policy without huge influxes of cash from the Federal Treasury. That is what we want to avoid.

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

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$2,836,000: *Provided*, That not to exceed \$11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104-127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104-127.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to follow on the comments on Freedom to Farm of the gentleman from Florida (Mr. BOYD), my good colleague from the subcommittee, and just set the record straight here. We are now spending more money to prop up rural America in this country than we ever did prior to Freedom to Farm. It is into the multibillions. In the year of 1999, in the regular appropriation and the supplemental, over \$7 billion. Then in the year 2000, \$8.7 billion. In the Crop Insurance bill that just moved through here like lightning speed a few weeks ago and signed by the administration, \$5.5 billion.

Prior to Freedom to Farm being passed, about 8 cents of every dollar

that a farmer in this country made came through the government. It is now 43 cents on average.

The tragedy in Freedom to Farm is we are paying people who do not produce. This is an amazing program. This is freedom not to farm. We are spending more than we ever spent in the entire history of our farm programs. We are all for exports, but we are all for people here at home making money off their production.

There are some that are really doing very well under this program, and I just wanted to set the record straight. Because if one adds up the gargantuan amounts of money that we are having to use to prop up this system, something is fundamentally wrong with the architecture of the basic programs.

So those gentlemen that stood up there who have now left the floor, I wished they were down here. But take a look at the accounts. One of the reasons we are so stretched in this bill is simply because we are having to, on an emergency basis, prop up a system that is sick from coast to coast complicated further by bad weather and disasters.

So that Freedom to Farm program has to be revisited quickly, and we need a new farm policy in this country that rewards production, not lack of production.

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

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,408,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$11,718,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,581,000.

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

Mr. Chairman, I rise out of serious concern about what is taking place throughout rural America, especially the adverse impact that low commodity prices are having on family farmers today, not just in my district, but this is true from East Coast to West Coast and virtually every region throughout the country.

The bill that the House is considering today is woefully inadequate for those

family farmers throughout rural America. As we all know, the current situation in the countryside today is dire, but the price of nearly every commodity across the board is at or near record lows.

In my western Wisconsin district, dairy farm families are experiencing some of the lowest prices in more than two decades. Wisconsin dairy farmers currently receive less than \$10 per hundred weight for milk that sells for over \$35 or more at the grocery store. With such market inequities, roughly five to six dairy families are going out of business in the State of Wisconsin alone. That is intolerable. That is inexcusable. We need to do better.

Unfortunately, on this issue, Congress has been asleep at the wheel. In short, the 1996 farm bill is failing our family farmers, while in fact, as the ranking member just pointed out, we are spending more money today than we ever did prior to the farm bill being passed back in 1996, and sending money to nonproducing land owners.

We are providing only lip service and no relief to those actually working and toiling on the farms and what they require. One month ago, this body literally tripped over itself to push out the door a \$15 billion crop insurance bill which contained \$8 billion in emergency farm relief funding. As is too often the case, that bill primarily assists larger agribusiness at the expense of mid-size dairy, beef, and hog producers.

This Congress needs to take swift action to stop the hemorrhaging that is occurring in rural America. Despite the best intentions of the chairman and the ranking member, this bill falls woefully short. While this package takes care of many other farm commodities such as sugar and mohair and cotton, it fails to acknowledge the problems plaguing America's dairy farm families.

Because this Congress remains stuck in neutral, I decided to take some proactive steps to address the major issues affecting America's dairy farm families. Later this week, I plan to introduce legislation that mandates accurate price reporting for all manufactured dairy products throughout the country.

I am also working with dairy groups across the nation to develop a comprehensive dairy package which provides a price safety net when the market falls apart on our farmers. The need for these proactive steps is long past due, and I am hopeful that the House and my colleagues will look upon these measures favorably and support them when they are introduced.

Mr. Chairman, the time for action is now. We cannot lose any more farmers because of shortsighted, narrowly conceived farm policy supported by some here in this Chamber. I am disappointed that this bill does not do

more to assist the hard-working men and women who labor daily to produce our Nation's milk, cheese, butter and yogurt.

The farmers back home are not looking for any special privileges or any special advantages compared to other farmers throughout the country. What they are asking for is the recognition that we, as a nation, cannot afford to lose family farmers and see further consolidation of the agriculture industry that is taking place with a greater emphasis on larger and larger agribusiness operations who are starting to dominate more and more of our food supply throughout the country.

This is a very serious and I believe a very dangerous trend in the long run because we may find ourselves waking up some morning in this country, realizing that our entire food supply needs as a nation is dependent upon a few very large corporate elites producing our entire food needs. Then we are quickly talking about a national security crisis at that point.

Hopefully, this body will recognize the true crisis that exists right now and have the courage to take action, which is long overdue, of opening up a farm bill that obviously is not working for producers from Coast to Coast and finally do right by our family farmers, who are struggling day in and day out, many holding on by their fingernails just to stay in business. We cannot afford to see the greater and greater consolidation taking place throughout the country and us becoming more and more dependent on fewer and fewer hands for our food supply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$10,051,000.

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

Mr. Chairman, today we are debating voting on one of the most important bills of the year, Agriculture Appropriations.

America's farmers have entered the 21st century as they did the 20th century, as the most productive, efficient, and successful farm community in the history of the planet.

With this record of success, how can so many farmers be struggling? This question must be addressed because when the American farmer is in crisis, so is America. We must seek the proper direction to sustain our farm system and set a positive pace for years to come.

While facing some of the lowest prices for their work, the farm community is facing a sustained and severe drought. Drought conditions have caused speculation of 100 percent crop

losses in corn and grazing crops in Pike County in my district.

People in the business of digging wells are busier than ever, and many farmers in the fourth district simply do not know if they can continue.

The USDA Disaster Assistance Program, NAP, continues to operate as though the Pony Express is bringing them news from the farm. While satellite imaging and knowledge of global weather patterns are available, the USDA seems tied to old methods of policy that make the delivery system of disaster payments too little too late.

We must address these problems. In the meantime, we must pass this bill today. Thanks to the work of Senator COCHRAN in the Senate, we have an opportunity to provide added assistance to the Livestock Assistance Program. We must act and we must create a mechanism that provides this assistance in lightning fashion.

Mr. Chairman, back in 1977, I was one of the farmers who came to Washington during the American agriculture movement to protest what was happening to our family farmers. I have not seen a lot changed since 1977 because there are a lot of farmers going out of business today just like they did in the late 1970s.

If we do not do something about the small farmer and family farms while we have a budget surplus to do something about it, I do not know when we are ever going to answer this question.

But our farmers provide the food we eat and clothes we wear. They provide the foundation of our communities all across America. Economically, our farmers are crucial. The total market value of our farmers production in my congressional district is over a half a billion dollars. That is a lot of economy and a lot of jobs in my area, and we certainly do not need to lose them. We certainly do not need to lose our family farms.

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

Mr. Chairman, I rise to address the House on two amendments that will come up in this bill, both dealing with the importation of agricultural and fishery products from the Islamic Republic of Iran.

The first will be offered by the gentleman from New York (Mr. WEINER) and myself, and it simply cuts \$15,000 from APHIS. That is a small and symbolic amount. It is the minimum amount that we believe would be necessary in order to inspect goods coming from Iran and make sure that they were eligible for importation into the United States. Those goods would include caviar, dried fruit, and nuts.

So I hope that the House, without undue time delay, could simply adopt that amendment. I realize, though, that that amendment by itself does not control how the Department of Agriculture spends its money, it simply re-

duces by \$15,000 the amount of money the Department would have.

So a second amendment will be offered by myself and perhaps others at the end of the bill, and that amendment would say that no money provided by the Agriculture Appropriations bill can be used to allow for the importation, basically the inspection of these agricultural products coming from Iran.

So one amendment saves us an extremely small amount of money, and the other amendment eliminates the need and prohibits the expenditure of that money.

We would hope that both these amendments could pass by a voice vote, because we were here late last night, late the night before, and I know how unpopular I am likely to be in asking 400 some of our colleagues to walk across the street to vote, not on one, but on two amendments.

□ 1200

What I would also hope is that the government in Iran would give us just verdicts. Now, there cannot be justice for the 13 Jews who have been subjected to show trials over the last several months. They were arrested in March of 1999. Most of them have been in prison since then, all on the ridiculous charge of spying for the United States. In Iran, no Jew is allowed near anything of military significance, so to think that the CIA would turn to this small minority to hire our spies would be to allege a level of negligence to the CIA that not even the Chinese ambassador to Yugoslavia has asserted.

Ronald Reagan instituted a ban on the importation of agricultural products from Iran. This amendment, or pair of amendments, would restore that ban. We could then, in the months to come, evaluate the behavior of the Iranian government. And if, later on, the conference committee decided that these provisions were unnecessary, if there was justice for the 13 Jews being tried in southern Iran, we could modify our behavior as the Iranian government modifies its behavior.

For now, all we see in southern Iran is injustice and religious persecution. And the correct response of this House at this time is to prohibit the U.S. tax dollars that we control from being used to facilitate the importation of these products to the United States to compete with the products of American agriculture, when, instead, we should send the message to Teheran: no justice, no caviar.

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

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

Mr. WEINER. Mr. Chairman, I will be brief. I just want to reiterate one element of my colleague's remarks, and that is that wherever we may stand on whether or not we should be liberalizing our import and export policies

with regard to Iran, this is an amendment that simply speaks to the timing.

And the timing is extraordinarily precarious. Although no one knows for sure, there is some speculation that this weekend, the 4th of July weekend, Independence Day weekend, is when the verdicts for the Shiraz 13 are going to be coming down. I am concerned that the statement of this House should be that we are watching, at the very least.

Even if this language is changed in conference, even if we choose to say to the President at a later date to release this money, to broaden our exchange with them because the moderate Iranian government is indeed that, more moderate and more committed to human rights, my concern is that if we do not act in this bill this is our last opportunity to send a message to the Iranian government that we are watching.

Regardless of where we may stand, if we think we should be harder than hard line, or we think we should start to moderate a little in response to their new government, these amendments are simply a chance for us as a body to take a symbolic deep breath and wait and see what happens with those verdicts, and to make it clear that this show trial that has been conducted in private has been and is being watched by the United States Congress.

Mr. SHERMAN. Reclaiming my time, Mr. Chairman, and in closing, I would hope people would accept these amendments and send a message to Iran.

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

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$4,783,000: *Provided*, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas, \$25,000,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915-16 and 40 U.S.C. 1421-28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based Agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, \$613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, includ-

ing authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, \$150,343,000, to remain available until expended: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 9601 et seq., \$15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$34,708,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

AMENDMENT OFFERED BY MR. METCALF

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

The Clerk read as follows:

Amendment offered by Mr. METCALF:

Page 6, line 16, insert after the dollar amount "(decreased by \$40,000)".

Page 57, line 24, insert after the second dollar amount "(increased by \$40,000)".

Mr. METCALF. Mr. Chairman, in March 1999, following an investigation into reports that researchers at Tulane Medical School had developed a test that demonstrated a direct correlation between Gulf War illnesses and antibodies to squalene, the GAO recommended that the DOD immediately replicate the independent research results that revealed the presence of squalene antibodies in the blood of ill Gulf War veterans.

Unfortunately, the DOD, Department of Defense, has chosen to ignore this recommendation. Instead, it has embarked on an attempt to change the

format of the test rather than validating the research data.

Because of the urgent need to determine if this test can be used as a diagnostic tool for those suffering from Gulf War illnesses, funding is needed for a review to build on the published science. This amendment will provide the money to validate the Tulane test. A mere \$40,000 will be shifted from the administrative budget of the Agriculture Department to the Food and Drug Administration. If this test is validated, it will give hope to thousands of Gulf War veterans who still suffer from their service in the Gulf War.

This amendment will allow FDA to convene a panel of three to four immunologists to visit Tulane Medical School to review the data concerning the anti-squalene antibody assay and familiarize themselves with the test procedures. Subsequent to the visit, the panel will submit blinded samples from 50 Gulf War illnesses patients and 50 gender-matched healthy individuals for analysis of the assay. The results from the blinded test will then be submitted to the panel for unblinding and analysis. If the results are favorable to the FDA panel, then the test will be considered validated. This will fulfill the recommendation made by GAO more than 1 year ago.

The House-passed version of fiscal year 2000 defense appropriations bill included report language instructing the DOD to develop and/or validate the test for the presence of squalene antibodies. On January 31 of this year, 10 Members of this House sent a letter to Secretary of Defense Cohen requesting that he answer one question, and this is the question: "If the Tulane test is a good test, based on solid science, shouldn't we be using it to help sick Gulf War veterans?"

I would like to commend my colleagues, the gentleman from Washington (Mr. DICKS), the gentleman from North Carolina (Mr. JONES), the gentleman from California (Mr. FILNER), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Illinois (Mr. EVANS), the gentleman from Texas (Mr. PAUL), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Vermont (Mr. SANDERS), and the gentleman from Indiana (Mr. BURTON) for their concern about this issue and for signing on to that January 31 letter.

I would also like to thank my colleagues, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Washington (Mr. NETHERCUTT) for their consistent support of the Gulf War veterans.

Congress is entrusted to take care of the veterans who sacrifice their lives to protect American freedoms. Thousands of veterans are suffering from Gulf War illnesses. This is one small thing Congress can do to give these

veterans hope that one day effective treatments and cures will be found.

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

The gentleman's intention is to take \$40,000 from the Department of Agriculture and add it to the Food and Drug Administration so that FDA can validate a test, and this test does not fall within FDA's mission area. Let me quickly review the agency's mission regarding biological products, such as the test the gentleman has mentioned.

FDA reviews applications from a sponsor both at the investigation and clinical stages. FDA scientists evaluate laboratory tests and patient data. Inspectors visit manufacturing facilities and analyze data on medical errors. FDA's scientists would not themselves validate a test for a product under review but would analyze the validation data presented by the drug's sponsor.

The sponsor of the drug or biological product must initiate the review process by submitting an application with the agency. There is no fee for investigating new drug applications, the first phase of the process. For those products covered by the Prescription Drug User Fee Act, there is a fee for the new drug application review. However, waivers of the fee are available in case of need. And I would hope that the sponsor of this test, which I understand is Tulane University, would develop an application and submit it to FDA so that the test could be evaluated and approved.

I hope this information is helpful to the gentleman, and I repeat that I oppose the amendment since the request is outside the mission area of the Food and Drug Administration. I urge my colleagues to vote "no" on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. METCALF).

The amendment was rejected.

AMENDMENT NO. 18 OFFERED BY MR. NEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. NEY:

H.R. 4461

OFFERED BY: MR. NEY

Page 6, line 16, insert "(reduced by \$34,000)" after "\$34,708,000".

Page 8, line 3, insert "(reduced by \$33,000)" after "\$8,138,000".

Page 8, line 14, insert "(reduced by \$33,000)" after "\$65,097,000".

Page 10, line 23, insert "(increased by \$100,000)" after "\$850,384,000".

Mr. NEY. Mr. Chairman, I rise to offer an amendment to this bill. However, first I would like to congratulate the chairman of the subcommittee, the gentleman from Arizona (Mr. SKEEN)

and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for their hard work and a job well done on this piece of legislation.

Mr. Chairman, my amendment holds enormous significance for the researchers who will be affected by it and for the Nation as a whole, so I want to make it clear this is not just something specific to the 18th district that I represent, but the fact that this is something that is very specific to the entire country.

The North Appalachian Experimental Watershed, known as NAEW, located in Coshocton, Ohio, is a nationally significant research facility whose mission is to conduct research on hydrology, surface runoff, groundwater quality and erosion in an agricultural context. It was established in 1935, and the research center has provided over 60 years of historic long-term data on small watersheds which has helped to develop a knowledge of basic water sediment and chemical movement. I personally have been to the facility, and I can tell my colleagues that people come from all over the world, not just all over the United States, to look at the facility and the data.

This 60-year database of measurements has been collected from rain gauges, watershed flumes, and monolith lysimeters. Lysimeters, one of the facility's most unique features, measures surface runoff and percolating water, and provides the data necessary to understand the intricacies of land and water management as applied to agriculture.

Soon after the facility went into full operation, it garnered the attention of scientists from all over the world who came to view this "first-of-its-kind" large-scale watershed hydrology research program in soil and water conservation. Today, the NAEW maintains a total of 11 large monolithic lysimeters and is one of the few lysimeter sites in the U.S. that is located in rain-fed agriculture.

Having collected data from lysimeters since the 1930s, the NAEW has the longest water balance record of any U.S. weighing lysimeter site, the longest in the history of our country. The data collected from the lysimeters allow researchers to track nutrient movement.

Mr. Chairman, I am aware much of this information I am speaking about may not jump out and grab my colleagues, but let me give some practical ways in which the NAEW provides our country with valuable information on land and water conservation practices and general land uses.

One example is drought-risk assessment. The economic and environmental impacts of drought can be costly, as we all know, with billions of dollars spent during a drought. The National Drought Policy Commission, formed by Congress through the Na-

tional Drought Policy Act of 1998, released its report and recommendations regarding the preparedness and response of drought. The overall recommendation of the Commission was for Congress to pass a national drought preparedness act.

An element of the Commission's recommendations was research into different aspects of drought. Research is needed on science-based methods of determining the risks and probabilities of drought at a given location and under different climates. Research is also needed on environmental consequences of and preparedness for drought with respect to land management, water quality, and erosion.

The NAEW has an archive of runoff, weather, soil moisture, lysimeter, and water quality data with which this research can be conducted. Some records, as I previously mentioned, are as old as 60-plus years. The existing runoff and weather monitoring infrastructure of the NAEW is invaluable for conducting watershed and weather-related research into these high-priority areas.

Another area of research done at the facility applies to food safety. The importance of assessing the risks in plant and animal food safety and quality with respect to poisonous and carcinogenic substances has been acknowledged. As an example, the fungus producing aflatoxin grows in improperly stored nuts and grains, and thrives in crops such as peanuts during drought conditions, as well as from being under stress from prolonged wet periods.

□ 1215

Risk assessments must incorporate both climate and physical conditions at a location, and long climate records are not available at most U.S. locations. Therefore, science-based models using existing weather records need to be developed for these kinds of food-safety-climate-variations risk assessments.

The NAEW has a long-term weather database to collect this information and can provide the necessary research to assist in advancing food safety initiatives.

Data and research collected at the site also provide information on other topics such as how pesticide runoff affects groundwater, how runoff for Midwestern farms produces "dead zones" in the Gulf of Mexico, the environmental impacts of grazing systems, flood mitigation studies, and the environmentally friendly land application of animal waste.

Unfortunately, because of a flat-lined budget over the last several years, the facility has suffered severe setbacks in its ability to do research. Over 90 percent of its current funding goes to pay salaries and expenses at the station leaving very little money to fund the research that benefits the entire Nation. Several employees have already

been forced to leave their jobs, and further layoffs are expected without this much needed increase.

These employees who have a long-standing relationship with the center will be lost, and along with their loss will be many years of expertise on the subject.

As if the loss of these employees' jobs were not enough, the fact is that valuable research opportunities will also be lost. And that is for the entire country. Portions of the NAEW research efforts will need to be terminated. Simply put, lost employees means lost research.

Although I am aware that there are other facilities around the Nation that are facing the same funding situations, I believe that the unique nature of this facility for the good of our country and the invaluable research it provides warrants the small increase for which I am asking.

I ask my colleagues to join me in supporting this small but important amendment.

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

Mr. SKEEN. Reluctantly, Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the purpose of the amendment of the gentleman is commendable. He is trying to support an Agricultural Research Service laboratory in his district, the Northern Appalachian Experimental Watershed Research Station at Coshocton, Ohio.

I know that this research station does good work. That is not the question. The problem is that there are 103 other research stations within the Agricultural Research Service and they all do good work. If each of these locations had more money, they could do even more good work. This particular lab is funded at \$957,000 in the current fiscal year, and this amendment will increase that amount by about 10 percent.

In putting together this bill, we have had to balance the needs of all such locations. I think that we have done a good job.

So I must reluctantly oppose the amendment of the gentleman. I need to ask that his amendment be defeated and that we maintain the balance among all research stations.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. NEY).

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

Mr. NEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Ohio (Mr. NEY) will be postponed.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. It is not that the gentleman does not have a good idea. The problem is that the ARS, which is doing a tremendous job, was underfunded in the budget by \$44 million under their request.

What the gentleman wants to do in his amendment, which I oppose, is he wants to take money from the Department of Agriculture's administration account, from the Office of Communication account, and from the Office of Inspector General. Each of those accounts is way below, \$6 million for the Department of Administration account below what they requested; \$800,000 below the Office of Communication, what they requested; and \$5.1 million below the administration.

So, in robbing Peter to pay Paul, they are just squeezing and squeezing and squeezing. What we really need to do is to have more money in the ARS account. Unfortunately, if the gentleman had not supported the small allocation figure given to the committee, we probably could have funded it. It is a project that I would support on merit if the money was there.

I think that we need to work, perhaps, in conference that we get higher figures on projects like that, but I do not think that his amendment is proper at this time because of the lack of funding.

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

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

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS (INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,568,000: *Provided*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than \$2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, \$65,097,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$29,194,000.

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

Mr. Chairman, I rise as a strong supporter of all the good agriculture work that is going on across America. But I am taking this moment to recognize that we have reached another milestone in American history, a milestone that we should celebrate as a people and a milestone for one person in particular, a former Member of this body.

The President has just announced the nomination of the first Asian-American to ever serve in the United States Cabinet. Former Congressman Norman Mineta has been nominated to be Secretary of Commerce. I think that is an important milestone for Mr. Mineta, as an individual, for this body, and for us as a people.

Mr. Mineta was an honored Member of this body; as well as chair of an important committee; the former Mayor of San Jose; and an executive in a private corporation; and, I might add, a fine mentor to me, someone who is brand new to elected office in this body.

In the words of the tech industry in the San Jose area, Congressman Mineta is fully plug and play. He is ready to go, ready to work, ready to work and lead and serve. I wanted to take a moment of this body's time to recognize this honor which has come to one of our own and another milestone in American history.

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

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

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C.

1621–1627) and other laws, \$66,419,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, \$100,851,000, of which up to \$15,000,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$850,384,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations on purchase of land shall not apply to the purchase of land at Corvallis, Oregon; Parlier, California; and Florence, South Carolina: *Provided further*, That

funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

AMENDMENT NO. 57 OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 57 offered by Mrs. CLAYTON:

H.R. 4461

OFFERED BY: MS. JACKSON-LEE OF TEXAS

Page 10, line 23, insert after the aggregate dollar amount the following: “(reduced by \$6,800,000)”.

Page 13, line 17, insert after the dollar amount the following: “(increased by \$4,000,000)”.

Page 13, line 23, insert after the dollar amount the following: “(increased by \$4,000,000)”.

Page 15, line 22, insert after the dollar amount the following: “(increased by \$2,800,000)”.

Page 17, line 5, insert after the dollar amount the following: “(increased by \$2,800,000)”.

Mrs. CLAYTON. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Mississippi (Mr. THOMPSON), and myself.

Several weeks ago, members of the Congressional Black Caucus and I introduced the USDA Accountability and Equity Act of 2000, which focuses on eliminating discrimination towards black farmers, black employees of USDA, and the 1890 Land Grant Institutions.

Our 1890 Land Grant Institutions continue to face discrimination. These institutions have been a prominent feature of the American higher education for more than 130 years. They continue to accomplish much with, at best, a modest level of financial support, while producing quality teachers, scientists, community leaders, businessmen, and women.

Statistics prove that although these institutions play a vital role in strengthening competitive agricultural systems, conducting research, and providing training opportunities and technical assistance in environmental science, the funding authorized under USDA Food and Agriculture Act of 1977 for research and extension continues to erode for these institutions, the very funding these institutions and universities depend on for their food and agriculture research programs.

The proposed appropriation of \$30.6 million for research and the \$26.8 million to these institutions last year and the previous year. This amount continues to put these institutions in a position where their programs suffer, making it difficult for them to maintain an opti-

mal level of program activity in advancing their land-grant mission.

Our amendment would bring the 1890 institutions closer to the level of funding they so desperately need and deserve to continue to provide quality education to millions of students and the intensive research nationally and internationally that has served so many over the years.

This amendment provides us with the opportunity to take one more step towards eliminating discrimination by leveling the financial playing field.

I urge, Mr. Chairman, a vote in favor of this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of the Jackson-Lee, Thompson, Clayton amendment to H.R. 4461, Agriculture Appropriations for FY 2001. Mr. Chairman, my congressional district is the home of Alcorn State University, the oldest Historically Black Land-Grant College in the country. For years Alcorn, along with other 1890 Historically Black Land Grant Colleges and Universities, have faced an uphill battle in acquiring adequate funding to provide research, technical assistance in environmental sciences, improve the production and preservation of safe food supplies, and train new generations of scientists in mathematics, engineering, food and agricultural sciences.

Although these schools have traditionally functioned with the status quo, over the past few years they have received less of the minimum amount of the federal and state funds they usually receive. Many of the 1890 HBCU's across the country are equipped with the experience to carry out the necessary research that is granted to larger 1862 Colleges and Universities, if given the financial support by the federal government.

The Jackson-Lee, Clayton and Thompson amendment will address this loss in federal support for 1890 universities. Specifically, this amendment will increase by \$6.8 million the formula funds (i.e., Evans Allen Research & Extension Activities for the 1890 Land Grant Institutions) for the 1890 land grant institutions. The amendment will increase research activities by four million and extension activities by \$2.8 million for the 1890's land grant institutions. This \$6.8 million increase will be deducted from the Agricultural Research Service (ARS) funding included in the bill. The bill currently includes \$889.7 million for ARS related activities.

Mr. Chairman, lets work together to provide a lift for our 1890 Historically Black Land Grant Colleges and Universities.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to urge the house to adopt the Jackson-Lee, Clayton, Thompson amendment to H.R. 4461, Appropriations for the Department of Agriculture for FY 2001. This amendment will ensure the economic viability of 105 1890 Historically Black Land Grant Colleges and Universities.

These 1890 HBCUs are a part of a land grant system of 105 state-assisted universities that link new science and technological developments directly to the needs and interests of the United States and the world. In addition, to strengthening agriculture, the 1890 HBCUs conduct research, provide technical assistance

in environmental sciences, improve the production and preservation of safe food supplies, train new generations of scientists in mathematics, engineering, food and agriculture sciences and promote access to new sources of information to improve conservation of natural resources.

Although these institutions have been able to operate from minimum federal and state funds in the past, over the last couple of decades these institutions have received less than adequate support to continue their historical mission of strengthening agriculture. I think this is a clear travesty and congress must do everything their power to address this oversight now.

These institutions have consistently requested additional federal support for several decades and they have been traditionally disproportionately funded. For instance, in my state of Texas, Prairie View A&M University (1890) receives about \$2.3 million in federal land grant funds, while Texas A&M (1862) receives an astonishing \$100 million annually. I make this point not to discredit Texas A&M, but to illustrate the clear disparity in funding for these Institutions. Furthermore, while Congress continues to increase appropriations for many agriculture programs in general, they have consistently failed to provide even marginal increases to these vital institutions.

The Jackson-Lee, Clayton and Thompson amendment will address this loss in federal support for 1890 universities. Significantly, this amendment will increase by only \$6.8 million the most critical funds for these universities. This slight increase will be historic, given the fact that these institutions did not receive any land grant funding prior to 1967 and have been level funded for the last several years. This amendment will be offset by deducting this \$6.8 million from the Agricultural Research Service. Currently, the bill includes \$889.7 million for ARS related activities.

Again, I urge you to support the Jackson-Lee, Clayton, Thompson amendment to H.R. 4461, and assist these institutions in their historic mission of strengthening agriculture in our Nation.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mrs. CLAYTON).

The amendment was agreed to.

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

Mr. Chairman, I wonder if the gentleman from New Mexico (Chairman SKEEN) might join me in a brief colloquy.

Mr. SKEEN. Mr. Chairman, I will be happy to.

Mr. BOSWELL. Mr. Chairman, I would like to bring to the attention of the chairman a very significant emergency taking place right now in my home State of Iowa, and perhaps most prevalently in my district. I know our chairman is most certainly aware of it, as he also is a colleague from Iowa. But right now hundreds of farmers are suffering from a severe drought.

According to the National Weather Service, it has been 45 years since the

Midwest has been in such a serious drought at this point in the year. According to weather service data, this past April was the fifth driest in Iowa in more than a century of record keeping.

Iowa, like most agriculture States, depends on abundant rainfall levels in April to help grow a bountiful crop during the summer. However, during this past April, rainfall was significantly below normal. This sustained lack of rainfall is devastating to farmers. The subsoil moisture levels are nonexistent or very low.

As a fellow farmer, my colleague might understand. I recently dug a post hole trying to repair a fence in a lot and it was powdery dry as far down as we went, and we went down about four feet.

Iowa's State climatologist has stated the 8-month period between September 1 and May 1 was the second driest on record in Iowa.

Although the National Weather Service says there is a slight chance of relief, soaring summer temperatures will increase evaporation and will bring a quick return to dry conditions.

I would like to call to the chairman's attention a provision drafted by Senator HARKIN and Senator BYRD in the Senate version of the Agriculture Appropriations bill. This provision will provide \$50 million for rural water needs to help farmers and those who live in the surrounding town to make it through this extremely dry time.

I would have liked to have offered a similar amendment on today's Agriculture Appropriation bill, but because this would be considered emergency spending, I understand it will not be allowed. So I would like to express my support for the Harkin-Byrd provision in the Senate appropriations bill and hope that we could work together to get relief for farmers who are struggling through this incredibly tough time.

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Mr. SKEEN. Mr. Chairman, I understand the gentleman's concerns and assure him that this measure will be adequately considered when we enter conference committee with the Senate and having been subjected to the kind of drought that is being talked about, where we have 12-year-old kids that have never seen a rain in New Mexico. So we have a real problem.

I do not know how else that we can do it, but we are going to take in and go after it.

Mr. BOSWELL. Mr. Chairman, I do know that the gentleman from New Mexico (Mr. SKEEN) understands this, and I appreciate his concern. I look forward to working with him in any way that we can to bring relief to the farmers throughout the Nation, in my area, as well as his, that are suffering from drought.

I thank the gentleman from New Mexico (Mr. SKEEN) again for his kind consideration and his hard work on this bill.

The CHAIRMAN. Are there additional amendments to this section?

The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In the current fiscal year, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

AMENDMENT NO. 22 OFFERED BY MR. TIERNEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. TIERNEY: Page 12, after line 24, insert the following:

Of the funds made available by this Act for the Agricultural Research Service, \$500,000 shall be available for the report required under this paragraph. Not later than September 30, 2001, the Secretary, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) reserves a point of order.

Mr. TIERNEY. Mr. Chairman, this amendment seeks a National Academy of Sciences study to examine three things: if the tests being performed on genetically engineered foods to ensure their safety is adequate and relevant; what type of monitoring system is needed to assess future health consequences from genetically engineered foods; and what type of regulatory structure should be in place to approve GE foods for human consumption.

The reason for this amendment is simple. The growing public awareness of genetically engineered food has led to questions about their long-term health and safety. We have seen in Europe an example of what happens when the public loses confidence in the safety of food products. In Great Britain there has been a massive backlash

which has effectively eliminated the use of GE ingredients in foods sold in grocery stores and restaurants there.

There are significant differences, of course, between the situations in the United States and Great Britain. Due to past outbreaks of food-borne illnesses, consumers there lack faith in the regulatory abilities of their government when it comes to food safety. In the United States, we have maintained public confidence in our food regulatory system because we have been able to avoid and prevent such disasters from occurring.

However, GE ingredients can be found in many of the foods that we commonly eat, including potato chips, oils, corn, soda and baby food.

The Grocery Manufacturers of America estimate that 70 percent of the grocery store food may have been made with biotechnology crops.

We cannot afford to coast on the past success of our regulatory system. We need to feel confident about the safety of GE products.

The current system of testing GE products for their health and safety is overseen by the Food and Drug Administration. The FDA does not conduct its own testing of GE products. Instead, the FDA provides guidelines and then relies heavily on the companies that produce GE products to test their safety.

Until last month, that was a voluntary compliance where the company shared the results with the Food and Drug Administration. Under new rules proposed in May by the administration, companies will now have to give 120 days notice to the FDA before introducing a new GE product into the market.

Even with these new rules, it remains the responsibility of the companies that create the market for those products to be tested for safety.

To make a compelling argument for the safety of GE foods, we need to be sure that the tests required of new products are adequate and appropriate. To assure the public that these foods are safe to eat, this is the least that we should be doing.

In addition to ensuring that our testing methods are adequate, we need to ensure that our regulatory system is also adequate. The current system is based on the 1986 coordinated framework for the regulation of biotechnology under which the United States Department of Agriculture, the Environmental Protection Agency, and the Food and Drug Administration share oversight of GE products.

The National Academy of Sciences in a recently released report on genetically modified pest-protected plants said simply, a solid regulatory system and scientific base are important for acceptance and safe adoption of agricultural biotechnology, as well as for protecting the environment and the public health.

We need to ensure that the current framework is still the best regulatory system to ensure the safety of GE products.

Mr. Chairman, we are already seeing the effects of a lack of confidence in GE foods in the United States. Gerber and Heinz have announced that they will not be using GE products in their baby foods. McDonald's has even requested that suppliers not use GE potatoes, and Frito-Lay will not be using GE ingredients in its corn chips.

This reasonable amendment seeks nothing more, Mr. Chairman, than a study to ensure that we are properly examining GE products, in terms of testing and in terms of regulatory oversight. We do that in order that we can adequately address the concerns of the public and the concerns of the food producers about these genetically engineered foods.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) continue to reserve a point of order?

Mr. SKEEN. Yes, Mr. Chairman, I reserve a point of order.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as chairman of the Subcommittee on Basic Research, we have spent the last year and a half examining the safety of the new biotech foods. Safety is extremely important. In our final report, called "Seeds of opportunity" we concluded that not only a great positive benefit to consumers all over the world, but they are safe.

Our regulatory system in the United States is the strictest in the world. Between USDA, the Food and Drug Administration, as well as EPA, the Environmental Protection Agency, we have the kind of regulatory review and testing of these biotech products that has been acclaimed by many in the scientific community as being over adequate.

There are strong suggestions that we are over regulating and therefore stifling the development of products that have so much potential to safely help people.

There are now over 1,000 GMO products, genetically modified products, that have been approved that are on the market. The consequences of stifling this innovation by overregulation, and scare tactics is real and serious.

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

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I just want to make the point that this is not overregulation. This is simply asking the National Academy of Sciences to determine what the best process would be. I do not think there is any doubt that there is a lot of skepticism out there in the American public and that we need confidence in these GE foods if

we are really going to have them, have all the advantages that the gentleman speaks to.

Mr. SMITH of Michigan. Reclaiming my time, the National Academy of Sciences has just released a very intensive report where they come to the conclusion, as we did in our report from the Subcommittee on Basic Research, that essentially the food products that are derived by the new genetic modification are as safe, if not safer, than the traditional products and plant products that are derived from cross-pollination and cross-breeding.

There are approximately 25,000 genes in a plant. When two such plants are crossed, what one ends up with is unknown offsprings because they do not know what genes are going to mutate in the process of that cross-breeding and which genes end up in the new plant.

With genetic modification, one can pick out and isolate one or two genes and know their characteristics. The results of that kind of biotech alteration can be predicted and the advantages and the safety are attested by the scientific community.

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

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. What this does is to say that the Academy of Sciences would do a study. This is for a study for three things, whether or not the tests are being performed.

Mr. SMITH of Michigan. Reclaiming my time. Did the gentleman have a chance to see the study that just came out in April?

Mr. TIERNEY. In fact, I quoted from it in my report; and it also talks about the need to make sure that our regulatory system is, in fact, adequate to give confidence to these foods that are coming out and to make sure that the public has confidence. All this does is say that the National Academy of Sciences would help us by reviewing what would lift that level of confidence, what types of studies would be adequate, who should do the studies and how should they be conducted and what type of regulatory system should we have, because whether we like it or not there is a large part of our population out there and a great part of our market who do not have confidence in the current regulatory scheme.

It either needs to be reaffirmed, or it needs to have some proposal out there that will allow everybody, not just the scientists, not just us and everybody else, but to have confidence in the system.

Mr. SMITH of Michigan. Reclaiming my time, the National Academy of Sciences in their report did say that proper oversight is good, but they also said, and I quote;

"In general, the current U.S. coordinated frame work has been operating effectively for

over a decade." For your information that is on page 19 of this report.

Biotechnology has been used safely for many years to develop new and useful products used in a variety of industries. More than a thousand products have now been approved for marketing, and many more now being developed. They include human insulin for diabetics, growth factors used in bone marrow transplants, products for treating heart attacks, hundreds of diagnostic test for infectious and other agents, including AIDS and hepatitis, enzymes used in food production, such as those used for cheese, and many others.

And this is just the beginning. In agriculture, new plant varieties created with this technique will offer more foods with better taste, more nutrition, and longer shelf life, and farmers will be able to grow these improved varieties more efficiently, leading to lower costs for consumers and greater environmental protection.

As you are aware, agricultural biotechnology has come under attack recently by well-financed activist groups determined to stop it in its tracks. The controversy revolves around three basic questions: Are agricultural biotechnology and classical breeding methods conceptually the same? Are these products safe to eat? And are they safe for the environment? I have concluded that the answer to all three questions is a resounding "Yes." In fact, modern biotechnology is so precise, and so much more is known about the changes being made, that plants produced using this technology may be even safer than traditionally-bred plants.

Far from causing environment problems, agricultural biotechnology has tremendous potential to reduce the environmental impact of farming. Crops designed to resist pests and to tolerate herbicides and environmental stresses, such as freezing temperatures, drought, and high salinity, will make agriculture more efficient and sustainable.

Biotechnology will be a key element in the fight against worldwide malnutrition. Deficiencies of vitamin A and iron, for example, are very serious health issues in many regions of the developing world. Biotechnology has been used to produce a new strain of rice—Golden Rice—that contains both vitamin A and iron.

The merging of medical and agricultural biotechnology has opened up new ways to develop plant varieties with characteristics to enhance health. Work is underway that could deliver medicines and edible vaccines through common foods that could be used to immunize individuals against a wide variety of enteric and other infectious diseases. These developments will potentially save millions of children in the poorest areas of the world.

I oppose actions that would stifle this technology based on unfounded fears. To deny its benefits to our Nation and to those who need it most, the children of the developing world who are concerned about where their next meal will come from.

The CHAIRMAN. Does the gentleman from New Mexico continue to reserve a point of order?

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to just stand up and to commend the gentleman from Massachusetts (Mr. TIERNEY) for his concern, genuine concern, about genetically modified foods. As a result of his initiatives and his constant prodding of the committee, I want to just put on the record that in the report that accompanies this bill we are calling for the U.S. Department of Agriculture and the Food and Drug Administration to work together to improve the methods of testing and reviewing genetically modified foods, as well as providing more information to consumers.

We think that it is important that these two major agencies work together and though we probably have not done enough to completely satisfy the gentleman, I want to reassure him and the people of the State of Massachusetts that he represents, that there could be no more vigilant leader here on trying to protect the public's safety in food consumption with adequate information. I wanted to publicly state that and to thank the gentleman for coming to us and for leading us forward in our own efforts.

Mr. TIERNEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for her kind remarks and for her interest, as well as the committee's interest, in this matter, the subcommittee also.

I think the problem I am trying to get at here is that there are a large number of people, and some producers and end users, who are not sure that the method by which we are testing right now, allowing the companies to test and having that then reviewed by the governmental agencies, is enough to give them a level of confidence. I think if NAS did a study to determine that that, in fact, was the best way to proceed, it might lift the level of confidence.

If it decided that it was not the best way to proceed and set up a different type of regulatory structure, decided what was going to be the monitoring system that was used to assess the health ramifications, people would have a higher comfort level on that.

I note that what the report really said about it was that there was a priority that should be given to the development of improved methods for identifying potential allergens and pest-protected plants, specifically the development of tests with human immune systems end points and of more reliable animal models.

So the NAS really does think that there has to be some improvement of the methods. I think this kind of review would be healthy. I think this particular motion does not take it as a friend or an enemy of the system, but

says, look, let this group that I think most people will trust come in and determine what we should do on a regulatory matter, either confirm what is going on or where they have raised questions, go after it and set up a structure that people have confidence in.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. My concern is the implication that the review process is not adequate and the implication that somehow there is some kind of danger with genetically modified products. That is totally incorrect. I think you heard the quote from the National Academy of Sciences suggesting that USDA, EPA and FDA have a good coordinated system to review and regulate agricultural products. The potential scare, from un-scientific accusations does a great disservice not only to the scientific community but to the agricultural producers of this country.

Ms. KAPTUR. I thank the gentleman from Michigan (Mr. SMITH) for staying within the 30 seconds and would just say that the Academy of Sciences report issued on June 14 did state that more awareness of the regulatory process is needed, maybe not necessarily of what happens after that. But that is why we have tried to get USDA, as well as the Food and Drug Administration, to come up with a unified approach.

I think the gentleman is pushing us in the proper direction, and I just wanted to state that publicly for the record. I do have a bit of a concern about an across-the-board, an unspecified cut in the agricultural research service because we have so much trouble in that account anyway.

I think that the gentleman is obviously one of the leaders in this Congress on this whole question of giving the public absolute certainty about the food that they are eating and having some light shone on the regulatory process itself, and I think the gentleman has moved us along as a committee and is moving the country along. I wanted to commend the gentleman publicly for that.

□ 1245

POINT OF ORDER

Mr. SKEEN. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY). The amendment violates clause 2(c) of rule XXI of the House, in that it proposes the inclusion of legislative or authorizing language in an appropriations bill.

Specifically, the amendment proposes to use funds made available under the act to require and fund a new study not currently authorized by law.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. TIERNEY. Mr. Chairman, just on that point of order. I recognize and appreciate the point of order that is made and just say this was not about scare tactics, this was just the opposite about that; that is, trying to alleviate the concern that is out there and provide a mechanism by which that could be done so that everybody could have confidence in the process and eventually confidence that we all hope will be something that we can all benefit from.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment proposes new duties on the Secretary of Agriculture, and, as such, it constitutes legislation in violation of clause 2(c) of rule XXI. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$39,300,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For necessary payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$477,551,000, of which the following amounts shall be available: to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a-1), \$180,545,000; for grants for cooperative forestry research (16 U.S.C. 582a-7), \$21,932,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), \$30,676,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$74,354,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), \$13,721,000; for competitive research grants (7 U.S.C. 450i(b)), \$96,934,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,109,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$750,000; for the 1994 research program (7 U.S.C. 301 note), \$1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,000,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$4,350,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$1,000,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), \$600,000; for aquaculture grants (7 U.S.C. 3322), \$4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$9,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321-326 and

328), including Tuskegee University, \$9,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$1,552,000; and for necessary expenses of Research and Education Activities, \$16,028,000, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HEFLEY:

Page 13, line 17, insert "(reduced by \$200,000)" before ", of which".

Page 13, line 24, insert "(reduced by \$200,000)" before "; for".

Mr. HEFLEY. Mr. Chairman, this amendment would cut \$200,000 for International Asparagus Competitive-ness from the special research grants. Before I get bombarded with the asparagus contingent like George Bush did with broccoli, let me say this, I am not saying I do not eat asparagus, and I am not saying asparagus does not have the right to be competitive in a national market. In fact, I like asparagus. Mr. Chairman, I want to stand on that here today.

I am saying the Federal Government should not be paying for specialized pork projects like this. Money would go towards building a harvesting machine for asparagus, it is currently picked by hand, and various other research projects.

The asparagus industry is far from beleaguered. They earned \$43 million in the first half of 1999. In 1998, U.S. exports of fresh asparagus totaled 15,601 tons at a value of \$46 million. In May 1999, fresh asparagus exports to Japan were up to 422 percent from the previous year.

As the industry is doing very well, why should the Government pay to build them a harvesting machine? While I highlighted this section of the bill, let us look at some of the other wasteful projects which are included in this bill. There is \$400,000 for an agriculture-based industrial lubricant research, \$5 million for research into citrus canker, \$150,000 for blueberry research, \$500,000 for peanut allergy reduction, and it goes on and on, Mr. Chairman.

The asparagus issue is simply an indication of what we get in this bill. All industries listed above, including asparagus, make enough money to subsidize their own research and development. Congress should be working to solve farmers' problems with the drought, the industrial farm competition, the estate taxes, but these small pork projects like this really do add up.

Mr. Chairman, total special research grants for this year would be \$74,354,000. The gentleman from New Mexico (Mr. SKEEN) and I had a very

good friend, still have a very good friend, Dan Schaefer, who was a Congressman from Colorado, and I remember one year when Dan did have legitimate competition in his congressional race, the opponent used his support of this type of asparagus program.

I remember the brochure she used, and she had asparagus sprouts all wrapped in a little ribbon on the front page of this brochure showing this is the kind of thing that Congress does and it needs to be stopped. Of course, she was going to come here and stop that kind of thing that Dan supposedly supported.

This is something that it is a minor thing, it is not a big deal, but illustrative, I think, of some of the things that we do in here. I give a porker of the week award every week for some kind of government foolish spending, and I have to tell my colleagues, the Agriculture Department gets the porker of the week award more than its share. It gets it for things just like this.

Mr. Chairman, I would encourage support of the amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to ask the gentleman from Colorado (Mr. HEFLEY) a question, the proponent of the amendment, and ask in whose congressional district does this project lie?

Mr. HEFLEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I have no idea.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, in which State?

Mr. HEFLEY. Mr. Chairman, I have no idea. That is not a point with this at all.

Ms. KAPTUR. It is our understanding that this is the State of Washington? I do not know if there are any Members that would like to comment, but I just thought for the record we ought to state that.

Mr. HEFLEY. Will the gentlewoman continue to yield?

Ms. KAPTUR. Yes, I continue to yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I think the gentlewoman makes my point for me, which State does this lie? Is there a Member from that State here who wants to defend this project? That should not be the reason we make these decisions. We should make those decisions based on real issues.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I am stating we do not know whether it is at a research station, whether it is in cooperation with the land grant university. The gentleman from Colorado is offering sort of an unspecified cut. We have many, many worthy research projects that occur across this country that try to save crops, that try to produce better crops.

I just thought it would be important for the offerer of the amendment to place on the record exactly where this is. And USDA conducts many activities; I think it is very important for us to understand the full impact of what the gentleman is proposing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. 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 538, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The point of no quorum is considered withdrawn.

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

Mr. Chairman, I take this time and ask for the indulgence of the gentleman from New Mexico (Mr. SKEEN) to enter into a colloquy. I would like to bring a very serious matter to the attention of my colleagues, which is the devastating effect the drought is having on Texas and its residents.

We are well aware of the economic impact it has had on agriculture production. Our colleague, the gentleman from Iowa (Mr. BOSWELL) was speaking in terms of what was happening in his State and other parts of the country. The prolonged drought is now threatening an essential human need, drinking water.

Let me give my colleagues a few examples: Sylvester, McCaulley, West Odessa, Rhineland, Mirando City, and Bruni's water supply comes from wells. Because of the drought, the water tables have dropped and the water quality is poor. In addition, they face the real potential of their wells running dry.

Stamford, Texas has about a 1-year supply of water. The water quality is poor. Solutions have been delayed by bureaucratic indifference. Without assistance to divert water into the lake, any rainfall will be lost.

Throckmorton, Texas, a population of 1,036 whose sole source of water is a lake, has approximately 117 days of water left. They are working with State and Federal agencies for resources to fund a pipeline to a neighboring community about 30 miles away. This is an emergency situation.

Mr. Chairman, within USDA, there are rural utility programs that are designed to address problems such as these. Section 381E(d)(2) of the Consolidated Farm and Rural Development Act describes several programs that can alleviate the dire circumstances that these small rural communities face.

For example, the Emergency Community Rural Water Assistance Program provides grants for communities in these dire situations. Unfortunately, the program has not been funded since fiscal year 1996.

I would like to ask for the help of the gentleman from New Mexico (Mr. SKEEN) and to work with the gentleman and others on this committee as this bill moves through the legislative process to find funding for these programs so these communities can receive the critical assistance that they need.

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

Mr. STENHOLM. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I would like to assure my colleague that I will work with him to identify the funding sources for these programs and get these communities the help that they need either as this bill moves through the conference or other legislative vehicles arise. It is a very serious problem in that part of the country, and I understand that.

Mr. STENHOLM. Reclaiming my time, I thank the gentleman from New Mexico (Mr. SKEEN) for his help, and I look forward to working with him and the ranking minority Member, the gentlewoman from Ohio (Ms. KAPTUR) on this issue of gravest circumstance.

Mr. Chairman, I would take the remaining part of my time, and again, highlight something that I said a couple of nights ago when the HUD bill was on the floor. The bureaucratic indifference to the problems of these communities is becoming a very, very real problem, so I would hope that all of the committees, the authorizing committees of jurisdiction, would work with us as we attempt to work with the various agencies in order that we might have a little common sense applied to these emergencies and not have projects delayed needlessly as we continue to dot every "I" and cross every "T" on many of the myriad of hindrances that Congress has put in the way of dealing with emergency situations.

I would hope that as we work through this difficult situation in all communities, all over the United States, that we might have the kind of sympathetic, common sense concern to address the problems.

AMENDMENT NO. 49 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. SANFORD:
Page 13, line 17, insert after the dollar amount the following: "(reduced by \$14,406,000)".

Page 13, line 24, insert after the dollar amount the following: "(reduced by \$14,406,000)".

Mr. SANFORD. Mr. Chairman, this amendment would simply hold at the fiscal 2000 year level special research grants. The reason I think that this is important is because there has been basically a \$14 million increase in overall research grants, which represents a 24 percent increase in this category of spending within this bill, and that is significant, because that is about eight times the rate of growth in inflation. It is about eight times the rate of growth in overall government expenditure.

Mr. Chairman, one of the reasons that this occurred was that there are \$15 million in new research grants over the last year. They were not part of the fiscal year 2000 budget. They were not requested by the President. They were not appropriated by the Senate. In short, they were simply pork for Members within the agricultural committee.

I do not blame them one bit for doing this. They were watching out for their district, but if my colleagues look at the last component of cooperative State research education extension grants, they are to be focused on a national mission. This just flat out is not the case as we look down to these grants. What I see is \$1.25 million for efficient irrigation in New Mexico and Texas. I see \$300,000 fish and shellfish technologies in Virginia. I see \$300,000 for nursery, greenhouse and turf specialties in Alabama. I see \$200,000 for International Asparagus Competitiveness in Washington that was just recently talked about. In fact, I see a number of increases on all kinds of different things, red snapper research up by 37 percent. Vidalia onions up by 200 percent. Wood utilization, I think this is just plain crazy one, if we look at wood utilization research, it is there to help in speeding the process from timbers' exit from the forest to the mill. Yet there is nothing more efficient than a redneck out in the woods of South Carolina with a chain saw. He is getting bit up by ticks and mosquitoes and red bugs. He is going to find the most efficient way to move the tree from the stump to the mill. He does not need a Federal Government grant to teach him how to do that.

It is with that in mind that the USDA only requested \$6.3 million of this type of research, because they, in fact, wanted broader research, research that was national in nature.

□ 1300

In fact, on this very front, if we look, competitive research grants were cut by about \$23 million while these non-competitive grants have been added to. It is for this reason that I think this amendment makes sense, because not to have competitive grants means that Oklahoma, Vermont, South Dakota, Delaware got zero in research grants. In fact, two big farm States, Indiana and Tennessee, got one each.

So I urge this amendment's adoption.
Mr. SKEEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Special research grants do not represent "pork barrel spending." Special research grants have strong constituent support and provide the Nation with vital research alternatives to critical issues facing the American agricultural endeavor.

Freezing special research grants at last year's level or eliminating new projects, as the gentleman's amendment proposes, will have a devastating consequence on vital research needed for eradicating citrus canker, preventing invasive species, combating exotic pests such as the glassy-winged sharpshooter that carries Pierce's disease, and improving agricultural and environmental technologies.

The following three new projects highlight the significant nature of the special research grants funded in this year's appropriation bill:

Citrus canker currently threatens the \$8.5 billion citrus industry in Florida. \$5 million is provided for much needed research on citrus canker and invasive species prevention and detection and eradication methods.

Two, exotic pests are introduced into California at a rate of 1 every 60 days. The bill provides \$2 million to establish a research center devoted to the study of short- and long-term alternatives in combating exotic pests.

Number three, Pierce's disease, carried by the glassy-winged sharpshooter, currently threatens the \$12 billion wine industry in California. \$2 million is provided for short- and long-term research on Pierce's disease and the glassy-winged sharpshooter.

Historically, special research projects sponsored by Members of Congress have made significant contributions to American agriculture and have provided an opportunity for special oversight. Each year, the Cooperative State Research, Education and Extension Service is required to report to the appropriations subcommittee on the national, regional, and local needs for the projects and the goals and the accomplishments to date. This year's detailed description for special research grants begins on page 513 of part 4 of the subcommittee's hearing record and concludes on page 775. Research conducted through the competitive grant process does not receive the same detailed oversight by Congress because the USDA does the selection process.

Individual Members have submitted nearly 800 requests in support of the special research grants funded through this appropriation bill. Although we are not able to fund every request, we did evaluate the benefits of each project before we included it in the appropriation.

The process associated with the appropriation process is long and includes

oversight hearings and evaluations of many proposals. The funding presented in the special research grant proposal represents the combination of many months of work by the subcommittee, and the gentleman has not been specifically involved in the process. Furthermore, the gentleman's amendment moves to arbitrarily cut or freeze funding without any consideration to the merit or value of the research needs facing American agriculture. This approach ignores the methodical process the committee used to fund the specific projects, and it brings into question the sentiment of where the gentleman's support actually lies.

Does the gentleman support American agriculture or foreign imports? Because if vital research such as those related to citrus canker and Pierce's disease is not performed, then the American citrus and wine industries and other agricultural industries supported by special research grants are in serious jeopardy.

Mr. Chairman, I urge my colleagues to defeat the gentleman's amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, along with our very able chairman, the gentleman from New Mexico (Mr. SKEEN), I rise in opposition to this amendment in the area of research. One of the great gifts that America has given the world is our agricultural research. There is no more productive Nation agriculturally on Earth than our own. This has not happened by accident. When the country was founded and we tried to master the plains and people moved westward and so forth, even until today, we try to understand the ecosystem and its function; and we know we could never really control it, but we try to live in harmony with it.

I am always someone who is a very strong supporter of research for the Nation, whether it is medical research, whether it is research related to space science, or certainly in the area of living tissue, whether that be plant tissue or, in fact, human tissue research. My record is very clear on that.

The gentleman has picked one set of accounts called Special Research Grants, and for the record, I just wanted to point out that if we look at all research within the U.S. Department of Agriculture and all agriculture programs, there is, indeed, a prejudice toward row crop production, corn, wheat, feed grains, that runs through the general performance of the U.S. Department of Agriculture. There are many, many crops and many issues that are left out of that general prejudice, and these include many of our vegetable crops and they include many of our fruit crops; many items that would be smaller in terms of actual presence in the economy.

Take maple sugar production, for example. This is an area that is covered

under special research. The area of molluscan shellfish, granted, it is not something that everyone in America thinks about; but on the other hand, we have all managed to indulge at dinners and so forth in some of the products produced in that research. If we look at peanuts, it sounds like a simple thing to do, produce peanuts. One has to have the right climate, the right fertilizers, the right soils.

What happens with peanut research? We have discovered, that, my goodness, there are allergens associated with peanuts and some people can die from eating peanuts. My district does not produce peanuts. I certainly do not want anyone to die, and yet with the general research, it is important that we as a country understand what is going on there and that food safety and investment in research related to peanuts occurs.

Citrus canker. I do not have oranges and limes in my district in Ohio, although I certainly buy them at the grocery store. My heart goes out to all of the producers in Florida that are losing their shirts because of citrus canker. It is important for the Nation, if we are going to have citrus crops, to find answers to controlling, if we can, the devastation that is going on in those groves.

On behalf of my own State I have to say, with tomato production, it seems that we can all grow a tomato plant, but how do we grow enough tomatoes to feed a Nation to make sure that we can move it from field to shelf.

So I oppose the gentleman's amendment simply because it really throws a dagger at the heart of our special research grants which do not have the kind of support that we get in the major feed grains but, nonetheless, are very important to integrated production in this country. I think the gentleman has a worthy objective, but I really do not think he has chosen the right place to express himself.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentlewoman, and I understand completely what she is saying.

I guess my only question about this is those very needs that the gentlewoman is talking about could be addressed through a competitive basis. My problem with the special grants is that they are on a noncompetitive basis so that many States are left out and some of the very needs that the gentlewoman is talking about are not addressed because they are not on a competitive basis.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, if I might say to the gentleman, he knows the problem with the Small Business Administration, why do we even have one? It is simply because so many people fall between

the cracks because we as a country are more able to deal with large institutions. It is no different than smaller producers, for example. Most farmers who might raise something like asparagus or tomatoes, they do not know how to apply for competitive research grants. Oftentimes this is done in conjunction with our land grant universities who do work with many of our smaller producers; raspberry producers, for example, who have to worry with viruses on their crops. We have a lot of internal review that is done by the academic institutions working with these crops and with the individuals who grow them. Also, the USDA Cooperative Research Service works and makes sure that we are getting our money's worth.

So I think the gentleman is trying to do something worthy, but I think he has chosen the wrong vehicle to do it, and I oppose the amendment.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I want to remind the Members, Mr. Chairman, that the reason this money is in there is because we, because of our trade policy and the opening of our markets and our ports, we have many very serious invasive pest issues that we are dealing with in this country. I will give a couple of specific examples.

In Florida right now we are under severe attack from citrus canker. The source was a tree that was brought in through the Miami airport. Right now, this Federal Government is going to be spending millions and millions and millions of dollars to try to eradicate this disease. The only way that we can get rid of it is destroy the tree. It is spreading in at a very rapid pace. In the process, it is destroying the citrus industry in Florida and bankrupting many of the folks who have been in the citrus business down there for hundreds and hundreds of years.

There are other examples, as I am sure have been referenced in this debate. Pierce's disease in the grape industry, plum pox in the Northeast, the African hot water tick is another example of an invasive pest which has been found in this country which has the capability of destroying totally the livestock industry, including the wild deer population.

I need to remind the gentleman that we did not become the world's greatest economy, including agriculture and other industries, by sitting on our hands when it comes to research; and this basic research to solve these problems has to be done by the Government. One of the things that we have done in the last 5 years that has not served us very well is to cut back in many of these areas within the Department of Agriculture and its funding.

So I would very strongly oppose the amendment.

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

Mr. BOYD. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I commend the gentleman for the way he has been a consistent advocate for farmers in general and farmers specifically within his district.

However, my concern here is that people have mentioned a lot of strange diseases, canker sores on the sides of citrus trees and whatnot; but again, based on the research grants themselves, if we actually break them out, what they are correlated to is not the diseases on the citrus trees, but they are correlated to who sits on the Committee on Agriculture.

So while these are interesting points, that is not where the research grants are going, and that is why I think they ought to be made on a competitive versus not-competitive basis.

Mr. BOYD. Mr. Chairman, reclaiming my time, I thank the gentleman, and I would remind the gentleman and others who have the same interest that this is one Member who sits on that committee and would be glad to work with anybody from any part of the country if they have a specific problem. We intend to earmark a lot of this money, and rightfully so; and we have taken into consideration those folks, like the gentleman, who have specific problems.

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

Mr. BOYD. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, on that point, I fully recognize the fact that while this particular Member may well do that with farmers from anywhere across the Nation, as a whole, at the end of the day, what comes out of this process is not that happening. In fact, again, we see a direct correlation between simply sitting on that committee and the research grants.

Mr. BOYD. Mr. Chairman, reclaiming my time, I would like to say that unfortunately, Mr. Chairman, I do not control the whole process. I would be glad to work with the gentleman to solve his specific problem.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BOYD. I yield to the gentleman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would just like to say, as ranking member of this committee, our responsibility is to serve the country; and we have Members that come to us, for example, from New York City and from Chicago who are not on the Committee on Agriculture who are suffering under the Asian long-horn beetle infestation where all of those hardwoods are having to be cut down. We serve the country. We try to provide answers through this section of research in special grants and special research efforts all

across this country. We do not just serve people on the agriculture committees. Our job is to serve the membership and, through them, serve the Nation.

So I would object a little bit to the way the gentleman characterized the performance of the committee. We are very proud of the work we do in serving the Nation.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong opposition to this amendment.

□ 1315

I come from Southern California. We are being attacked by what is called the glassy-winged sharpshooter, which is capable of totally destroying the wine industry.

I want to make one point, Mr. Chairman: Insects do not wait. They do not wait for a competitive grant, they do not wait for a competitive investigation of whether one insect is more deserving of investigation or research than another. We do not have time. When an insect first hits the ground, it starts reproducing at a rapid rate. They become endemic very quickly.

We have found in California if we do not respond, for instance, to the fire ant that was found recently, or the Formosa termite, which was literally eating its way across San Diego, or the Medfly, and continue to have research on that most destructive insect, I think everyone would agree in the United States, which totally destroyed, by the way, the citrus industry in Florida many years ago, that these research grants need to be responded to immediately. They cannot wait. We do not have the time. We have to give the responsibility to people to make those types of decisions.

I would say that I join my friends on both sides of the aisle in opposition to this amendment. I would hope for the sake of the produce industry, certainly something very important in California, that this amendment is voted down.

We do not get subsidies on our crops in Southern California. We are produce farmers: strawberries, fruits and vegetables. Our farmers really have to succeed on the price of their produce. The only thing that we have to get us in some kind of a competitive advantage is good research. I want to stand for research and in opposition to this amendment.

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

Mr. CALVERT. I yield to the gentleman from Washington.

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

I just think the gentleman makes some good points. I have great respect for my friend, the gentleman from South Carolina. But coming from a

farm State and being part of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, we do look carefully at the problems that come up in different parts of the country and try to address the needs where they can best be addressed, at the universities or land grant universities who have an ongoing research program.

It is popular to say, "This has a funny name, jointed goat grass research," for example, "Let us try to strike it;" or asparagus research, like my friend from Colorado had an amendment which I opposed.

But it really, I think, diminishes a bit the work of the members of the subcommittee on the Committee on Appropriations who look at all of these challenges in agriculture research and try to use their best judgment to make sure that problems are addressed for farmers, so we can sell crops and grow them, and grow them healthfully.

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

Mr. CALVERT. I yield to the gentleman from South Carolina.

Mr. SANFORD. I would just make the point that the gentleman raises some areas of acute need. I would recognize those acute needs. The problem is, the money is not being spent here. I see \$5.5 million on wood utilization research; \$3 million on vidalia onions, we do not have a crisis there; red snapper research, I do not see a crisis there.

Mr. CALVERT. Reclaiming my time, Mr. Chairman, I do not know the instances in these various products, but I have confidence that the appropriators have looked into this.

I have confidence that the USDA does not have time to look sometimes into the minutiae of what the gentleman is trying to do. They must respond immediately, not only with research but with dollars to back up that research, or we are going to have an epidemic on our hands with various produce and products in this country.

I would like to say one thing, produce is extremely important to this country. Fresh vegetables are important to this country, not just to the farmers but to the people who consume them. We need to have the research and the response as quickly as possible in this country to make sure that we continue to have the best produce at the best possible price for the consumers in this country.

In that sense, I would absolutely oppose the gentleman's amendment, and would urge all our Members to vote against it.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a lot of problems with this bill, but I want to take just a moment to question the presumption that somehow the public interest is served if the Congress never

exercises its own judgment about where a dime of taxpayers' money ought to go.

There are a lot of occasions on which I oppose individual requests of Members to add items to appropriation bills. Many times I oppose them because essentially those requests have been marred by lobby groups in this town. I think Members ought to be able to represent their own districts without having to be plagued by a middleman who is simply trying to make money off the deal.

But the gentleman from Washington said something which I wanted to emphasize when he talked about the tendency of some people in this institution to sometimes go after projects just because they "sound funny."

I remember about 15 years ago when a research project at the National Science Foundation was ridiculed on this House floor, on the Senate floor, and in most of the newspapers across the country because it was a research project involving Polish pigs. Everybody had a big laugh about the research that was being done on Polish pigs.

The fact is that out of that research came one of the new, modern drugs for control of blood pressure.

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

Mr. OBEY. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding. I just want to make a point of clarification. The gentleman suggested that I thought Congress should never be involved in this decision-making.

Mr. OBEY. I did not mention the gentleman.

Mr. SANFORD. Not me, but I am just saying generally. What is interesting is, I leave in place \$60 million for special research grants. All this amendment goes after is the increase of \$14 million, so Congress would very much be involved in the process of making special research grants.

Mr. OBEY. I would simply say this, we have an economy that is second to none in the world. We have an agricultural community which is second to none in the world. We did not get that way by putting green eyeshades ahead of our own judgment.

Sometimes the Congress has the temerity to think that there ought to be an increase in a program because there is some other value that is served by investing that money.

I would simply say that it is very easy for one Member who has not sat through hearings, who has not gone over the individual Member requests, who has not weighed the requests of one Member versus another, given the very tight squeeze on money that we have around here, it is very easy for a Member to come to the floor and just say, knock off the increase in this pro-

gram, or knock off that category of grants.

The reason Congress has survived as the strongest legislative body in the world is because Congress specializes, and Members are expected to learn their trade. They are expected to learn about the subject matter under the jurisdiction of their committee.

If we cannot have some expectation that that committee is to be trusted to use good judgment, then we become a zoo where the amendments are adopted on the basis of what some staffer in some Member's office thinks is a clever tack. I do not think that serves the interests of the taxpaying public.

Mr. SANFORD. If the gentleman will continue to yield, Mr. Chairman, I want to be clear, this is not about a green eyeshades analysis or nonspecialization. In other words, when I look at the wood utilization grants, I will bet I am the only Member of Congress who raises pine trees. I have been out there in the woods with a McCullough chain saw cutting timber, watching loggers do the same.

It is based on that experience that says to me that the wood utilization program is a waste of money.

Mr. OBEY. That is fine, but this is an institution that makes collective judgments. With all due respect to the gentleman, I think the committee spent more time examining this problem than the gentleman has.

Mr. SANFORD. The question is how much time Members have spent in the woods.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

I just wanted to express opposition to this amendment. As someone who is not on the subcommittee and someone who has not necessarily been advocating, although I certainly advocate for special projects research, but I have seen the value of these projects, whether I have advocated for them or not, in not only responding to special projects that someone else, not understanding it, may see it as something completely beyond what is practical and reasonable.

Part of the ingenuity of research is to begin to not only speak to crises but speak to opportunities for research, opportunities for greater production, opportunities for enhancing the quality of food and the products that we grow. Having this and the judgment to respond both to crisis and opportunity is a unique value that we should not lose in the austere position of balancing the budget.

If we are going to err, we ought to err on the side of looking at research in the sense that research really is a searching for the unknown, searching for the possibilities. I want to suggest that if we are to be practical, we also ought to have a future. Research is about the future. Sometimes we do not

know all the practical crises of those situations.

I urge that we vote against this amendment.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hesitate to get in this debate, but one of the things I heard that really bothered me is an assumption that the American people should not take as fact. There is no shortage of money. Discretionary spending from this Congress last year rose almost 9 percent, three times the rate of inflation in this country.

So dare we not make the case that money is tight. Our pocketbooks that we are spending of taxpayers' money is growing three times the rate most of them are seeing increases in their own budget.

The second contention that I would make is that it is okay to fund research that is not necessarily legitimate, because sometimes something positive comes out of it. I am reminded of the research that was appropriated when the gentleman from Wisconsin (Mr. OBEY) was chairman of the committee that studied the flatulence of cows. There has been nothing positive that has come out of that approach.

It is ironic that we would be so resistant to a lessening of programs that are not necessarily cogent and reasonable that are necessarily related to regional politics and reelection.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since the gentleman from South Carolina (Mr. SANFORD) is indiscriminately attacking important programs in this bill without much discussion about the impact of the proposed cuts, I want to take a minute to talk about the program that he is attacking with this amendment.

The Cornell University program on breast cancer and environmental risk factors was launched in 1995 in response to the abnormally high incidence of breast cancer in New York. The program investigates the link between risk factors in the environment, like chemicals and pesticides, and breast cancer.

The BCERF program takes scientific research on breast cancer and translates it into plain English materials that are easy to understand, and disseminates this information to the public. They have a web site that is filled with information on BCERF's activities, breast cancer statistics, scientific analyses of environmental risk factors, and links to other sources of information. They sponsor discussion groups that provide a public forum to discuss breast cancer.

This amendment would destroy our ability to bring the important work of the BCERF program to more people around New York and around the country.

Let me make this very simple. If Members oppose efforts to educate the public about breast cancer, and if they think we have done enough to prevent breast cancer in this country, then vote for this amendment. But if Members agree with me that we need to do more about stopping the terrible scourge of breast cancer, if Members agree with me that we cannot sit by while one in eight women are diagnosed with breast cancer over the course of their lifetimes, if it outrages Members that approximately 43,000 women will die from breast cancer, and 175,000 women will be diagnosed with breast cancer this year alone, then join me in voting no on this terribly misguided amendment.

Mr. SANFORD. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from South Carolina.

□ 1330

Mr. SANFORD. Mr. Chairman, I just I want to make very clear that this amendment simply gets at the overall funding category, the 24 percent increase in funding. It in no way goes specifically after your very worthy research project.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I wanted to point out the importance of this use of that source of funds. Because I think we have to be very careful in this body about indiscriminately cutting back on an account that may have very important uses for those dollars, and I wanted to point out one of the very important uses of these dollars so that I think we have to be careful.

I am just stressing this to the gentleman that to cut out a whole account, we could put a program like this in danger.

Mr. SANFORD. Mr. Chairman, if the gentlewoman would continue to yield, I would simply say on that point, that is why I think it is so important to go after some of the others that I think have far less merit, like the wood utilization program.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, I would like to state again to my colleagues that I think we all have to be careful in this body about cutting money from a general account when, frankly, the impact of those cuts could impact a very important program such as this one.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me this time. The gentleman from Oklahoma (Mr. COBURN) just said that there were some Members standing on this floor who were saying it was okay to use taxpayers' money for research which is of no value. Nobody is saying that. I mean, the gentleman's comments I

think simply do not accurately reflect what Members have said.

What we are saying is that it is nice if there are people in this place who recognize the value of something as well as its cost. That goes to the very essence of research. We do not know ahead of time what value there will be, but we do know that there will be a very large cost if we do not engage in that research, whether it is in the case of human disease or even, I might add, if it is in the case of bovine flatulence which produces methane which has an impact on atmospheric gases.

Mr. Chairman, I see nothing against the national interest in trying to determine whether an adjustment in bovine diet can lead to less impact on the Earth's atmosphere, so that we do not have to focus all of the squeeze in creating a cleaner environment on industry which has a negative impact on jobs.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, and in conclusion, I think that points out once again that the reason that I am using this as an example is to explain to the gentleman from South Carolina (Mr. SANFORD), my good friend, that the impact of his cuts, although it may be unintentioned, could severely affect very important programs such as I have mentioned here.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I rise in opposition precisely because of the nature of the amendment in which the gentleman from South Carolina, my good friend, reduces arbitrarily the amount of money set aside. And I do so without apology on spending or defense of this particular category.

When we look at the total amount of money that is being invested in agriculture on food, then it should be relatively easy to oppose an amendment that arbitrarily strikes \$16 million without saying where we will strike it. I trust the judgment of the committee that has spent literally hours in determining the priority of projects. And I say that as one who has had some of my own requests turned down this year because there was not sufficient money available to fund all of the projects.

Mr. Chairman, I respect that, as much as it hurts me to say that, because I happen to believe some needs that we were supporting in Texas and in other areas should have been considered, but were not able to be considered under the tight budget restraints. But to come in and arbitrarily cut an additional \$16 million seems to me to be a little harsh, because when we look at things like bovine tuberculosis in Michigan, a very, very serious problem that we do need to have a special rifle-shot attention being done for it.

We have already heard about the citrus canker in Florida. Designing foods

for health, very important. Potentially, something might be wasted, but by the same token, trying to find answers through our food supply of dealing with the very serious disease of cancer.

I can list others. We have already heard the California problem in the wine industry, et cetera. But I remember not too many years ago in which, on this floor I am sure, but I heard it on talk shows, radio hosts who ridiculed a program that this Congress had appropriated dollars for, to study the sex life of a fly. If we let our mind wander for a moment, anyone who would hear that as we were spending taxpayer dollars and suggest what fun one could have with that.

But, Mr. Chairman, it turns out that program was the Screw Worm Eradication program. That was a program that has now successfully eradicated the screw worm not only from the livestock industry in the United States, but also in Mexico. We are hoping to continue to move it completely off the face of this Earth. It has also benefited the wildlife industry tremendously. How many fawns have lived because there was no screw worm to take their life?

So I would ask the indulgence of the body to stick with the committee. They have done a good job. I can criticize the \$74 million as not being enough, but that is not what we are here today to do. But I would respectfully say to the gentleman from South Carolina, I know his intent, and he and I have joined on many occasions to reduce spending. But I would use this opportunity to point out to the entire House, we have done a pretty darned good job. We are now down to where we are going to be discretionary spending something like less than 17 percent of the available funds.

At some point in time we who call ourselves conservatives have got to acknowledge that and begin to look seriously at whether or not additional cuts are going to do real harm. I respectfully oppose the amendment, because when we look at the 16 million, if some of these projects would come out, we could do some real harm that I know the gentleman from South Carolina, my friend, would not want to do.

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

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

Mr. Chairman, I would make two comments. One would be the semantics between "cut" and "freeze." And we might say this differently. I would view this as more of a freeze at last year's level, rather than a cut from a proposed increase.

Secondly, I would make the point that if there is anything arbitrary

about what is in here, it is the degree of correlation between not the diseases that are being talked about but the degree of correlation between the grants themselves and membership on the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, I appreciate that. But from the standpoint of freeze, I would hope the gentleman would look at it from the total perspective of agriculture, not a particular program. Because if we look at it from the total and the needs that we have, and those needs that were not able to be funded, I believe perhaps the gentleman would have some sympathy for those of us who say it is a cut.

Mr. SANFORD. Mr. Chairman, if the gentleman would again yield, that is fair enough and a point well taken.

Mr. BALDACCI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in opposition to this amendment. While I have enjoyed the company and support on other measures with the gentleman from South Carolina (Mr. SANFORD), I have to stand in opposition to this amendment. I feel that it is important for me to be here to probably tell the rest of the story.

The funds for the wood utilization research go to land-grant institutions in nine States. Maine is one of them. The money does not go to teach loggers how to cut trees more efficiently. Money is used to generate the new knowledge and technologies that are necessary to balance the sustainable use of our timberlands and forest resources with the need to maintain a vigorous forest products industry.

The quality of the science performed with the help of these funds can be shown by the patent applications, the research awards, and the use of the awards by the industry itself.

A couple of examples: it has helped with the environmental improvements in the pulp and paper industry, which I am sure has a presence in the State of the gentleman from South Carolina. The funds have been used to assist in the development of pulping and bleaching technologies that use oxygen delignification instead of chlorine. It is the use of chlorine in the process that creates dioxin.

Last year, the University of Maine received about \$890,000 in Federal funds, matched that with \$500,000 in program support and industry provided in-kind support of over \$250,000. This ongoing research has helped, because as we try to make sure that we are having a sustainable forest program, that we are able to use less-valued timber to be able to make sure that we could create a wood composite so that it would have the same strength and value of a higher grade of timber that could be used in the home construction industry to keep houses affordable and construction costs affordable for small

businesses and working families, and at the same time to be able to better create a balanced, sustainable forestry program.

Mr. Chairman, this research is necessary to do that. I do not remember or recall people talking about reducing the research that the NIH was doing that was providing the basic elemental science for the pharmaceutical industry to create drugs which are going to help people with MS and other diseases to better cope with it. I do not remember anybody proposing an amendment to cut those dollars that are providing that research that is going on in the pharmaceutical industry.

But I notice as it pertains to agriculture, and I notice as it pertains to land-grant institutions and the research that is going on there that is helping industry provide and support alternative approaches to creating the opportunities for more economic development and jobs, I see the attacks coming in those directions.

So as a member of the Committee on Agriculture, as a member of the Committee on Agriculture who represents the largest physical district east of the Mississippi, I stand here to defend these programs and the research that has gone on.

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

Mr. BALDACCI. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, the gentleman raises very valid points in terms of the overall net effect of what is done in terms of research. My question would be on some of the things that the gentleman mentioned. On the New York Stock Exchange we find Boise Cascade and International Paper and Westvaco. And given the fact that these are multimillion-dollar corporations, and given the gentleman's advocacy for people in need, and given the fact that there are scarce dollars in Washington, all I am suggesting by this amendment is given the fact that we have publicly traded companies that can do this basic research, why not let them do it, rather than having them subsidized by people who frankly are not so well off in these research projects?

Mr. BALDACCI. Mr. Chairman, reclaiming my time, the gentleman makes a very good point. But the research is not being done. The resources are being either clear-cut or overharvested, which is creating ripple impacts, which I know the gentleman cares about, in natural resources and in the quality of the environment. In order for us to be protective of our natural resources, creating a sustainable forestry program that is balanced, we need to publicly do the research. And by the ability to enfranchise and have the support of private industry with private dollars, we are able to use a public-private partnership to both protect our public resources and at the

same time provide an opportunity for business and industry to create the jobs and opportunities here in this country. So I think it goes hand in hand.

I appreciate the direction that the gentleman is coming from, but I think it is very important that this research go on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The amendment was rejected.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak briefly on the amendment previously offered by the gentleman from Colorado (Mr. HEFLEY), which was defeated by a voice vote. I urge my colleagues to also vote "no" on that amendment when it comes before us later on.

Mr. Chairman, I want to speak specifically because the asparagus industry, while it is a small specialty crop, is very important in my district.

Let me briefly walk through the asparagus industry. It is a small specialty crop. They assess themselves somewhere around a million dollars for research and market promotion and those monies are obviously spent wisely. But the problem they are having overall is that the foreign competition from other countries comes at a price to our domestic growers, because in large part they are subsidized by their governments.

That has a negative impact on our asparagus industry, because harvesting asparagus is very, very labor intensive, and therein lies the crux of the problem.

□ 1345

Now, I have talked to my growers in my district a number of times, and they said just give us a level playing field and we will compete with anybody because of the quality of their product. And I believe them.

But one of the problems within the asparagus industry that is not new just this year, but going on some 20, 25 years and probably longer than that, is how one can harvest asparagus mechanically because it is very, very labor intensive.

Part of this modest appropriation that was made to this industry was to find ways to reduce the cost of production through alternative production and harvesting. The key word here being harvesting.

So this industry, simply being a specialty industry, is simply not large enough to fund the needed research, and this is a start to try to find what I tell my growers is the elusive automatic asparagus harvester.

So I would hope that my colleagues would join me in voting no on the Hefley amendment, because this is the

start where I think ultimately will be, and I cannot tell my colleagues whether it is going to be 1 year, 5 years or 10 years down the line, but with our ability to create technology in this country, I think we will find the means to find a way to harvest asparagus mechanically rather than on a manual basis.

So I urge my colleagues to vote no on the Hefley amendment when it comes to the floor later on when we come back to rolled votes.

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

Mr. SMITH of Michigan. Mr. Chairman, just to reinforce the Hefley amendment that takes the research money away from asparagus, I mean, I do not know how many people in this Chamber like asparagus, but have my colleagues noticed the increased quality of that asparagus?

Right now our asparagus farmers throughout this country are facing the competition of losing their ability to produce because of the imports coming in.

Vote against the Hefley amendment. Keep the research going for asparagus. This is a very, very small start.

Additionally, let me say that Michigan is third in the nation in asparagus production, growing on over 16,000 acres at an average annual value of over \$20 million.

The asparagus industry is a small farm specialty crop with an average farm size of 65 acres. Asparagus is a very labor intensive crop as it must still be harvested by hand. During the growing season asparagus must be picked by hand daily with the selection of ripe shoots done by hand labor.

When Peru was allowed to export asparagus into the U.S. as a result of the Andean Trade Pact, the U.S. asparagus industry was put at an unfair competitive advantage. While U.S. growers pay at least minimum wage, Peru's average wage is \$4 a day. The U.S. industry needs a mechanical harvester to reduce the costs of harvest so they can be competitive with foreign competition. Because asparagus is a minor crop, there is little interest or incentive for private industry to develop a mechanical harvesters.

Until the U.S. asparagus industry can find a way to reduce its dependence on hand labor, it is in danger of surviving due to competition from foreign markets. With cooperative assistance from Washington State University and Michigan State University, this funding will help develop mechanical harvesting technology to succeed in a very competitive marketplace.

Without our assistance, this small but essential industry could disappear from the United States.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, and the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

In the Supplemental Appropriations bill that the House passed in March,

\$393,193,000 was included in programs within the jurisdiction of this subcommittee. The Supplemental Appropriations bill, which is coming to the floor sometime this evening apparently, or whenever the final differences of the House and the Senate can be resolved, contains only about \$56 million of that amount.

It is my understanding that those items were deleted without prejudice in order that the two bodies might reach agreement on urgently needed funds for the Army and for firefighting in the Western States before the July 4th district work period.

I ask the gentleman from Florida (Mr. YOUNG), is that the correct intent of where we stand?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me. I thank the gentleman for his question.

As he knows, the House did pass this bill with the agricultural interests included in March, and it has taken us this long to reach some kind of a conclusion with the other body. We are prepared with a bill, a supplemental bill that has been scaled down somewhat.

But I would say to the gentleman from Wisconsin, he is exactly correct. We have to move the supplemental as early as possible. The money has already been spent for the Defense Department in Kosovo and other parts of the world. So it is essential that we move the supplemental quickly.

I would say to the gentleman, in response to his question, that I agree with his interpretation. I agree with his intent. There are agricultural matters of interest that were in the supplemental that are of great interest to the State of Florida. We do intend to make sure that we meet those obligations as we go through the further process.

Mr. OBEY. Mr. Chairman, I would like to ask the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, if he can assure the Members of the House that the agriculture items contained in the supplemental will represent the House position when we take the regular fiscal year 2001 appropriation bill to conference with the other body?

Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me, and I would assure him that we worked very hard in developing these priorities in the agriculture section of the supplemental. We recognize that the need for these items is still great. We will make certain that they are addressed in the conference with the Senate.

Mr. OBEY. Mr. Chairman, I am happy to yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I am very grateful for the gentleman from Florida (Mr. YOUNG), the chairman of full committee, for coming to the floor and trying to clarify what is happening here.

As my colleagues know, when our bill was sent to the Senate and we were later called to become conferees, though we were appointed as conferees, we never met as conferees. We never had a chance to sit together. We were not even allowed to work our will on the bill, and many House items fell out as the Senate worked its will. We could not represent the interests of this House and our Members.

I would just like to state for the record that funding for some important programs like Conservation Technical Assistance under the Natural Resources and Conservation Service that help our farmers apply for necessary programs like Wetlands Reserve, Conservation Reserve Enhancement Program were dropped. Hopefully, we will be able to restore that so we can get people to apply and to meet the deadlines necessary. One cannot do that without field people out there helping farmers across the country.

Remediating citrus canker, which we had put in the House bill, at nearly \$40 million for tree replacement and compensation to growers, was eliminated for some reason; the funds for APHIS to address Pierce's Disease, that is affecting the grape crop in California; were dropped; funds were also removed for the Inspector General, one part of USDA that brings in money as we arrest thieves around the Nation and those who are cheating and committing fraud in these various programs. Further, money was eliminated for our water and waste water grants. We have got people lined up all over the country applying for USDA utilities programs, unable to be served. Through the conference committee that we were not allowed to participate in, over 28 million more dollars removed from that program.

Homeownership loans, resulting in a loss of loan volume of over \$296 million, were dropped from the bill. Our mutual and self-help housing grants, assistance to migrant and seasonal farm workers, the replacement of our FDA, Food and Drug Administration, building in Los Angeles—all were dropped out, sometime in the dead of night. We in the House did not have a chance to work our will. Many emergency conservation authorities were removed.

I guess I would just say that I will place in the RECORD a statement that has come to us today from the Clinton administration, the Executive Office of the President and the Office of Management and Budget, that if we do not fix the Supplemental bill, the Presi-

dent's advisors have recommended vetoing this bill. Thus, I am so grateful for the chairman of the full committee and the chairman of the subcommittee standing here today and entering into this colloquy with the gentleman from Wisconsin (Mr. OBEY), the ranking member. It is absolutely essential that these items be restored.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, we will address all of the items contained in the agricultural section of the supplemental which passed the House.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I just want to add that the position that the gentleman from Wisconsin (Mr. OBEY) and others, as well as the gentlewoman from Ohio (Ms. KAPTUR), indicated that we want the position of the House to prevail.

I appreciate the support and the strong leadership that the chairmen, both of the committee and of the subcommittee, have given to maintain the crisis in which we found ourselves in Eastern North Carolina, and we find that the drainage in Princeville has been eliminated.

I am very appreciative that they are willing to consider that and to maintain that position, because the House voted on that. In the colloquy we had with the gentleman from New Mexico (Mr. SKEEN), he said he would work with us to maintain that at least the drainage that is so desperately needed in a town which was completely flooded would be provided.

This was not new monies. These were just the ability to use monies already appropriated. So the emergency was not creating new drain on the Treasury, it was just giving the authorization for them to use the money that had been appropriated years in the past.

So I want to express both my appreciation to everyone who understand that this is a crisis, and we should do the right thing by responding to it.

Mr. OBEY. Mr. Chairman, I think it is important to recapitulate that what occurred on the supplemental is that the majority party at the staff level had determined that there was a very large amount of money that both the Senate and the House were asking to be included in this bill for everything from citrus canker to dairy supplemental payments to you name it on the agriculture side.

The decision was made by the majority negotiators to eliminate all of those items before anyone else was even brought into the conversation.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, at this point, I think it is important for people to understand that we consider those items to be merely deferred, not eliminated, because people are smoking something that is not legal if they think we are going to be able to get out of here without dealing with these problems, because the collapse in farm prices is simply not going to go away, and the Congress is going to have to respond to that.

Ms. KAPTUR. Mr. Chairman, will the gentleman kindly yield?

Mr. OBEY. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to reexpress my appreciation to the gentleman from Florida (Chairman YOUNG) and the gentleman from New Mexico (Chairman SKEEN) for trying to restore regular order in this House and permitting the Members to exercise their will. The legislative will of the House and its membership must be retained both here on the floor and in the conference committee, and no special set of leaders who may have a higher title than any Member that stands on this floor should have a right to write our conference bill.

We thank them for restoring the power back to the membership where it belongs and to the regular order of the committee process.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103-382 (7 U.S.C. 301 note), \$7,100,000: *Provided*, That hereafter, any distribution of the adjusted income from the Native American institutions endowment fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

For necessary payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$428,740,000, of which the following amounts shall be available: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$276,548,000; payments for extension work at

the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,695,000; payments for the pest management program under section 3(d) of the Act, \$10,783,000; payments for the farm safety program under section 3(d) of the Act, \$4,000,000; payments for pesticide applicator training under section 3(d) of the Act, \$1,500,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95-113 (7 U.S.C. 3222b), \$12,000,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$908,000; payments for youth-at-risk programs under section 3(d) of the Act, \$9,000,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$1,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$3,192,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$3,309,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326 and 328) and Tuskegee University, \$26,843,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341-349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$16,188,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, \$39,541,000, as follows: payments for the water quality program, \$12,000,000; payments for the food safety program, \$15,000,000; payments for the national agriculture pesticide impact assessment program, \$4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, \$4,000,000; payments for the crops affected by Food Quality Protection Act implementation, \$1,000,000; payments for the methyl bromide transition program, \$2,000,000; and payments for the organic transition program \$1,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, \$618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, \$470,000,000, of which \$8,065,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

AMENDMENT NO. 65 OFFERED BY MR. WEINER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 65 offered by Mr. WEINER: Page 19, line 4, insert after the first dollar amount the following: "(reduced by \$15,510)".

Mr. WEINER. Mr. Chairman, I do not expect to take the full 5 minutes. First, I want to thank the gentleman from Ohio (Mr. SKEEN), chairman, and the gentlewoman from Ohio (Ms. KAPTUR), ranking member, of the subcommittee and their staffs for their commitment to our sound agriculture policy.

But this is an opportunity with this amendment to use the matrix between agricultural policies and our human rights policies in how we deal with

other countries to have, hopefully, a positive impact on a very important matter.

As we speak, and, frankly, since March of 1999, 13 prisoners have been held on charges of spying by the Iranian government. There has been a trial that has consisted mainly of a kangaroo court where the prosecutor was the same person as the judge who was the same person as the appeals court, et cetera. It is expected that this weekend, there will be a verdict coming down in that case.

What my amendment does is very simple. It strikes a small amount, \$15,510 from this section of the bill from the over \$400 million, I believe, section of the bill that is APHIS, that is used to deal with imports and imports only from Iran.

What we are saying with this amendment is that Members are watching very closely what happens with those 13 prisoners. What we are saying is that, regardless of how we feel about the policies of Iran, whether we think they are moderating or not, that this case is one that we are watching very closely. We are withholding, albeit temporarily, we are withholding additional benefits for Iranian imports.

I would encourage my colleagues to support this amendment. This is an opportunity for us to, frankly, say the right thing and do the right thing in a symbolic way.

I want to thank the gentleman from New Mexico (Mr. SKEEN), the subcommittee chair, and his staff for his assistance in preparing this amendment.

As I said, I do not anticipate taking my entire 5 minutes. This is an amendment that I have offered.

Mr. Chairman, I yield to the gentleman from New York (Mr. CROWLEY) in the interest of preserving time.

Mr. CROWLEY. Mr. Chairman, I rise in strong support for the Weiner amendment to cut \$15,510 from the Animal and Plant Inspection Service, APHIS.

□ 1400

This symbolic cut represents the amount that has been spent over the last 10 years on the importation of Iranian goods. While only a small cut, this will help send a message to the Iranian government in protest of the sham trial of the 13 Iranian Jews.

Numerous Members of this body and the international community have come forward to express their outrage at this travesty of justice. I join them in their anger. These 13 Jews have been wrongfully imprisoned, and some have been forced to confess to the imagined crime of spying for Israel.

When the president of Iran was elected, it was on a platform of moderation and reform supported by the Iranian people. In response to his election, the United States made good will overtures

towards Iran, including the lifting of restrictions on Iranian foodstuffs, like pistachios and carpets, as well as easing the travel restrictions on Iranians. Yet despite the rejection of hard-liners in the last election, the leaders of Iran are still on the wrong track.

At a time when the U.S. has sought to improve relations with the Iranian people, the government of Iran must reciprocate and respect fundamental human rights and act as responsible member of the world community. When travesties such as this trial continue, it should concern all of us as to our policy towards Iran.

While the State Department pursues its pistachio diplomacy, innocent people in Iran are suffering. The Iranian government must put an end to this sham trial, free the 13, and let them and their families live in peace. Unless they do this, our policy towards Iran will have to change.

Mr. Chairman, I urge my colleagues to support this amendment and keep pressure on Iran. The Jewish community in Iran, especially the 13 Iranian Jews, must know that the United States Congress supports them in their time of need.

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

Mr. WEINER. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Chairman, the trials are going on now. The 13 Jews charged with spying for the CIA may hear their verdicts on the 4th of July.

This amendment sends a strong message that America is watching. No justice, no caviar. Or at least no caviar imported from Iran.

I want to thank the distinguished subcommittee Chair for, as I understand, his willingness to accept the amendment.

Mr. NEY. Mr. Chairman, I move to strike the last word, and I rise not in opposition to the amendment, but I just wanted to note that as well as these 13 Jews there are also Muslims. There are also Muslims on trial, and I think we should note that.

I am not standing to say I am opposing this amendment, but standing to offer just a few words. I lived in Iran during the last year when the Shah was in power in Iran. If we look back at the history of the two countries, we have to also realize that the United States of America, after Dr. Mossadeq was in charge in Iran, the United States of America pulled a coup on Dr. Mossadeq. The United States, through the CIA, pulled a coup on Iran; and, in fact, we reinstalled the government of our choice. The Iranian people had a revolution, of course, of the Shah, and that can be debated for the next 20 years. But since that period of time, we have had zero contact.

Now, I am not saying this is not a bad move to do, but I will tell my colleagues that we only fool ourselves in

this U.S. House of Representatives and the United States Senate when we continuously pass other resolutions and we talk about strictly sanctioning Iran. Iran now has a freely elected parliament, where 78 percent of the people that were running were reform-minded. It has a freely elected president.

We talk about doing business with China, where they hold Catholic priests and bishops in prison; yet we extend every option of trade avenue, and we are told we can reform them by engaging. All I am saying in regard to this amendment is not that I am opposing this amendment, but I am just simply saying that the day shall come when we wake up and realize that there are sins on our side, meaning the U.S., towards years of policy in Iran, and there are some sins on the Iranian side, obviously. At some point in time these two countries have to communicate, and then I think we can change each other's thinking in the sense of how we think towards each other. But maybe also we can change behavior through engagement.

I have also seen and heard talk about the fact that if someone wants to talk to Iran, something is wrong with them. I think there are people on both sides of the aisle that realize the time has long come. We can hopefully help a lot of people on a humanitarian basis if we keep in mind that we need to communicate. So I think this amendment is done in that particular spirit.

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

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

Mr. WEINER. Mr. Chairman, I commend the gentleman's words. I think that there is legitimate disagreement about how to encourage these moderate voices that we have heard about to emerge.

One thing we do have to keep in mind, though, as the gentleman points out, is that there are people whose lives quite literally hang in the balance at this moment in time. But I certainly think that being in support of this amendment someone can legitimately hold a position on either side.

We are just saying let us take a symbolic deep breath, step back, and hope we can encourage the behavior we would like.

Mr. NEY. Reclaiming my time, Mr. Chairman, that is the thrust of my point. This amendment, in fact, does not mean that we are necessarily not going to open up avenues someday of communicating so all the Iranian people and all the American people can share a peaceful world.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman has raised a serious issue which all Americans should be aware of, and I congratulate him for it. I would prefer that this cut would come from the

budgets of other Federal agencies which are responsible for our import policy. APHIS, of course, is bound by law to inspect cargo wherever it comes from. However, I understand the extreme importance of this issue, and urge all my colleagues to consider the gentleman's words.

Mr. WEXLER. Mr. Chairman, I strongly support the amendment offered today by Mr. WEINER that will reduce funding for the Animal and Plant Health Inspection Service by over 15,000. This amount is more significant than its number, because it represents the APHIS budget that is used to administer Iranian agricultural imports to the United States.

Mr. Chairman, thirteen Iranian Jews were arbitrarily arrested in March, 1999, and are about to be sentenced and condemned by the Iranian Revolutionary Court for crimes they did not commit. Now is not the time to send Iran symbolic victories. Not while the Iranian Court prepares to sentence the thirteen Iranian Jews who are on trial for their religious beliefs, not for anything they have done wrong.

As my colleagues have pointed out, this sham trial was orchestrated by the Iranian government which refused to allow members of the Jewish community, diplomats, or human rights activists to be present in the courtroom and observe the trial. This sham trial undermines the progress we have been anticipating as a result of the recent Iranian elections—which raised our hopes and led to our lifting of sanctions on carpets, caviar, nuts, and dried fruits. Now is not the time to go further.

We must not reward Iran for persecuting religious minorities including Jews, Bahai's and Christians. We must not reward the Iranian government for being the world's leading sponsor of terrorism. We must not reward them for doing everything in their power to destroy the Middle East peace process. And we must not reward the Iranian government for their intensive effort to build weapons of mass destruction. Now is the time for Iran to send the world a positive message.

Mr. Chairman, we have an opportunity right now on the Floor of the House to send a clear message to the Iranian government that their treatment of the thirteen Iranian Jews is unacceptable and will not be rewarded.

If Iran is to become a respected member of the international community, she must immediately end this show trial, release the Iranian Jews, and begin protecting the religious rights of all of her citizens. Until such time, Iran will remain a pariah nation. I urge my colleagues to join me in supporting this important amendment.

Mrs. LOWEY. Mr. Chairman, I urge my colleagues to support this amendment, which will send a strong message to the government of Iran and the world that the United States Congress will not tolerate Iran's blatant disregard for basic human rights.

We have heard about the so-called "moderation" of Iran, about the power struggle between the hard-line clerics and the reformists led by President Khatemi. I invite my colleagues to examine carefully the face of this moderation:

13 Iranian Jews are currently awaiting sentencing on charges of spying for the United States and Israel. These 13 have been denied

due process, were coerced into confessing on Iranian TV, and are being prosecuted, judged, and sentenced by the same Revolutionary Court judge.

Since late May, over 20 newspapers and magazines associated with the reformists have been shut down by the Iranian government, silencing the voices of the independent press in that country.

And just yesterday, two prominent human rights lawyers in Iran were sent to prison, without trial, on charges of insulting public officials.

No reasonable person could call this "moderation."

Mr. Chairman, Iran is not ready to join the community of nations. Each day, Iran produces more and more evidence that the terms of membership in this community—including respect for basic human rights, due process, and freedom, are not terms it can accept. Each day, Iran sends unmistakable messages to the world that it is not willing to embrace the mores of reasonable society. Each day, Iran continues to threaten its neighbors and pursue the development of weapons of mass destruction.

We have heard these messages loud and clear. And we should react accordingly. This is not the time to make concessions to Iran. This is not the time to open up our markets to Iran, to allow the government to fill its coffers with dollars from the sale of Iranian goods to the United States. This is not the time to give Iran one iota of legitimacy in the international community. Legitimacy must be earned, and Iran has earned nothing.

I urge my colleagues strongly to support the Weiner amendment, which would deny funding for the importation of agricultural products from Iran. We owe this to ourselves, as the premiere defenders of democracy throughout the world. And we owe it to the Iran 13, the independent journalists, the human rights lawyers, and all the people of Iran who are still not free.

Mr. PORTER. Mr. Chairman, I rise today to join with my colleagues to condemn Iran for the arrest, imprisonment and current trial of thirteen Iranian Jews on charges of spying for Israel and the United States. These thirteen rabbis, teachers, students and other citizens were arbitrarily arrested in March of last year and held for seventy days without any charges filed against them. In June of 1999, Iran charged them with spying for Israel and the United States.

Finally, in April of this year, the trial of these thirteen Jews began. However, what is currently taking place in Iran is not what any American would recognize as a trial. The judge is acting not only as the judge but also as the prosecutor. The accused were not allowed access to any attorney, court-appointed or otherwise, until just hours before their trial started. Finally, access to the courtroom has been denied to the press, human rights workers and most importantly, to the families of the accused.

The Iranian government has a long history of mistreatment of several of its minorities including the Baha'is, Sunni Muslims, Christians and Jews. More than half the Jews in Iran have fled the country since the Islamic Revolution in 1979, due to the intense religious persecution. Numerous written and unwritten laws

exist in Iran limiting the activities of all minorities. Forbidding Iranians to visit Israel and denying the Baha'is access to higher education, government employment and pensions are just two examples of the discrimination which is commonplace throughout Iran.

I am extremely concerned that the Iranian government is treating the thirteen Jews currently being tried with the same disregard for human rights and due process that it has treated so many minorities in the past. Our administration and the international community must do all it can to see that this does not continue. The time for Iran to begin to live up to the principles of the Universal Declaration of Human Rights, including religious freedom, has come.

I commend the gentleman from California (Mr. SHERMAN) for the leadership he has taken on this issue and the gentleman from New York (Mr. WEINER) for his amendment to the Agriculture Appropriations Bill today. The U.S. government should not be lifting any restrictions on trade with Iran until these men are free, and Iran shows the international arena that it is serious about living under that rule of law and respecting basic human rights. I hope and pray that soon we can celebrate the release of these thirteen individuals.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In the current fiscal year, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in the current fiscal year, \$87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word for purposes of entering into a colloquy with the distinguished chairman and ranking member of the subcommittee, as well as the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. Chairman, I would like to begin by praising the leadership and bipartisan spirit brought to this subcommittee by the gentleman from New Mexico (Mr. SKEEN). His work in promoting the needs of agriculture, forestry, and domestic nutrition programs will be long hailed in this Chamber and throughout our Nation well into the future.

As the Chairman and ranking member know, the Asian Longhorned Beetle has done tremendous damage to trees and parkland areas throughout both New York City and the Chicago metro-

politan areas. In my congressional district, which is comprised of a diverse swath of middle- and working-class neighborhoods in Queens and the Bronx, New York, many of the few trees we do enjoy have either fallen victim to or remain seriously threatened by the Asian Longhorned Beetle.

Specifically, the neighborhood of Ridgewood, Queens, in my congressional district has seen a virtual destruction of many of their trees, very treasured trees, from this unwelcome pest. Therefore, it is of great concern to my constituents that the adequate resources are allocated for the elimination of this invasive species before it strips our entire city bare of its trees and greenery.

Last year, this subcommittee, under the leadership of the chairman, the gentleman from New Mexico (Mr. SKEEN), and ranking member, the gentlewoman from Ohio (Ms. KAPTUR), provided both a direct appropriation to the Animal and Plant Health Inspection Service, otherwise known as APHIS, to combat the Asian Longhorned Beetle, as well as language granting the Secretary of Agriculture the authority to use Commodity Credit Corporation emergency funds and Emerging Plant Pest funds to address this issue.

These funds serve as an important investment in my congressional district, and I am extremely grateful that the subcommittee has again included similar language in this bill regarding CCC and Emerging Plant Pest funds for New York City.

Having stated that, I would like to request the assistance of the chairman and the ranking member in conference to work for an increase in direct funding for APHIS for its Asian Longhorned Beetle project so that they may continue their efforts in working to rid America of this destructive invasive species.

Additionally, I have grave concerns about the pace at which the Office of Management and Budget is releasing these emergency CCC funds for invasive species emergencies throughout the United States when the Secretary has already requested them. I recognize and appreciate the fact that the House report accompanying this measure addresses this problem. I am hopeful that working with both the Senate and the administration we will be able to rectify the situation.

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

Mr. CROWLEY. I yield to the gentleman from Illinois.

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman for yielding to me, and I want to commend the gentleman on his leadership. New York and Chicago have a great deal of things in common. Unfortunately, this is another thing that New York City and Chicago have in common.

Chicago, Mr. Chairman, is a great city. We have great trees, we have great parks; and the last time I checked, we still had Sammy Sosa. But 2 years ago in Chicago, residents of the Ravenswood community, in my congressional district, discovered that the trees in their neighborhood had fallen pry not to the New York Yankees but to the Asian Longhorned Beetle.

This Asian Longhorned Beetle, Mr. Chairman, is a pest which destroys trees by burrowing into their trunks. Within weeks many of the trees which had shaded neighborhoods for years had to be removed to stop the spread of the Asian Longhorned Beetle.

The Asian Longhorned Beetles are not natives to the United States. They are stowaways who came here in packing crates from Asia. These beetles infest our trees by burrowing inside and hatching larvae. This destroys the tree's structure from inside out. And once the tree is infected, Mr. Chairman, there is no way to save it except that it must be destroyed in order to prevent it from infecting other trees.

Mr. Chairman, I would urge the gentleman from New Mexico (Mr. SKEEN) to recognize that the Congress has in the past provided funding to contain the Asian Longhorned Beetle, and I would hope that the chairman's leadership can secure funding again this time around.

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

Mr. CROWLEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from New York and the gentleman from Illinois for their comments and would like to take a moment to recognize them for their work on behalf of their constituents to address the problem of the Asian Longhorned Beetle and work for its eradication. That is why the gentlewoman from Ohio (Ms. KAPTUR) and I have included language, both this year and last year, stating the destructive nature of the Asian Longhorned Beetle, as well as directing the Secretary to use CCC emergency and Emerging Plant Pest funds to address this situation.

I will make my best effort in conference for the inclusion of additional resources for the Animal and Plant Health Inspection Service, known as APHIS, as they have done good work in addressing not only the problem of the Asian Longhorned Beetles but with a variety of other invasive species as well.

Additionally, I will work for increased resources to assist the Asian Longhorned Beetles project at APHIS. I recognize that if left unchecked the destruction of our Nation's trees, parks, and forests by the Asian Longhorned Beetle could cost tens of billions of dollars. Furthermore, I will continue the work the committee

began to seek redress in the procedures used by the Office of Management and Budget in releasing emergency CCC funds requested by the Secretary.

Again, I thank the gentleman from New York and the gentleman from Illinois for their comments.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word, and want to continue a bit on this colloquy on the Asian Longhorned Beetle.

I, too, would like to join with the chairman of our subcommittee, the gentleman from New Mexico (Mr. SKEEN), and state that I will work in conference for increased funding for the Animal and Plant Health Inspection Service so it has the resources to effectively battle such invasive species as the Asian Longhorned Beetle, the citrus canker, and the Glassy-Winged Sharpshooter, among others.

And I want to say to our colleagues, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. BLAGOJEVICH), that we know what leadership they have taken here in the Congress in bringing our attention to the problems that their home communities are facing. I hear that in New York City this week there have been additional sightings of the beetles near Central Park. And having traveled to New York and Chicago, I can only imagine your park directors and what they are going through, because we have no known predator for this creature. The only solution we have is to basically cut down the trees and burn them.

Of course, we know that these creatures came in in packing crates from China, both in the wood and in the cardboard inside, unfortunately; and we are now trying to take more precautions to fumigate those crates when they come in here, but this is a very, very serious problem. And because there is no known predator, adjacent States that have agricultural production, for example in maple sugar and maple syrup, those forests are threatened, those groves and stands of trees are threatened by this very same insect.

So we hear the concerns of both the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. BLAGOJEVICH), and we will absolutely be bringing this to the attention of the conferees.

Mr. CROWLEY. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, the one thing I would like to say, and the gentlewoman just made reference to it, I would like to put in people's minds the picture of Central Park. It is one of the treasures of not only New York City, New York State, but really of this country. It is probably one of the most famous parks in all the world. Imagine what it would look like with-

out any hard wood trees. Unimaginable.

□ 1415

But the threat does exist and it is there.

I want to thank the gentlewoman and the gentleman for their work and I want to thank them in advance for their efforts very, very much.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, we thank both the gentlemen for coming down and leading the entire Congress and country in trying to resolve a problem that may have started in their community but is spreading just as the gypsy moth did many, many years ago.

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

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HASTINGS of Washington) assumed the Chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

AMENDMENT NO. 14 OFFERED BY MS. KAPTUR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. KAPTUR: Page 21, after line 4, insert the following new paragraph:

For an additional amount to prevent, control, and eradicate pests and plant and animal diseases, \$53,100,000, to remain available until expended: *Provided*, That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

Ms. KAPTUR. Mr. Chairman, the amendment we are proposing today would provide an additional \$53.1 million in emergency appropriations to the Department of Agriculture's Animal and Plant Health Inspection Service to deal with emergency situations we have been talking about today dealing with pests and diseases.

The additional amounts would bring total funding up to what the President's 2001 budget request had asked for in four critical lines within what we call APHIS, the Animal and Plant Health Inspection Service, budget. These include emerging plant pests, invasive species, fruitfly exclusion and detection, and the contingency fund itself.

The bill, as reported by the subcommittee, provides \$57.1 million less than requested for the first items listed and very partially offsets this shortfall by providing \$4 million more than requested for the contingency fund. Our amendment eliminates the \$53.1 million shortfall in this very, very important account.

Now, these budget items are used by the Department of Agriculture to combat serious outbreaks of pests and diseases. People should think about their communities and some of the little green and yellow boxes that are put up on trees to detect what is happening across this country. We have just heard from two very distinguished Members from Illinois and from New York on the Asian longhorned beetle infestation which started in New York City and Chicago, Illinois.

We have heard other Members this morning, including the gentleman from Florida (Mr. BOYD), a member of our committee from Florida, talking about citrus canker and the removal of entire groves of limes and of orange trees in Florida.

We heard from the Members of the Pennsylvania delegation about plum pox in Pennsylvania and the impact on fruit trees and the spread of that pox across the fruit regions of our country.

Members from California have spoken with us about Pierce's disease, which affects grapes in California and threatens our entire wine industry. Though these creatures may be small and we can hold them in our hands and some of the viruses and cankers we cannot even see but under a microscope, their economic devastation is gigantic, mounting to billions and billions of dollars annually.

In the State of Michigan, the unfortunate incidence of bovine tuberculosis which can spread across that State and has spread to where now animals cannot leave that State unless inspected also would be covered by these accounts.

Mediterranean fruitflies that threaten agriculture in wide sections of the South.

These truly are emergencies. The report references the fact that these are

situations that create havoc across the country. We believe they are important enough in a multibillion-dollar bill that we should restore the full account to the \$53.1 million net additional dollars needed to truly meet the national need.

Now the subcommittee's report acknowledges that the administration, by using its powers under the Commodity Credit Corporation, might be able to deal with some of these emergencies. But the administration maintains that the use of these powers is not appropriate for the kind of ongoing remediation that these difficulties cause.

So this amendment simply provides the emergency funding that everyone agrees is necessary, and we should certainly restore these dollars in the bill as will be finally reported out of the House, hopefully today.

Mr. Chairman, I ask the membership for a favorable vote on this. I would hope that the objection might be withdrawn and that we could include these dollars that are so much, very much needed to help preserve our production and our ecosystems across our Nation coast to coast.

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

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

Mr. SKEEN. Mr. Chairman, I reserve my point of order.

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Kaptur amendment. This language will increase the funding for the Animal and Plant Health Inspection Service, otherwise known as APHIS, by \$53 million.

I believe the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, has been extremely eloquent on why we need these funds and why they should be designated as emergency funds.

This Congress repeatedly spends billions of taxpayer dollars overseas and abroad to foreign nations and certifies those expenditures as emergencies so that no offsets are needed to be found to fund those expenditures. But whenever we have a real crisis here in the U.S., we always need to find offsets. This Congress can never seem to find the resources we need to help Americans when Americans need that help.

We have a crisis evolving with invasive species. These are real emergencies. The Citrus Canker is destroying the Florida orange crop. The Glassy-Winged Sharpshooter is ruining our domestic wine stocks. And the Asian longhorned beetle is downing thousands of hardwood trees throughout New York City, Chicago, and now in Vermont.

Let us help Americans today and provide these emergency funds to APHIS

to eradicate these invasive species in our country. This is an emergency, and this Congress should recognize it as such.

I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for all her efforts on behalf of this emergency funding.

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

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to again compliment my friend, the gentleman from New Mexico (Mr. SKEEN) in the way that he handles the committee. He and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, do a wonderful job of trying to address the issues and deal with the priorities that the Federal Government and this specific subcommittee should deal with.

I want the Members, Mr. Chairman, to understand where our priorities should be in terms of the work of this subcommittee.

The people of this Nation and the businesses of this Nation, specifically the agriculture business, expect the Federal Government to protect its borders. That is a basic criteria or basic function of the Federal Government, to protect its borders.

These invasive species that we have been talking about this morning, we need to understand they are called invasive species because they come from other places, they are not indigenous to this country. They come into this country through the ports. They might be brought in in a commercial business transaction, or they might be brought in by a tourist that is visiting from another country or somebody who has left this country to go and then comes back.

The species that we have heard about, the Asian longhorned beetle, the Glassy-Winged Sharpshooter, plum pox, Citrus Canker, the African hardwood tick all have come from other countries through our borders, through our ports. It is the obligation, the responsibility, of this Federal Government to protect those borders; and we are not doing a very good job of it right now. That is what the amendment of the gentlewoman attempts to do is to find more money so we could do a better job.

We just dealt with the research side. We know that we have to continue to do the research to find preventive measures or cures for these problems. But right now we are working on the APHIS part, the Animal and Plant Health Inspection Service.

So I would encourage the body to let us find this additional money. I know it is not the wish of the gentleman from New Mexico (Mr. SKEEN), the kind chairman, that we do not have more money here. It was not his decision. But that was the allocation that he

was given, and so he is having to work with what he has. But I think this body can express its will and come up with more money to protect its borders, and that is very important.

Again, Mr. Chairman, the American people and its businesses, particularly the agricultural industry, we expect a good and clean and safe food supply; and it is under attack right now.

I know more about the Citrus Canker issue than I do about any others. We have an \$8 billion industry in Florida that is being threatened. It just so happens that the lime industry has already been wiped out, 3,000 acres of limes in Florida. There is a very small number of lime trees in California. But if we eat a lime or use a lime wedge in our martini from now on, we will get it from some other country because the lime industry in this country has been wiped out by Citrus Canker. And we have allowed that to happen because we have not protected our borders.

That is what the amendment of the gentlewoman is trying to do, provide the funds and resources to protect our borders. I would encourage the body, this House of Representatives, to recognize that and find the money to do what she is trying to do.

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

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the past week, USDA has announced the release of more than \$70 million in CCC funds to combat plant and pest infestations.

OMB had tried to shift funding for these large programs into appropriated accounts this year. But given the dimensions of the problem, there is no way that we can afford to use the appropriated dollars.

I believe OMB has finally come to its senses with the release of the CCC funds this past week. This is how it should be done.

I would ask the gentlewoman from Ohio (Ms. KAPTUR) to withdraw her amendment. And if she cannot, I regret I must insist on my point of order.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. Mr. Chairman, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would hope that as we move toward conference we might try to find an accommodation. I hesitate to withdraw the amendment because I think it speaks for itself. But I respect the opinion of the gentleman and would hope that as we move forward we might be able to meet these needs across our country.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Kaptur amendment and would like to thank her for offering this language today.

This language will increase funding for the Animal and Plant Health Inspection Service (APHIS) by \$53 million.

Congresswoman KAPTUR was very eloquent in her remarks on our nation's need for these funds and the importance of designating them as an emergency appropriation.

Time and time again, this Congress has sent billions of taxpayer dollars abroad and certifies it as emergency spending, requiring no offsets for these expenditures.

But whenever we have a real crisis in America, Congress always demands the need to find offsets—this Congress can never seem to find the resources to help Americans when we need it.

We have a crisis involving invasive species and it is a real emergency.

The citrus canker is destroying the Florida orange and lime crop; the glassy-winged sharp-shooter is ruining our domestic wine stocks and the Asian Longhorned Beetle is downing thousands of hardwood trees throughout NYC, Chicago and threatening the maple syrup industry in Vermont.

Let us help Americans today and provide these emergency funds to APHIS to eradicate these invasive species in our country.

This is an emergency and this Congress should recognize it.

I thank the Gentle Lady from Ohio for her steadfast dedication to the people of this country who are concerned about plant and pest diseases.

You are a true leader and a representative for all of the people.

The CHAIRMAN. Does the gentlewoman from Ohio (Ms. KAPTUR) ask unanimous consent to withdraw her amendment?

Ms. KAPTUR. Mr. Chairman, I did not ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

POINT OF ORDER

Mr. SKEEN. 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 states in pertinent part:

“An amendment to a general appropriation bill shall not be in order if changing existing law. . .”

The CHAIRMAN. Does the gentlewoman from Ohio (Ms. KAPTUR) wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, yes, I would like to be heard.

Mr. Chairman, I point out again how our country is currently dealing with a number of very serious new or resurgent agricultural pest and disease problems that threaten crops and trees and animals in many different parts of our country. We seem to be able to find funds to do many things in this legislation, as well as in the supplement, to fund counternarcotics programs in Colombia. Well, I would very much like to be able to fund needs in our country, especially those that threaten so very much damage.

Just to summarize, in Florida, Citrus Canker is threatening Florida citrus

groves. In Chicago and New York and in those States of New York and Illinois the Asian longhorned beetle, with no known predator. Bovine tuberculosis, which was thought to be eradicated in our country but is now spreading in Michigan, imposing heavy costs on that State's dairy and cattle industries.

□ 1430

Plum pox, a disease of peaches and plums and cherries and other stone fruits normally found only in Europe and Asia first detected in Pennsylvania last year and now threatening fruit growers in that State and likely to spread. Mediterranean fruit flies which appear only sporadically in our country but when they do they cause great damage; and should that infestation reach the southern United States, we would experience disastrous losses to fruit and vegetable industries.

Now, I think that the appropriate way to handle this is to directly place the dollars in the account, not expect that an ongoing eradication program should be done through the Commodity Credit Corporation, which is generally used for emergencies only.

So I would just say that it is vital we stop these pests and disease outbreaks from spreading and failure to do so is extremely costly. I do not think we should be burdening USDA's Commodity Credit Corporation authority with having these ongoing responsibilities.

I think it is far more reasonable to provide the resources needed to stop these pests, and I would urge the membership to pay attention to this particular debate.

I am sorry that the gentleman has to exercise his point of order.

I would be pleased to yield to the gentlewoman from New York (Mrs. MALONEY) if she seeks time on the issue.

The CHAIRMAN. The Chair is prepared to rule on the point of order and would ask that the comments be directed toward the question of whether or not this amendment is in order.

Ms. KAPTUR. Would I be able to yield time to the gentlewoman from New York (Mrs. MALONEY) on the point of order?

The CHAIRMAN. Not on the point of order.

Does the gentlewoman from New York (Mrs. MALONEY) wish to be heard on the point of order?

Mrs. MALONEY of New York. I really feel that there is not a point of order to this because it really is an incredibly important crisis in our country, and I would like to have the opportunity to compliment the gentlewoman from Ohio (Ms. KAPTUR) for her leadership and for bringing this to the floor. The increase for the animal and plant and health inspection service is absolutely critical. With trade has come an

influx of many invasive species that if we do not adequately control them can literally destroy forests, as they have in my district in New York with the Asian Longhorn beetle, for which there is no known way to stop it except to chop down the tree and everything else around the vicinity.

I feel that this is an incredibly important appropriations she is talking about, and I really support it completely, and that it is important to the health and safety and well-being of Americans and of our vegetable life and our plant life and our other areas that she mentioned.

So I am here strongly in support of her amendment and strongly suggest that the rule of order not be put in place because this is so critical, really, to the concerns of this Nation.

Ms. KAPTUR. Mr. Chairman, I would like to appeal to the Chair and ask unanimous consent of the membership for an additional minute and a half, if I might, in addressing the point of order.

The CHAIRMAN. The Chair would request that the Members confine their arguments to whether or not this amendment is in order.

The Members may strike the last word at an appropriate time and debate and make comments about this particular amendment, but at this point the Chair is prepared to rule on the point of order, unless there is further arguments as to whether or not this amendment is in order.

Ms. KAPTUR. Mr. Chairman, I would ask unanimous consent for an additional minute and a half to address the point of order issue.

The CHAIRMAN. The Chair cannot entertain a unanimous consent request at this point because the point of order is pending.

Are there further arguments on whether this amendment is in order?

At this time, the Chair is prepared to rule. The Chair finds that the amendment includes an emergency designation under Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in regard to the proposal on the amendment dealing with the Animal Plant Health Inspection Service, I just wanted to read into the RECORD a statement of policy that I think is important to be appended to this debate today, and it comes in the form of a letter from the Office of Management and Budget dated June 29, 2000, from the Executive Office of the President concerning plant pests and diseases.

It says: "The administration places a high priority on fighting plant pests

and diseases, especially when there are invasive species that may be eradicated before becoming an established threat. To combat sudden outbreaks of invasive species, the administration has used emergency transfers through the Commodity Credit Corporation at a level that is much higher than the two previous administrations combined, and we continue to support the use of Commodity Credit Corporation funds in cases of unforeseen emergencies. However, where eradication efforts extend over several seasons, costs are predictable and should be incorporated into the discretionary appropriations process. Therefore, to address ongoing plant pest and disease outbreaks, the administration has proposed substantial appropriations in the 2001 budget. The Committee bill has not provided these appropriations, thereby requiring a corresponding increase in emergency spending from the CCC for activities that can no longer be considered unforeseen."

The issue of proper compensation to producers for losses due to invasive plant pests and disease has grown more complex recently as the variety and complexity of outbreaks have increased. Legislative and administrative actions to provide compensation for invasive species losses would be better guided by a policy that distinguishes between compensation as part of eradication efforts and compensation as reimbursement for natural disaster losses due to infestations rather than through event-specific supplementals.

The administration believes there should be a more systematic approach to making these decisions and will be sending to Congress a set of recommendations that it hopes can be used as a framework for discussion with Congress on this issue.

I reiterate, in the President's cover letter it says he would recommend that this bill be vetoed if it were presented to him in its current form.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from Iowa (Mr. LATHAM), a member of the committee.

As the gentleman knows, in the Taxpayer Relief Act of 1997, Congress enacted a 3-year income averaging provision to protect farmers and ranchers from excessive tax rates in profitable years. Unfortunately, a ruling by the Internal Revenue Service late last year could potentially cost farmers and ranchers thousands more in taxes each year and is inconsistent with the intent of Congress.

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

Mr. GREEN of Wisconsin. I yield to the gentleman from Iowa.

Mr. LATHAM. Yes, that is correct.

Mr. GREEN of Wisconsin. Last October, the IRS proposed final regulations

for income averaging failed to clarify that taxable income in the income averaging formula could in fact include a negative number. Current instructions that accompany schedule J of Form 1040 require that taxable income cannot be less than zero. Earlier this year, I introduced H.R. 4381 to address this unfortunate situation. This legislation simply amends the Internal Revenue Service code of 1986 by permanently taking into account negative taxable income during the base 3-year period.

I believe this legislation, once passed, will codify Congress' original intent and ensure that farmers and ranchers receive the protection they deserve. Unfortunately, I understand that introducing H.R. 4381 as an amendment to this appropriations bill would violate House rules that prohibit legislating on an appropriations bill.

As a result, I would ask for the gentleman's assistance and the assistance of the committee in working with me to present this legislation to the Committee on Ways and Means.

Mr. Chairman, I thank the gentleman from Iowa (Mr. LATHAM) for his efforts on this subject. I know the gentleman from New Mexico (Mr. SKEEN) and I also believe the IRS's interpretation needs to be changed and regret that it cannot be done at this time.

I have also seen the rapid and dramatic price fluctuations that farmers and ranchers are so often subject to. The goal of the Taxpayer Relief Act of 1997 was to help reduce the tax effect of these large fluctuations. I agree with the gentleman that the IRS's interpretation will dramatically impair the effectiveness of this legislation. I look forward to working with the gentleman on this important matter, as does the chairman.

Mr. GREEN of Wisconsin. I thank the gentleman and the chairman for their help and their attention to this matter.

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

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$5,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$56,326,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to

law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That, only after promulgation of a final rule on a National Organic Standards Program, \$639,000 of this amount shall be available for the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Standards Program and such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES
LEVEL

Not to exceed \$60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME,
AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,500,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$27,801,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING
SERVICES EXPENSES

Not to exceed \$42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD
SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, \$673,790,000, of which no less than \$585,258,000 shall be available for Federal food inspection, and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That the Food Safety and Inspection Service may expend funds appropriated for, or otherwise made available during fiscal year 2001 to liquidate overobligations and overexpenditures incurred in fiscal years 1997 and 1998.

OFFICE OF THE UNDER SECRETARY FOR FARM
AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$572,000.

FARM SERVICE AGENCY
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$328,385,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments

for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$450,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928-1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,128,000,000, of which \$1,000,000,000 shall be for guaranteed loans; operating loans, \$3,177,868,000, of which \$2,000,000,000 shall be for unsubsidized guaranteed loans and \$477,868,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$2,006,000; for emergency insured loans, \$150,064,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$18,886,000, of which \$5,100,000, shall be for guaranteed loans; operating loans, \$129,534,000, of which \$27,400,000 shall be for unsubsidized guaranteed loans and \$38,994,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$323,000; and for emergency insured loans, \$36,811,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$269,454,000, of which \$265,315,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$67,700,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be \$27,771,007,000 in the President's fiscal year 2001 Budget Request (H. Doc. 106-162)), but not to exceed \$27,771,007,000, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11).

OPERATIONS AND MAINTENANCE FOR
HAZARDOUS WASTE MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961.

AMENDMENT OFFERED BY MR. HAYES

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

The Clerk read as follows:

Amendment offered by Mr. HAYES:

Page 31, after line 5, insert the following:

ADMINISTRATIVE PROVISION

Any limitation established in this title on funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

Mr. HAYES. Mr. Chairman, I rise to offer an amendment which is about existing benefits resulting from research. It is also about badly needed health breakthroughs which are dependent on future research using the tobacco plant.

Recently I, along with the senior Senator from North Carolina and the senior Senator from Indiana, sponsored an appropriation for \$3 million for North Carolina State University and Georgetown University Medical School to conduct cervical cancer research using the tobacco plant. There are high hopes and optimism that a preventive vaccine and ultimately a cure can soon be produced.

These institutions have written letters outlining the goal of this research, which is to develop a preventive vaccine for this terrible cancer.

In addition, other institutions, such as Virginia Tech, are conducting simi-

lar health and pharmaceutical-related research on such diseases as Parkinson's, Gaucher's disease, providing clot dissolving drugs and even preventing tooth decay, all uses from tobacco plants.

□ 1445

The potential benefits to medicine, health and industry are limitless.

Mr. Chairman, I am going to ask that letters from these institutions, as well as a letter of support from the North Carolina Farm Bureau, a press statement from the Campaign for Tobacco-Free Kids, who are supporting this type of research, be placed into the RECORD at the appropriate time.

We are on the verge of a number of critical breakthroughs which are so vital to our Nation's health. There is language in the present bill that prohibits money from being spent on tobacco research. Although possibly well-intentioned, this language prevents medical, agricultural, and industrial research that is vital to our Nation's health and the economic health of our farm families.

I want to make clear the types of research that I am speaking of are new breakthroughs. Research that can affect the lives of millions of Americans and provide life-saving vaccines and countless other medical, scientific, and economic benefits.

The tobacco plant has unique characteristics which allow it to produce large volumes of high-quality proteins which are vital to medical, pharmaceutical and scientific research.

The potential for new pharmaceuticals is unlimited. The ability to reduce the costs of new and existing drugs is also unlimited. It is this type of research I seek to preserve and expand with this amendment.

Mr. Chairman, I urge my colleagues' support.

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

Mr. HAYES. I yield to the gentleman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from North Carolina (Mr. HAYES) for yielding to me and thank the gentleman for introducing the amendment.

I want to join in support of this and say this is an opportunity to see how we can use tobacco for something other than for recreational use. It also is an excellent opportunity for medicinal and production goods, for enhancing the protein content for feeding of livestock, and I think it has potential economic advantage for the farmers in our areas who are really trying to find a quality value for tobacco other than being challenged as they have been about the health issues.

I think this is a worthwhile issue, and I urge my colleagues not to apply any predisposition to this and see this in a very positive way and to support the amendment.

Mr. HAYES. Reclaiming my time, Mr. Chairman, I thank the gentleman from North Carolina (Mrs. CLAYTON) for her very thoughtful comments. I also have supporting comments from the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. CUNNINGHAM), which I will ask them to insert in the RECORD later.

Mr. Chairman, I urge my colleagues' support.

GEORGETOWN UNIVERSITY
MEDICAL CENTER,

Washington, DC, June 27, 2000.

Hon. C.W. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing in support of Congressman Hayes' amendment to the agriculture appropriations bill that would allow money to be spent on research for alternative uses for tobacco. Your support of this amendment will allow funding for an alternative use of a genetically modified version of the tobacco plant capable of producing a vaccine for the potentially preventable and cure cervical cancer.

Cervical cancer is the most common cause of cancer-related death among women worldwide. Every year in the United States, approximately 15,000 women are diagnosed with cervical cancer and 5,000 women die of this disease. Worldwide, cervical cancer affects 500,000 women annually, and, after breast cancer, it is the second most common malignancy found in women.

Clinical studies have confirmed that the human papillomavirus, or HPV, is the primary cause of cervical cancer. In order to develop a vaccine, large quantities of HPV fragments are required. Unfortunately, this virus does not grow under normal laboratory conditions. The tobacco plant, however, shows tremendous promise to serve as a vessel in which an HPV fragment could be cultivated.

Recently, it has become feasible to biologically engineer tobacco to produce high-value foreign proteins, including a potential vaccine for the papillomavirus. Once developed, this detoxified version of HPV fragments can then be injected into the human body. These genetically engineered proteins would trigger our natural immunization defense system and create a resistance to the harmful strain of HPV. This treatment could also serve as a cure for existing HPV.

We greatly appreciate the recent appropriation of \$3 million funding for this study that will permit North Carolina State University (NCSU) and Georgetown to explore this promising new vaccine. While this appropriation was not included in the FY '01 agriculture appropriations, we appreciate your attention to this matter and appreciate your support. Your support is critical for finding a cure to cervical cancer. Thank you.

Sincerely,

KENNETH L. DRETCHEN, Ph.D.

NC STATE UNIVERSITY,
Raleigh, NC, June 29, 2000.

Hon. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG, thank you for your leadership in supporting the research of scientists at North Carolina State University and Georgetown University Medical Center in their quest to develop a vaccine against cervical cancer. Working together, our researchers aim to grow the vaccine in tobacco. However, a critical obstacle must be

overcome in order for our important work to proceed: the research project needs Congressional authorization to grow the vaccine in tobacco. To this end we urge you to support Congressman Robin Hayes' amendment to the agricultural appropriations bill to allow this valuable research to proceed.

Our researchers propose to engineer tobacco plants so that the plants produce a vaccine that can be used to immunize women against Human Papilloma Virus (HPV). We hope you agree that research using genetically engineered tobacco to produce vaccines and other valuable products is inherently different from earlier work intended to produce improved tobacco varieties for the benefit of growers. Therefore, this type of work should be exempt from any regulations that seek to limit federal support for tobacco research. Indeed, it is in the best interest of the country as a whole to foster such efforts wherever possible, both to produce valuable and desperately needed commodities, and to develop wholly new market opportunities for American farmers.

This joint North Carolina State University-Georgetown University Medical Center is an excellent example of this type of research. Genetic engineering of tobacco can result in production of the HPV vaccine. Currently there is no economical method for producing this vaccine. Tobacco was chosen for this work because it is relatively easy to engineer so that it will produce the vaccine. Further, tobacco products more green biomass per acre than any other crop, thus containing input costs and reducing the ultimate cost of the vaccine.

Developing a cost-effective means to reduce the incidence of MPV infection is critically important because this virus causes virtually all cervical cancers. Cervical cancer is the leading cause of cancer-related deaths in women worldwide. The disease typically manifests during a time of life when women are rearing their children, thus putting at risk both the women who succumb to the disease and the children they leave behind.

A peripheral goal of the research is to identify other potentially useful products that can be derived from green biomass, and develop efficient methods for their purification. Already several compounds have been identified that have potential use in formulating both medical and consumer products. Recovery of such compounds will generate additional product streams that could be derived from the same plants that are making the HPV vaccine. Each of these products represents a potential new market that could help to keep farming profitable during this difficult time of transition and competition in the global marketplace.

I strongly urge you to support this amendment to encourage these valuable research efforts.

Sincerely,

MARYE ANNE FOX,
Chancellor.

VIRGINIA TECH,
Blacksburg, VA, June 29, 2000.

Hon. RICK BOUCHER,
House of Representatives,
Washington, DC.

DEAR RICK: Virginia Tech is a leader in the development of technology that uses tobacco plants for the purpose of producing human pharmaceutical products. Two years ago, a team of Virginia Tech scientists demonstrated the feasibility of producing human therapeutic proteins in genetically engineered "transgenic" tobacco plants. The Vir-

ginia General Assembly has provided significant funding to the University for transgenic biotech research involving the tobacco plant and Tech's scientists are hard at work to exploit new biomedical uses of this plant.

As you know, a team of Virginia Tech scientists, working with CropTech of Blacksburg, has introduced segments of human DNA into the genes of tobacco. Those segments instruct the plant to produce human protein, which can then be extracted from the leaves and used to create drugs. Among their achievements so far are tobacco plants that produce a human protein that is part of blood clotting/anticoagulating chemistry. This protein is presently extracted from human blood plasma for testing by hospitals.

Just last month another team of our scientists announced the discovery of a compound found in the tobacco plant that inhibits the growth of an enzyme that may be a significant causative factor in Parkinson's Disease in humans.

I understand that an amendment may be offered to the Agriculture Appropriations bill (HR. 4461) that would remove existing limitations on the use of funds that restrict the use of agricultural research funding for research on medical, biotechnical, and other uses of tobacco. Such a modification in existing agricultural research policy appears to be appropriate in order to encourage the many promising uses of tobacco that are being developed at Virginia Tech and elsewhere.

I ask that you give such an amendment every appropriate consideration.

Sincerely,

CHARLES W. STEGER,
President.

NORTH CAROLINA
FARM BUREAU FEDERATION,
Raleigh, NC, June 29, 2000.

Hon. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG, the North Carolina Farm Bureau supports the effort to include legislative language in the FY 2001 Agriculture Appropriations bill providing enhanced research alternatives to produce a vaccine that could potentially prevent and cure the human papillomavirus, or HPV, a primary cause of cervical cancer.

Recently, it has become feasible to biologically engineer tobacco to produce high-value foreign proteins, including a potential vaccine for the papillomavirus. Once developed, this detoxified version of these HPV protein fragments can then be injected into the human body. These genetically engineered proteins would trigger our natural immunization defense system and create a resistance to the harmful strain of HPV. This treatment could also serve as a cure for existing HPV.

Cervical cancer is the most common cause of cancer-related death among women worldwide. Every year in the United States, approximately 15,000 women are diagnosed with cervical cancer and 5,000 women die of this disease. Worldwide, cervical cancer affects 500,000 women annually, and, after breast cancer, it is second most common malignancy found in women.

Again, we applaud your efforts in supporting the use of tobacco plants in genetic research benefiting many Americans.

Sincerely,

LARRY B. WOOTEN,
President.

CAMPAIGN FOR TOBACCO-FREE KIDS

STATEMENT OF THE CAMPAIGN FOR TOBACCO-FREE KIDS CONCERNING RESEARCH ON GENETICALLY MODIFIED TOBACCO FOR NONHARMFUL PURPOSES

In the last several years and because of advances in the area of biotechnology, some researchers believe that it may be possible that the tobacco plant, long known to cause serious disease and addiction, may be genetically altered to produce medicines that may be beneficial. These developments may present new opportunities for public health as well as for tobacco producing communities.

The Campaign for Tobacco-Free Kids encourages continued research into the use of genetically modified tobacco for nonharmful and non-traditional uses, in particular uses that may help treat disease rather than causing it.

We wish to emphasize that these products like all products that contain tobacco, whether used for smoking purposes, chewing purposes, or in this case pharmaceutical purposes, should be fully regulated by the Food and Drug Administration.

[From the Virginia Tech Spectrum, June 9, 2000]

CASTAGNOLI'S DISCOVERY MAY PROTECT AGAINST PARKINSON'S DISEASE

(By Sally Harris)

In a discovery that opens an important direction in the study of Parkinson's disease, Virginia Tech scientists have identified a compound in tobacco that inhibits an enzyme that breaks down key brain chemicals.

Parkinson's disease, a central-nervous-system disorder, causes the gradual deterioration of neurons in the section of the brain that controls movement. The brains of patients with Parkinson's disease typically have less of a neurotransmitter called dopamine. Studies have shown that smokers are 50 percent less likely to get Parkinson's than non-smokers, but no one has isolated a particular substance in tobacco that may be responsible for that phenomenon.

Neal Castagnoli, director, and Kay Castagnoli, senior research associate, at Virginia Tech's Harvey W. Peters Center in the chemistry department, located in the College of Arts and Sciences, conducted research that has led to the isolation of a compound in tobacco that protects against the loss of dopamine in mice and thereby may protect against the development of Parkinson's Disease.

"Joanna Fowler, a scientist at Brookhaven National Laboratory in New York, found by positron emission tomography (PET) imaging that smokers' brains have 30 to 40 percent lower levels of monoamine oxidase (MAO)," Kay Castagnoli said. MAO normally breaks down neurotransmitters such as dopamine, serotonin, and norepinephrine. Since the Castagnolis had already been conducting research involving MAO and neuroprotection, "We thought about the connection," Castagnoli said.

They decided to examine if there was a substance in tobacco that inhibits MAO. Ashraf Khalil, a post-doctoral fellow in the group, was able to separate and characterize a compound called 2,3,6-trimethyl-1,4-naphthoquinone, or TMN, which was also known to be present in tobacco smoke and proved to be an inhibitor of MAO.

Using mice, the Castagnolis first administered TMN and then a potent neurotoxin, MPTP, a contaminant that had been discovered in a street drug sold in the early 1980s.

The drug was meant to mimic the effects of heroin, but addicts who took large doses of the synthetic heroin suffered severe Parkinsonian symptoms. Neal Castagnoli, then working at the University of California at San Francisco, was one of the scientists who determined what caused the brain to turn the contaminant into a toxin that caused many of its users to develop the Parkinsonian symptoms.

In the recent tobacco study, the Castagnolis discovered that TMN, found in tobacco smoke as well as leaves, did in fact interfere with MAO and protected the rodents against the toxic effects of the synthetic-heroin contaminant.

Although this discovery opens up the possibility of new avenues of research, "No one should start smoking based on these results," Kay Castagnoli said, "and people should continue to stop smoking. There's no evidence that the benefits of smoking will ever outweigh the risks."

"The finding that smoking decreases the risk for Parkinson's disease raises the question of identifying the actual neuro-protective agent among the hundreds of compounds present in cigarette smoke," said Donato Di Monte, director of Basic Research at the Parkinson's Institute in Sunnyvale, Cal. The discovery in the Castagnolis' lab, he said, "provides a critical clue for the development of drugs that may directly reproduce the neuro-protective action of smoking without exposing people to its other harmful health effects."

The results of the Castagnolis' research, which has included a second study of mice that confirmed their initial findings, is an important step in the study of Parkinson's disease, he said. "This compound may be the one involved in neuro-protection, but there may be others that, by acting on the enzyme, may have neuro-protective effects." Also, Kay Castagnoli said, it could be possible, in pharmaceutical industries, that this basic structure could be used as a template for the development of neuro-protective compounds.

This summer, the Castagnolis, along with Ashraf Khalil, will look for other neuro-protective agents in tobacco.

CASTAGNOLIS DISCOVER COMPOUND IN TOBACCO MAY PROTECT AGAINST PARKINSON'S DISEASE

BLACKSBURG, MAY 15, 2000.—In a discovery that opens an important direction in the study of Parkinson's disease, Virginia Tech scientists have identified a compound in tobacco that inhibits an enzyme that breaks down key brain chemicals.

Parkinson's disease, a central nervous system disorder, causes the gradual deterioration of neurons in the section of the brain that controls movement. The brains of patients with Parkinson's disease typically have less of a neurotransmitter called dopamine. Studies have shown that smokers are 50 percent less likely to get Parkinson's than non-smokers, but no one has isolated a particular substance in tobacco that may be responsible for that phenomenon.

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ing that smokers' brains have 30 to 40 percent lower levels of monoamine oxidase (MAO)," Kay Castagnoli said. MAO normally breaks down neurotransmitters such as dopamine, serotonin, and norepinephrine. Since the Castagnolis had already been conducting research involving MAO and neuroprotection, "We thought about the connection," Castagnoli said.

They decided to examine if there was a substance in tobacco that inhibits MAO. Ashraf Khalil, a postdoctoral fellow in the group, was able to separate and characterize a compound called 2,3,6-trimethyl-1,4-naphthoquinone, or TMN, which was also known to be present in tobacco smoke and proved to be an inhibitor of MAO.

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This summer, the Castagnolis, along with Ashraf Khalil, will look for other neuroprotective agents in tobacco.

COMMERCIAL SCALE CULTIVATION OF PHARMACEUTICAL-PRODUCING TOBACCO POSSIBLE, VIRGINIA TECH SCIENTISTS FIND

BLACKSBURG, NOV. 11, 1998.—The results from a summer of research show that pharmaceutical-producing tobacco can be grown on a commercial scale, according to Virginia Tech scientists.

Carole Cramer, professor of plant pathology, physiology and weed science, said additional field trials next summer are expected

to confirm and extend the findings from this year.

Jim Jones, an agronomist and director of Virginia Tech's Southern Piedmont Agricultural Research and Extension Center in Blackstone, said the summer's field tests produced encouraging data as well as experience in managing tobacco grown for medical uses.

"We're not looking at growing tobacco in the way its been grown in the past," Jones said. "In fact, what we've got is really a new crop."

Jones said the field research included increasing the population of tobacco plants from about 6,000 plants per acre in traditional tobacco growing practices to as much as 100,000 plants per acre.

The growing pattern of tobacco to produce leaf for tobacco companies is well established, he said. What Cramer is looking for, however, is the optimum cultural practices to produce protein. With that in mind, the transgenic tobacco was harvested multiple times during the summer at a point far earlier than tobacco is harvested for traditional uses.

In 1995, a team consisting of Cramer and her associates at Virginia Tech and CropTech, a biotechnology company located in Blacksburg, was the first to induce a plant to express a human protein with enzymatic activity. That achievement has opened the possibility of using plants as factories to produce human proteins that can be used in pharmaceuticals.

The tobacco planted at Virginia Tech's agricultural research and extension centers in Blackstone and in Glade Spring last summer used a "marker" gene rather than the human genes. The marker gene allowed scientists to evaluate that ability of tobacco grown in different densities to produce a target protein, Cramer said.

So successful have been the results that Cramer hopes that next summer's field trials will include limited quantities of plants with target proteins that CropTech hopes eventually to convert into pharmaceuticals on a commercial scale.

CropTech has genetically engineered tobacco plants so far grown only in greenhouses. The genes inserted into the tobacco DNA orders the production of human enzymes, which can be extracted, purified and used to develop pharmaceuticals.

The gene that produces the protein cannot be "turned on" until scientists give it a specific signal or inducer. Thus, the process can be controlled so that drugs will be made only after the leaves have been harvested and taken to a regulated a manufacturing facility, Cramer said.

Some tobacco plants have been modified to produce an enzyme that can be used to treat Gaucher Diseases, a rare and often fatal condition. Other plants have been modified to produce human Protein C, which is used to prevent blood clots. Both tobacco-based products are still in development and have not undergone clinical trials.

Cramer said tobacco has the potential to serve as the host for many other pharmaceutical proteins as well. Tobacco is exceptionally suited for use in producing pharmaceuticals because it is one of the most productive crops in growing leaf biomass quickly and efficiently, she said. It is also one of the easiest plants to genetically modify. As a very prolific seed producer, it will allow production to be scaled up very rapidly.

The field trials indicated that flue-cured tobacco is the best variety for producing the target proteins in the quantities needed for

commercial production. However, both burley and oriental varieties of tobacco also performed well in protein production.

"That means it looks as though we have great flexibility in regard to varieties," she said, "That, in turn, means that we won't necessarily be limited to any particular growing region in Virginia. The results have shown that we can grow this tobacco at very high densities. In fact, the higher the density the better, from the viewpoint of extracting proteins."

With the support of state Sen. William Wampler Jr. of Bristol, former Gov. George Allen and Gov. Jim Gilmore included \$554,000 in the state budget over the biennium for transgenic medicinal-tobacco research. During the 1998 legislative session Wampler sponsored an amendment which earmarked an additional \$200,000 specifically for the field trials. That funding was in part provided to help develop a new, high-value use to hundreds of acres of tobacco land statewide.

VIRGINIA TECH BEGINS FIELD TRIALS OF GENETICALLY ENGINEERED TOBACCO PLANTS PRODUCING PHARMACEUTICALS

GENERAL ASSEMBLY INVESTS IN NEW INDUSTRY FOR VIRGINIA

BLACKSBURG, JUNE 22, 1998.—Virginia Tech will soon begin the first phase of a \$754,000 state-funded research project that could lead to a tobacco-based industry for growing human pharmaceuticals in fields across Virginia.

A team of Virginia Tech scientists has demonstrated the feasibility of producing human therapeutic proteins in genetically engineered "transgenic" tobacco plants. Now, researchers will develop the special methods required to grow the transgenic tobacco that could bring new, high-value use to hundreds of acres of tobacco land statewide. "This investment in biotech research will help lay the foundation for a whole new tobacco-based industry for Virginia," said Carole Cramer, project director and professor of plant pathology and physiology at the Fralin Biotechnology Center of Virginia Tech.

Planning began in early May for the first phase of a multi-year field trial. Researchers will eventually plant tens of thousands of transgenic tobacco seedlings in fields at the university's agricultural research stations at Blackstone and Glade Springs. These studies will also include greenhouse experiments and laboratory analyses at the Virginia Tech campus in Blacksburg.

With the support of state Sen. William Wampler Jr. of Bristol, Governors Allen and Gilmore included \$554,000 over the biennium for transgenic medicinal tobacco research. During the recent legislative session Wampler sponsored an amendment which earmarked additional funds specifically for the field trials.

"The General Assembly was pleased to add an additional \$200,000 to assist in the expansion of research in the pharmaceutical uses of tobacco," said Wampler. "We look forward to reviewing the results of the practical application of transgenic tobacco research, and we are hopeful that this research will result in new, viable economic opportunities for growing tobacco in our region."

Cooperating in the studies are scientists at Crop Tech Corporation, a plant biotechnology company located in Blacksburg. CropTech will contribute its proprietary know-how and transgenic tobacco lines, as well as laboratory facilities and financial resources from federal and private sources.

CropTech recently won a multi-year \$8.8 million contract from the Advanced Technology Program of the U.S. Department of Commerce. That contract will allow CropTech to further develop technologies to support commercialization of transgenic tobacco for bioproduction of pharmaceuticals. A portion of the contract funds will support research at Virginia Tech and will match the support from the legislature.

Cramer pointed out that the tobacco biotechnology being developed at Virginia Tech is uniquely suited for pharmaceutical production. The plants are modified to contain a human gene—a tiny piece of human DNA with the information to build a human protein—but the gene cannot be "turned on" until the scientists give it a specific signal or inducer. Thus, the process can be controlled so that drugs will be made only after the leaves have been harvested and taken to a regulated manufacturing facility.

This summer's field tests are designed to begin designing methods farmers will eventually use to grow the transgenic pharmaceutical tobacco plants for commercial sale. Among the issues being investigated are optimal plant density, planting and harvest methods and timing, nutritional requirements and pest protection, Cramer said. Also being studied are conditions that could help maximize pharmaceutical production and maximize the extraction of the target compounds from the leaves of the plant.

Cramer said tobacco is exceptionally suited for use in producing pharmaceuticals because it is one of the most productive crops in growing leaf biomass quickly and efficiently. It is also one of the easiest plants to genetically modify. As a very prolific seed producer, it will allow production to be scaled up very rapidly.

Although greenhouse studies during this year will include drug-producing plants, the field tests for these lines will not begin until next year, Cramer said. This year's field tests will incorporate a "reporter gene" to enable scientists to rapidly assess the performance of transgenic tobacco under various growing conditions.

The trials will also explore the potential of using floating-bed greenhouse systems for producing transgenic tobacco.

"This technology has tremendous potential as a win-win situation for both tobacco producers and drug companies," Cramer said. "People will be surprised at how fast this new industry will be growing and the impact that it will have."

[From the Richmond Times-Dispatch, Sept. 24, 1997]

IN THIS CASE, TOBACCO COULD BE A LIFESAVER

(By A.J. Hostetler)

WASHINGTON.—Tobacco may serve as a source of a new medicine for a rare and life-threatening genetic disease under patents being awarded this week for research at Virginia Tech.

The patents cover the processes involved in setting up a new biochemical Trojan horse: a bacterium which carries a human gene into a tobacco plant, from which scientists later extract a human enzyme. The tobacco-produced enzyme could eventually be turned into a drug.

"It's an incredibly effective delivery system," said Virginia Tech plant physiologist Carole Cramer.

She conducted the tobacco experiments at Virginia Tech and at CropTech Development Corp., a private biotech company she started with her husband, David Radin, a former Tech plant cell geneticist.

One patent for the genetic engineering was awarded yesterday and another will be awarded tomorrow, according to Radin. Both patents go to Virginia Tech and are licensed to CropTech. A third patent, which awaits federal approval, will be awarded to CropTech, with a small share of the patents, and any resulting profits, awarded to Virginia Tech, Radin said.

The research was financed by grants from the National Institutes of Health and the Department of Defense.

At a biology conference yesterday in Washington, Cramer described the research and how it could lead to a cheaper treatment for Gaucher disease.

Gaucher patients have a defective enzyme, called human glucocerebrosidase or hGC, which prevents them from processing fattening substances called complex lipids. The lipids accumulate in the body to toxic levels, causing bone deformities, liver and spleen problems and other complications that can lead to death at an early age.

Gaucher disease strikes mostly Jews, but others are also at risk. About one in every 40,000 people in the United States has the disease, according to one estimate, but that jumps to one out of every 450 to 600 among Jews of Eastern European descent.

There are only two drugs approved in this country to treat Gaucher disease. Both attempt to replace the missing enzyme.

Patients typically take a single dose of Ceredase, or its cousin, Cerezyme, every two weeks for their entire lives. The average annual cost of either drug is about \$160,000, according to Cramer. A single dose of Ceredase is made from as many as 2,000 human placentas, Cerezyme, made from hamster ovaries, is similarly difficult and expensive to make, Cramer said. But a single tobacco plant can be genetically engineered to produce the same amount of enzyme far more cheaply and easily.

The Virginia research could offer Gaucher patients another alternative if a drug produced from transgenic tobacco works, said Rhonda Buyers, executive director of the National Gaucher Foundation.

The scientist who pioneered enzyme replacement therapy for the disease, Dr. Roscoe Brady, says he regrets the high cost of the current treatment and "fervently" hopes Cramer's work succeeds.

"I want this to happen," said Brady, now chief of the Developmental and Metabolic Neurology Branch at the National Institute of Neurological Disorders and Strokes.

"I'd like everybody who needs it to get it. Even if (hGC) comes from a tobacco plant, it's not going to be cheap."

Researchers are also developing gene therapy treatments that could "teach" the human body to make the enzyme. But that process is several years from general use. In the meantime, CropTech's work is "a good step forward" for patients with the crippling disease, Brady says.

Cramer began her research on genetically engineered tobacco in 1992 as she sought to understand how plants protect themselves from disease. After learning how to transfer genes from tomatoes into tobacco plants, she sought a more challenging—and show-stopping—project.

As the Clinton administration held hearings on health care in the early 1990s, Cramer and her team heard about Ceredase, which was being touted as one of the world's most expensive drugs.

Cramer said the researchers chose to study ways to produce the Gaucher enzyme after wondering, "What could we do that would

make a big splash" in the scientific community?

"We wanted a dramatic example," she explained.

[From the Virginia Tech Edge, January 1999]

REMOTE SENSING CENTER ESTABLISHED

NASA will provide \$419,256 to establish the Virginia Tech Center for Environmental Applications of Remote Sensing (CEARS). The center will provide maps and spatial data at all levels—land and water, above ground and underground, including such details as soil types, watersheds, and wildlife habitats—to help place major developments with the least impact, for instance. The center will be able to offer better-detailed geographic information than currently available, as well as data on the broad landscapes and inter-relationships.

Spearheading CEARS is Randy Wynne of forestry, who specialized in applying small satellite technology to natural resources, and James Campbell of geography. "CEARS will focus on the environmental applications of remote sensing," Wynne says.

A remote sensing laboratory will be equipped with 25 networked (100 Mbs) Windows NT workstations, an NT server, printers, and image processing and associated software (e.g., compilers, spatial statistical packages, and GIS).

"We intend to augment our capability for measuring and integrating data with a Sun photometer and PAR sensor, a field spectroradiometer, and a roving GPS base station, and will build an electric, remotely piloted vehicle capable of carrying small sensor payloads."

Additional laboratories located in the geography department and the Fish and Wildlife Information Exchange will support the project.

For more information, see the entire proposal for the center or contact Dr. Wynn at 540-231-7811.

TOBACCO PRODUCES HUMAN PHARMACEUTICALS

Scientists at Virginia Tech and CropTech Corporation of Blacksburg, VA, are using tobacco to produce human proteins.

Carole Cramer, professor of plant pathology and physiology, and colleagues have introduced snippets of human DNA into the genes of tobacco. Those snippets instruct the plant to produce human protein, which can then be extracted from the leaves and used to create drugs.

Among their achievements so far are tobacco plants that produce:

- Human Protein C, part of blood clotting/anticoagulation chemistry. This protein is presently extracted from human blood plasma for use by hospitals. Human Protein C from tobacco has yet to be tested on humans.

- Glucocerebrosidase, a human lysosomal enzyme that may eventually be used to treat a rare, life-threatening genetic disease affecting the body's ability to break down fats. This enzyme is now purified from human placenta.

Contact: Dr. Cramer at 540-231-6757.

SORTING THE BUILDING BLOCKS OF LIFE

A university DNA sequencing facility has been established in the Virginia-Maryland College of Veterinary Medicine's Center for Molecular Medicine and Infectious Diseases.

Funded by Virginia Tech Research and Graduate Studies, the college, and the Fralin Biotechnology Center, the laboratory is staffed and equipped to provide reliable and prompt DNA sequencing services for researchers, according to Stephen Boyle, profes-

sor in biomedical sciences and pathobiology.

To develop genetically engineered improvements in everything from food products to medicine, scientists must first acquire an accurate profile of a substance's molecular structure. The new lab allows them to do precisely that, Boyle says. Plus, the laboratory offers cost-effective, high-throughput services.

The laboratory includes twin Pharmacia Biotech ALFexpress sequencers. A computer-based control runs each unit independently. Laboratory manager Lee Weigt has 10 years of experience managing DNA sequencing facilities for the Smithsonian's Tropical Research Institute in Panama and the Field Museum of Natural History in Chicago, and has been specially trained by Pharmacia on the equipment.

Gaucher disease results when the body's enzyme storage system goes awry. Plants have a similar storage process, and Cramer thought she could prod a tobacco plant to grow hGC.

She did it by inserting the human gene for hGC into a common tobacco bacterium and allows it to infect a piece of leaf.

When the bacterium infects the leaf, it carries along with it the human gene. It transfers the gene into the plant and then dies, felled by antibiotics given to the tobacco plant.

Cramer has dozens of these genetically altered tobacco plants in various pots and petri dishes in her laboratory. The green leaves look like any normal tobacco plant.

While the plants grow, they show no signs of the human gene. The tobacco cells know how to make the enzyme, but don't do anything about it until they are activated by the researchers in a secret process that is part of the patent application. That helps control the quality of the enzyme produced because weather conditions and the timing of the harvest can affect the amount of hGC in the plant, Cramer said.

The harvested leaves are incubated for about a day before they are ground up and the enzyme is extracted.

The tobacco-produced hGC functions just like the human enzyme, she said, giving CropTech hope that federal approval for clinical trials may come in three to five years. When CropTech wins that approval, it would work with a drug manufacturer to produce the tobacco and enzyme in mass quantities, Cramer said.

[From the New York Times, May 14, 2000]

NEW VENTURES AIM TO PUT FARMS IN VANGUARD OF DRUG PRODUCTION—ALTERING GENE STRUCTURE TO "GROW" MEDICINES IN COMMON CROPS

(By Andrew Pollack)

Joe Williams, a Virginia tobacco farmer, has been forced to cut his production nearly in half over the last three years as people have kicked the smoking habit. But he is hoping that a small experimental plot he just planted will hold the key to his staying on the farm. That tobacco has been genetically engineered to produce not cigarettes but pharmaceuticals.

Plants containing drugs could, indeed, represent a new high-priced crop. "If we can actually find a medical use for tobacco that saves lives, what a turnaround for the much-maligned tobacco plant," said Christopher Cook, chief executive of ToBio, a company recently formed by Virginia tobacco farmers like Mr. Williams to grow drugs in cooperation with the CropTech Corporation of Blacksburg, Va.

The production of drugs in genetically altered plants—called molecular farming or biopharming—seems poised to represent the next wave in agricultural biotechnology. Until now, efforts have mainly been directed at protecting crops from pests and improving the taste and nutrition of food.

But just as the production of bio-engineered foods has been controversial, molecular farming is already raising some safety and environmental concerns. Chief among them is that drugs might end up in the general food supply, either because crops or seeds are misrouted during processing or because pollen from a drug-containing crop in an open field fertilizes a nearby food crop. What if insects eat the drug-containing plants or if the drug leaks into the soil from the roots?

About 20 companies worldwide are working on producing pharmaceuticals in plants, according to the Bow-ditch Group, a Boston consulting firm. A handful of such drugs are already being tested in human clinical trials, including vaccines for hepatitis B and an antibody to prevent tooth decay.

There have been dozens of field tests like the one on Mr. Williams's farm, aimed at seeing if products ranging from hemoglobin to urokinase, a clot-dissolving drug, can be grown in crops like corn, tobacco or rice. In a closely related effort, companies are also trying to use plants to produce industrial chemicals.

Proponents say that farming for pharmaceutical proteins would be far cheaper than the current practice of producing these drugs in genetically modified mammalian cells grown in vats. That could lower the price of drugs produced by biotechnology, some of which now cost tens or even hundreds of thousands of dollars a year per patient.

In some cases, the drugs would not even have to be extracted from the plant. Scientists are testing edible vaccines in which people would be protected from diseases by eating genetically engineered foods.

As these crops get closer to market, regulators are trying to figure out how to ensure their safety. Last month, the Food and Drug Administration and the Agriculture Department held a public meeting in Ames, Iowa, to discuss the issue.

The regulators say some safeguards are already in place. To minimize environmental risks, all field tests of drug-producing plants must receive government permits, while some field tests of other modified crops require only that the government be notified, said Michael Schechtman, biotechnology coordinator for the Agriculture Department. In addition, the distance by which the drug-bearing plants must be isolated from other plants to prevent cross-pollination is double the usual distance used by seed companies to assure purity of their seeds, he said. And although genetically modified food crops are often deregulated after the product becomes commercial, he added, the planting of drug containing crops is likely to be regulated forever.

But Norman C. Ellstrand, a professor of genetics at the University of California at Riverside and an expert on pollen flow, said that long-distance pollen flow is poorly understood and that the appropriate isolation distance for drug-producing plants would depend on the particular crop and drug. "It's just not clear that setting a double distance is going to solve everything," he said.

Indeed, biopharming lies on the border of medical biotechnology, which has been largely free of controversy, and food biotechnology, which has been beset by protests.

Some executives in the fledgling industry say that because medicines clearly help people, their activity is not generating this same kind of resistance as the production of genetically modified food crops. In addition, they say, drugs are tested and regulated far more stringently than biofoods. "It's being received entirely differently," said William S. White, president of Integrated Protein Technologies, a unit of the Monsanto Company that is trying to grow drugs in corn.

But critics of agricultural biotechnology say that such companies, which underestimated the public reaction to bioengineered foods, are repeating the mistake. Michael Hansen of Consumers Union, for one, said the public had no idea about the work being done to produce drugs in plants. "Once they have an idea, the thought of putting drugs in plants, is not going to go over well," he said.

Some companies producing drugs in plants are already being hit. Axis Genetics of Britain went out of business a few months ago, saying the protests over bioengineered food had scared off investors. Groupe Limagrain, a French seed company, says it has been conducting its field tests in the United States because the dispute over modified crops is greater in Europe. And Planet Biotechnology Inc. of Mountain View, Calif., keeps the location of its greenhouses secret to prevent vandalism by protesters, as has happened to companies growing modified food products.

Companies are considering various techniques to keep drug-producing crops from accidentally entering the food supply, including the implanting of a gene to turn drug-producing crops a different color from other crops.

Techniques are also being developed to prevent cross-pollination. CropTech, for instance, said its tobacco would be harvested before sexual maturity. Some drugs needed in small quantities might be grown only in greenhouses, rather than open fields.

Just as with food, biocrops should be able to produce large quantities of drugs at low cost, advocates say. The newest factories now used to produce pharmaceutical proteins in genetically modified mammalian cells can cost \$100 million or more and can produce a few hundred kilograms a year at most. Drugs made in such factories can cost thousands of dollars per gram to produce.

For many biotechnology drugs already on the market, this is not a problem because prices are high and only minuscule amounts are needed. But some drugs under development, like an antibody-containing cream for herpes, are likely to require much larger quantities and not be able to command high prices.

"They cannot make these drugs using the old technologies," said Mr. White of Monsanto's Integrated Protein Technologies. "It's just not going to be cost effective to do so." Mr. White said his company could produce 300 kilograms of a purified drug for a \$10 million capital investment and a cost of \$200 a gram.

Planet Biotechnology is in clinical trials of an antibody, produced in genetically altered tobacco, that blocks the bacteria that cause tooth decay. Elliott L. Fineman, the chief executive, said it would be impossible to use mammalian cells to produce the 600 kilograms a year that might be needed in a cost-effective way. But the entire supply could be affordably produced on a single large tobacco farm.

Still, the companies wanting to grow drugs have found the going somewhat rough. The Large Scale Biology Corporation, formerly Bio-source Technologies, did the first field

test of a drug produced by a plant in 1991 but still does not have a drug in clinical trials.

Drug companies are hesitant to depart from existing technology. And some industry experts are not convinced that plants would be cheaper when the cost of extracting the drug from the plant is considered. "With respect to purifying it and isolating it, a plant can pose challenges," said Norbert G. Riedel, president of the Baxter Healthcare Corporation's recombinant DNA business.

Moreover, the production of drugs in plants faces competition from production in the milk of genetically modified animals. This also offers potentially high volumes at low costs, and the animal milk companies are closer to bringing products to market. Some already have deals signed with major drug companies.

The plant-drug companies say their technique is safe because mammalian cells and animal milk can introduce harmful viruses into the drug, while plant viruses are not known to infect people.

There could be other problems, however, including contamination by pesticides and plant chemicals like nicotine. The F.D.A., which is preparing draft guidelines for production of such drugs, is considering such issues as assuring that the pharmaceutical protein does not change form during plant growth, harvesting and storage.

Yet another issue is that the sugars attached to proteins by plants are different from those attached by animals. This could prevent the plant-derived drug from working and could cause allergies, said Dr. Gary A. Bannon, professor of biochemistry and molecular biology at the University of Arkansas medical school.

Molecular farming might not prove to be the salvation of vast numbers of farmers since the acreage needed will probably be small. Mr. White of Monsanto said even a drug needed in large quantities could be produced on a few thousand acres of corn, a mere blip compared with the roughly 77 million acres of corn grown in the United States.

But Brandon J. Price, chief executive officer of CropTech, which is working with the Virginia farmers, said 45,000 acres would be needed to satisfy the entire worldwide demand for human serum albumin, a blood product that his company wants to produce in tobacco.

Said Mr. Williams, the Virginia farmer, "we're looking at thousands and thousands of acres it takes off and goes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HAYES).

The amendment was agreed to.

AMENDMENT NO. 43 OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore (Mr. HEFLEY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. MILLER of Florida:

Page 31, after line 5, insert the following:

PURCHASES OF RAW OR REFINED SUGAR

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than

\$54,000,000 for purchases of raw or refined sugar from sugarcane or sugar beets.

Mr. MILLER of Florida. Mr. Chairman, this amendment is very simple. It is to say let us stop wasting taxpayers' dollars on the sugar program.

Last month, the Secretary of Agriculture bought \$54 million worth of sugar and does not know what to do with it. We have too much sugar in this country. We cannot even give it away around the world, but we bought \$54 million worth of sugar. We cannot use it for the ethynyl program. What are we going to do?

We are going to store it, and the media reports saying we are going to have another \$500 million worth of sugar in the next 90 days, and we do not now have any use for it.

This is a waste, and it is an embarrassment to this Congress that we allow this program to be authorized in the farm bill back in 1996. In fact, during the past month, national television has been making fun of us, The Fleecing of America on NBC news made fun of Congress for wasting money on this program.

It's Your Money on ABC did the same, because it is a program that makes no sense. It hurts consumers. It hurts the environment. It hurts the jobs, and it is just bad simple economics.

Let me briefly describe what the program is. We have a Federal Government program through a loan program and limits on imports to prop up the price of sugar at about three times the world price. That is right, here in the United States, we pay three times the price of sugar as they pay in Canada or Mexico or Australia. What does that mean? It means our consumers get hurt.

In fact, the General Accounting Office, which is a nonpartisan organization that supports Congress, it is not supported by the agriculture or the business sector, it is nonpartisan, nonbias, their most recent study last month said \$1.9 billion that it costs us. The taxpayers are being hit, \$54 million last month alone and it can go as much as \$500 million.

The environment, I come from Florida, and the Florida Everglades is a real national treasure, and what are we doing is, because of the high price of sugar, we are overproducing sugar, which has all that runoff that flows into the Everglades down into Florida Bay and the Florida Keys, and it is causing environmental damage. That is the reason we get strong support from the environmental community on this issue.

And when we get to trade, it is amazing. How can we go to Seattle and talk about trade issues and say we will talk about everything but sugar, because we do not want to talk about sugar. It makes it difficult for us to be advocating free trade when we have to protect sugar.

Finally on jobs, we can go program after program, where the jobs are impacted in this country. We are losing jobs.

Let me give my colleagues an illustration. Bobs Candies in Georgia makes candy canes. They use a lot of sugar in candy canes. It is a third generation company. What is happening is in Canada where the sugar is only a third of the price or in the Caribbean where they get sugar for a third of the price, they can shift their production. Why would they want to manufacture in the United States to pay that high price for sugar?

This makes zero economic sense. It has zero economic sense, because it has all negatives. The only people supporting the program are the sugar growers, and the sugar growers love it.

In fact, they love it so much they increased the production of sugar by 25 percent in the last 3 years because they are just making a killing off of sugar. Next year, they are predicting even more sugar protection and instead of buying \$500 million worth of sugar, we can see a billion dollar a year cost.

We were told back there 1996 oh, no, it does not cost us anything. It does not cost anything. In fact, they told us back in 1996, sugar is going to pay a support program part of this, like \$40 million. Well, they got rid of that a couple of years ago. Now, we do not even make money on the sugar program, we just spend money. We just waste money.

For my colleagues, I hope they will support me as we get rid of this program. If my colleagues are conservative, this is bad big government. If my colleagues are pro consumer. If my colleagues are concerned about the lower-income people that spend so much money on their income on food, my colleagues should support this. If my colleagues are an environmentalist, this is definitely one to support, because we want to protect the Everglades.

It is just a bad big government program, and I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore. Does the gentleman from Iowa (Mr. Latham) continue to reserve a point of order?

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman for Iowa (Mr. LATHAM) for his indulgence; and I want to express my admiration for the diligent crusade the gentleman from Florida (Mr. MILLER) has been conducting on behalf of consumers, taxpayers, and other farmers.

In support of the gentleman from Florida's amendment, I want to address its negative impact on other hard-working honest unsubsidized farmers. I agree with what the gen-

tleman from Florida (Mr. MILLER) has said about the taxpayers and about the consumers.

I represent a large number of people who are in the cranberry business. They grow cranberries. Cranberries have been a non-program crop, that is, unsubsidized.

As my colleagues know, this Chamber is full of people who are the world's most ardent advocates of free enterprise, of standing on your own two feet, of not having the government get involved, except it turns out that in all of the great conservative economic texts, there is a footnote that is written that says, except agriculture. Members have to come from a farm State to be able to read it. It is in invisible ink and one has to apply certain substances garnered on farms to be able to bring out that footnote so we can read it, because the part of the American economy which is the most heavily subsidized, the most heavily regulated, the most anti free market is, in fact, agriculture.

I represent some people who are in agriculture without much of that. The cranberry growers do a very good job of producing a very important crop, until recently, without any kind of government entanglement. They are trying to continue that. But they find themselves in a great dilemma. Cranberries are very tart. They are nourishing. They are tasty, but they require sugar in many of the forms in which they are prepared.

If Members want to come by my office, we have some very good dried cranberries, a very healthy snack, but they have a high percentage of sugar. The problem is that because of the sugar program, American cranberry growers and processors are at a significant competitive disadvantage vis-a-vis Canada.

Thanks to NAFTA, we now have one market embracing both Canada and the United States for cranberries. Cranberries are grown in both places. American processors are significantly disadvantaged because of the price of the sugar they must use to deal with their cranberry products is so much higher than the price that our Canadian competitors pay.

This is a case where the unsubsidized farmers and the cranberries farmers are seeking some help. They are seeking the one thing that I most support, a government purchase of surplus cranberries for use in various programs; but their dilemma has been exacerbated by the sugar program.

The cranberry growers come to the government for help, because the government has helped cause their problem; and it has helped cause their problem by putting them at a significant competitive disadvantage in some respects because of the high price of sugar they have to pay compared to the price of sugar paid by the Canadians.

I have, I guess, a very novel question, maybe it is naive on my part. If we can, in fact, rely on a free market in oil, and we are told that the oil prices go up, well, that is tough, that is the free market. If we can have a free market in the most sophisticated telecommunications equipment, if we can have a free market in automobiles, in legal services, in shoe repair, in virtually every other commodity, what is it about the growing of sugar that repels the free market ethic?

What is it about sugar growing that makes it entitled to be an exception from the free market principles to which so many of my colleagues, especially on that side of the aisle, profess allegiance? Is sugar some alien substance that repels the concepts of demand and supply?

Are the people who grow sugar somehow mutants who are not subject to the same economic incentives and disincentives as others. So the sugar program is, of course, one of the great violations of principle that many on the other side profess, but we get used to a little principle slippage particularly late in the year when election time is coming up. But it hurts consumers, and sugar is consumed by lower-income people. It hurts the taxpayer considerably, the millions that we spent on sugar could well be used for other purposes; and, in particular, thought I want to stress here, it even hurts other parts of agriculture. That is one of the things about the free market, once we begin to tinker with it in such a substantial form, the effects of that tinkering cannot be confined, and the aid that is given by the taxpayers at the expense of consumers to sugar growers redounds to the significant disadvantage of people who grow cranberries.

I would hope that we would adopt the gentleman's amendment and proceed in the earliest time frame next year to abolish the program and bring that radical subversive unknown doctrine known as free enterprise into another area of the American economy.

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) continue to reserve his point of order?

Mr. LATHAM. Mr. Chairman, I continue to reserve a point of order.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the new GAO report says it all, the GAO report is entitled "supporting sugar prices has increased users costs, while benefiting producers."

According to this new report by our Federal Government, the sugar program costs consumers \$1.9 billion each year in higher costs.

Secretary Glickman has announced that the Department of Agriculture would spend \$54 million of taxpayers' money to purchase 130,000 tons of surplus sugar to prop up domestic prices. Every time an American goes to a

vending machine to buy a candy bar or goes to the supermarket to buy ice cream, it can cost more because of the sugar program. Every time he tries to buy cranberry juice, it costs more, because of this program.

The sugar program acts as nearly a \$2 billion hidden tax to our consumers, but this tax does not go to the government to pay for the national defense or for some other program. It goes into the pockets of the big sugar lobby.

The Freedom to Farm Act of 1996 began to phase out income supports for nearly every agricultural commodity, and tried to set them down the path toward free market competition, tried to set them towards free enterprise; however, the government continues to subsidize sugar producers by maintaining high sugar prices.

□ 1500

Well, this amendment will limit the Commodity Credit Corporation from extending any more than the \$54 million, the amount they have already purchased this year, on the purchase of additional sugar with taxpayers' dollars during fiscal year 2001. And to let the Commodity Credit Corporation continue to bail out sugar producers only continues the cycle of welfare to sugar producers and higher prices for consumers.

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

Mr. ROYCE. I yield to the gentleman from Illinois.

Mr. EWING. Mr. Chairman, the gentleman knows, I am sure, that sugar prices are at an all-time low; they have not been this low in years.

Mr. ROYCE. Mr. Chairman, reclaiming my time, I know that the sugar prices are low, and I also know that the Federal Government, in its GAO report, has extrapolated the costs to consumers at \$1.9 billion a year.

Mr. EWING. Mr. Chairman, if the gentleman will continue to yield, I understand that is what the GAO report said; but sugar prices are low, and I have not, and I just wonder if the gentleman has, seen any reduction in candy bars or soda pop or any other commodity that the gentleman claims will be such a windfall to American consumers. Has the gentleman seen any?

Mr. ROYCE. Mr. Chairman, again reclaiming my time, we have not repealed the laws of supply and demand, and to the extent that we have these types of programs that force higher prices on the consumer, yes, that is ultimately reflected in pricing. I believe that the market works.

Mr. EWING. Mr. Chairman, if the gentleman will again continue to yield, with all due respect to the gentleman's opinion on this, I think it is faulty, because prices are low, and nothing is happening to the cost of the products with sugar in them.

Mr. Chairman, when I look at this amendment, I recall the failed amendments that have been offered in the past on the Agricultural Appropriations bills. Regardless of how exactly the language reads, it all boils down to this: my colleague wants to eliminate the sugar program.

Each time sugar opponents have offered such an amendment on the Ag Appropriations bill, the House has rejected their efforts. This in itself says a great deal. The House has stood by its agreement made with farmers in the 1996 Farm Bill.

In the Farm Bill, Congress agreed to a sugar program that would stay intact for seven years. My colleague wishes to break this contract with farmers.

My colleague has made reference to a recently-released GAO report on the sugar program. There are a number of problems with this report, which both USDA and the sugar industry have highlighted. USDA, the agency that administers the federal sugar program, concluded: "GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively."

By agreeing to purchase sugar, USDA made an economic decision within the parameters of the program for the benefit of the taxpayer. In early June, USDA bought 132,000 short tons of refined sugar in an effort to avoid forfeitures of sugar under loan and to reduce the potential cost to the taxpayer. According to USDA, this purchase serves as a \$6 million cost savings compared to potential forfeiture costs of the same tonnage.

To kill or impede the program today, nearly a year before we begin to authorize a new farm bill, especially without review by the authorizing committee, would be very unwise. The mechanics, operations, and success of the sugar program over the past five years should be evaluated more closely and carefully before a hasty vote on an appropriations bill hinders the current operations.

Join me in supporting the taxpayer, the American farmer and the contract made in the 1996 Farm Bill. Vote No on this amendment.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, the gentleman from Illinois is talking about how low the prices are. The price of sugar in the United States is about three times the world price. Look in today's Wall Street Journal; look in the financial pages. We see two prices: one for the United States, one for the rest of the world. And it is three times the world price.

So what are we supposed to be feeling sorry for when we are paying three times the price that Australia pays for sugar and Canada pays for sugar. And, yes, anybody who has had economics 101 knows that cost influences prices. So yes, it does have a direct effect. That is the reason the GAO did the study. That is the reason we have a nonpartisan, unbiased source that did the study; and that is the reason we need to trust that \$1.9 billion. That is

real money that costs real consumers real dollars.

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order.

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. We go through this debate every year, and sugar becomes the culprit for all that is bad and all that is evil.

We hear about the world's sugar price being so much less everywhere else. It is interesting that when we travel abroad, candy is very, very expensive. Maybe they access the world market, but their prices are the same. Sugar is the lowest it has been in years; candy bars are higher than ever. Some Members say it is for the big sugar lobby. Well, what about the big candy lobby? Only the bad actors are on the other side of the amendments. Yesterday, it was the big pharmaceutical lobby when we talked about prescription drugs. Today, it is the big sugar lobby.

Nobody comes down to Clewiston and sees the small family farmers. And yes, there are some big farmers; we acknowledge that. Like everywhere else in America, there are small farmers and big farmers. But once again, we kick farmers when they are down. Some of the most difficult times we are experiencing in this Nation in farming are occurring today, and people always complain about programs done by the Department of Agriculture, and then they rush off out of this Chamber and have a big meal; and they eat a lot of food, and they fill up their bellies and think how wonderful it is that I had this delectable meal. Then they rush right back, full, their appetites satiated; and they immediately begin to attack farmers and the farm programs and the Agricultural Department and this runaway program that is being sponsored by Congress.

I say, if we complain about farmers, do not do so with our mouths full. This program has been reformed; it has been changed.

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

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. EWING. Mr. Chairman, I thank the gentleman for yielding. I would just point out to my colleagues, they refer to this GAO report, which I have seen thoroughly, and there are a number of problems with this report. Both the USDA and the sugar industry have highlighted: "USDA, the agency that administers the Federal sugar program, concluded," and this is important, "the GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively."

So the gentleman from Florida (Mr. MILLER) is using it incorrectly.

The gentleman from Florida (Mr. FOLEY) knows that they talk about the

sugar price, but what is the sugar price, the world dump price?

Mr. FOLEY. Mr. Chairman, reclaiming my time, the sugar price, as the gentleman well knows, it is 125,000 metric tons, so nobody runs out to the Publix and buys 125,000 tons. In addition to that, it is left-over excess capacity. It is not first-run sugar; it is floating around there looking for a buyer. It is like the end-of-the-year car sales when people are trying to get the cars off their lots. This is sugar that is sitting, waiting, looking for a purchaser; it is not first-run sugar. So they misrepresent.

Mr. EWING. Mr. Chairman, if the gentleman would yield once again, most of that sugar comes from programs around the world that are subsidized much higher than we do in this country. They cannot use it; they cannot keep sugar. They dump it on the world market and take pennies on the dollar.

Mr. FOLEY. Mr. Chairman, reclaiming my time, the gentleman from Massachusetts made a big thing about the free market system. Well, I think we are spending about \$14 billion on the big dig in Massachusetts for a tunnel. So all I will say to the gentleman is that we are spending money on projects throughout the country, and we are trying to help the farmers in America. We are trying to keep domestic production, and I think it is vitally important.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. FRANK of Massachusetts. Mr. Chairman, first, I would say that 25 years ago I was opposed to that highway construction project. I thought it was not a good use of money.

Secondly, I would say this. Even at my most critical, I have never suggested that we should have the free market build a highway. If we are going to build a highway, then the Government has to do it. But I would say that I was against building the highway.

Mr. FOLEY. Mr. Chairman, I thank the gentleman very much. Reclaiming my time, the Government, once again, did build a highway; and it is \$14 billion, probably about \$8 billion over-spending.

All I can say is listen to the amendment; look at what is occurring. Defeat the amendment. I support the gentleman as he reserves his point of order against the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment offered by the gentlemen from Florida and California to reduce funding for the U.S. Department of Agriculture's Commodity Credit Corporation by \$54 million—the amount of money made available last year for sugar producers.

Mr. Chairman, there is virtually no disagreement that the nation's sugar programs are

flawed. In fact, an article which appeared last month in the Palm Beach Post quoted two sugar growers who admitted that the program has problems, and as one said, "some new policy is going to have to be developed."

Until then, we should not continue to pour taxpayer dollars into the sugar sinkhole. The sugar market is glutted, yet producers continue to grow more sugar, and as a result, grow fat off these sweet Federal subsidies.

While sugar producers get all the treats, the taxpayers wind up picking up the tab for all these tricks. Consumers are stuck paying higher prices for foods made with sugar, after already being forced to contribute tax dollars to pay for these subsidies. That doesn't sound like a sweet deal to me!

Frankly, the USDA's sugar policies have left a bitter taste in my mouth. We should stop subsidizing sugar growers, and instead start spending that money on more deserving programs, such as child nutrition programs, WIC, and agricultural research.

Mr. Chairman, let's get the sugar industry's hands out of the Federal cookie jar, and stop subsidizing Big Sugar. Support the Miller/Miller Amendment.

Mr. HOFFEL. Mr. Chairman, I rise in support of the Miller amendment to the Agriculture Appropriations bill. This amendment limits expenditures by the Department of Agriculture for the purchase of sugar.

During consideration of my legislation, H.R. 3221, the Corporate Welfare Reform Commission Act, the Budget Committee heard testimony from members of Congress and budget experts about rooting out wasteful spending. The sugar program is high on the list of corporate welfare items that private groups and fiscal watchdogs have targeted for elimination.

The sugar program guarantees domestic cane and beet sugar producers a minimum price for sugar. It does this by offering loans to sugar processors at a rate which is written into law. This program has an unusual feature of allowing sugar processors to forfeit their sugar to the federal government instead of paying back their loans. In order to avoid the result of a direct expenditure from the federal government, the program restricts the amount of sugar that can be imported under a low tariff rate.

It's not surprising that producers are all eagerly seeking to participate in this program. The amount of sugar under government loan has nearly doubled since 1997.

It's also not surprising that there is currently a problem of sugar overproduction and now the sugar industry is not content with the government's subsidies in the form of restrictions on imports and direct payouts. They now are going directly to the Agriculture Department and selling their sugar that no one else wants to buy. The Department of Agriculture recently purchased 150 tons of sugar which cost American taxpayers more than \$60 million.

This is the height of absurdity. We encourage overproduction of sugar through subsidies and trade restrictions and then when sugar is overproduced, we buy it and then give it away to a third country for free. This amendment puts an end to these purchases.

Proponents of this subsidy argue that the program does not cost the taxpayer anything. This argument is especially hollow considering

the recent government purchases. But even putting those purchases aside, GAO has estimated that the cost of this program to consumers is nearly \$2 billion a year. Every American that drinks a soda, eats a cookie or bakes a cake pays more than they should at the checkout line.

This "tax" to pay for the sugar program doesn't go toward some public purpose. It goes into the pockets of a few large corporate farmers with an average farm size of 2,800 acres. According to a Time magazine article, one family which Time dubbed "the first family of corporate welfare" received \$65 million in federally subsidized revenues from the sugar program.

Mr. Chairman it is time we put an end to this shell game which always ends with the taxpayers losing. I urge my colleagues to support Mr. MILLER's amendment.

Mr. BARCIA. Mr. Chairman, Sugar Producers have been helping pay down our deficit for many years now.

In fact the Congressional Budget Office estimates that sugar producers will have actually paid \$288 million into the federal treasury by the end of 2002.

So the recent \$54 million sugar purchase by the USDA represents only a fraction of what sugar producers have already given to the government.

As lawmakers, when we committed ourselves to helping farmers, we committed ourselves to helping all farmers.

That's why I oppose the Miller amendment—because it singles out 2,880 farmers and more than 23,000 beet-sugar related jobs in Michigan alone. But Michigan is not alone—the whole country profits from the sugar industry. Sugar related employment represents 420,000 jobs in 40 states and over \$26 billion in economic activity.

Sugar farmers and workers need our help. Please don't abandon them in their time of need. This amendment has already been struck down on a point of order, but I urge my colleagues to vote no in the future on any anti-farmer amendment like this one.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in strong opposition to this amendment.

I can understand some of the criticism of the sugar program, especially from those that are true free traders. I, too, wish we had an open market for sugar. But what I don't understand is the continual, thinly veiled attack against U.S. sugar growers.

This program protects American sugar growers, including the 23,000 growers and sugar industry employees in my district, from a truly unfair, highly subsidized, and distorted world sugar market. American sugarbeet growers are the most efficient—the best—in the world. They wouldn't need our help, except that their competitors are foreign governments trying to prop up much less than the best.

Also, please hold the arguments that the sugar program has hurt consumers. Wholesale sugar prices have fallen nearly 26 percent since 1996, while consumer prices have risen. Cereal prices are up by more than six percent. Ice cream is up more than nine percent. Candy prices have risen nearly eight percent. If producer prices are down, but consumer prices are up, who is benefiting? You know the answer.

Unilateral disarmament is not a fair or reasonable policy for American sugar growers. And an appropriations bill is not the place to even be discussing it. Reject this broadside against U.S. sugar. Oppose this amendment.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, while not everyone has said it yet, I think everything that needs to be said on the subject has been said. So at this point I will make a point of order against the amendment offered by the gentleman from Florida.

The amendment violates clause 2, section C of rule XXI of the House in that it proposes the inclusion of legislative or authorizing language on an appropriation bill.

Specifically, the amendment proposes to limit certain expenditures made by the Commodity Credit Corporation where no such limitation exists in current law, instead of confining the amendment's proposed limitation to the scope of funds made available under this act. Additionally, the amendment of the gentleman from Florida contains "shall not" language that, on its face, imposes a legislative directive.

The CHAIRMAN. The gentleman has stated a point of order. Does the gentleman from Florida (Mr. MILLER) wish to be heard on the point of order?

Mr. MILLER of Florida. Mr. Chairman, as a member of the Committee on Appropriations, I feel very disappointed that we are cutting off debate like this. My cosponsor of the Miller and Miller amendment is not even allowed to speak on this bill. This is not the way we should treat our colleagues, to have the cosponsor being cut off from speaking.

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

Mr. MILLER of Florida. I yield to the gentleman from Iowa.

Mr. LATHAM. Certainly, after the chairman has ruled, any Member has the opportunity to strike the last word.

Mr. MILLER of Florida. Mr. Chairman, I would encourage the Members to do so, because there are a lot of people on the floor that want to talk to this issue.

Mr. Chairman, with respect to the point of order, we were told back in 1996 when the sugar program was developed and we authorized it that it was a no net-cost program; it will not cost the Government anything. We have already spent \$54 million last month, and we are getting ready to spend \$500 million more, so we were kind of misled in 1996 to have been told that it was a no net-cost program; so because of the change is the reason I think we should not have a point of order raised.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order on the question of whether or not this amendment is in order?

Mr. MILLER of California. Mr. Chairman, if I might, in response to reserving the point of order, if I could speak through the Chair to the gentleman that made the point of order, might it not be possible, if the gentleman insists upon his point of order, and I know we have the right to strike the last word later, but might it not be possible to ask unanimous consent so that at least our written statements could appear in the RECORD at this point so it is part of this joint debate?

The CHAIRMAN. Unanimous consent has already been authorized for that purpose for all Members.

Mr. MILLER of California. To be put into the RECORD at this point in the debate?

The CHAIRMAN. That is correct, yes.

Mr. MILLER of California. I thank the Chair.

The CHAIRMAN. Are there any other Members that wish to speak on the point of order?

The Chair is prepared to rule.

The Chair finds that the amendment offered by the gentleman from Florida (Mr. MILLER) includes language limiting the Commodity Credit Corporation purchasing authority; and, therefore, the amendment constitutes legislation in violation of clause 2 of rule XXI, and the point of order is, therefore, sustained.

The amendment is not in order.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard a lot of misstatements today about the sugar program, not only today, but in the discussions that have been held over the years. I think it is really unfortunate that so much of this comes from a theoretical discussion, which is purported to be a government report called the GAO Study.

I think that it is important when we look at these studies to look at the response the Department made with respect to each one of the assumptions that were propounded by the GAO report. The most significant of it is this use of the words, "world price." Anyone who has studied this particular issue will know that the world price is nothing more than a dump price. There is no such thing as buying sugar at 8 cents or 9 cents a pound. It is only where the excesses, the surpluses of all of these government programs all over the world have no internal domestic source to sell, then they go out to the world market and they dump it. It is absolutely unfair to talk about our sugar program and relate it to the world dump price.

If we are talking about the cost of sugar to an ordinary family in the United States, let us look at the chart here. Let us look and see what the world price is for sugar in the developed countries. We see all of these countries here, Norway, Belgium, Denmark, Austria, Italy, Sweden, Switzer-

land, Ireland, France, all of these other countries, and way down at the bottom here, the United States, retail price at 43 cents. At the top here, 86 cents. That is what we are talking about when we talk about the cranberry production and the cranberry juice that we were supposed to feel sympathetic about in an earlier discussion.

Mr. Chairman, we are talking about a retail price in the United States which is significantly lower than what the price is in other countries throughout the world. Mr. Chairman, 8 cent, 9 cent sugar is unreal in terms of our own domestic market.

What are we talking about? We are talking about killing an industry. I cannot think of anybody interested in fairness and support of our farmers, in support of agriculture, wanting to kill a whole industry in order to somehow fall prey to this mythological idea that they could buy 8 cent sugar in the world dump market. It is just not happening.

I think the real way to look at this situation is what is happening to the sugar prices today. We who have sugar production in our districts know that the price has catapulted from about half of what they were perhaps 10 or 15 years ago. Our farmers are struggling. They are in despair. I have one sugar company on the island of Kauai that is about to close if we do not find a resolution to this problem.

None of the Hawaii sugar is in this commodity market. I am not here because we are in that market where we are going to benefit 1 penny from any loan. We are restricted from that program. But I am here talking about sugar as fundamental industry in this country that has a right to exist, to be a part of our economy as any other farm product in this the United States. Why kill off this industry on a myth? Prices have gone down over the last year to maybe 18 cents for the people who are producing it, but what happens to all of the other products that are using sugar, the cakes and the cookies and the Cokes? All the prices have gone up 15, 20 percent. There is no economist worth his salt or her salt that can argue that the price of sugar being low is a good thing for America because it is going to lower the prices of the commodities. It has not.

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The prices of all of these commodities have gone up. So the argument that the GAO makes that the consumers are paying through their nose because sugar is such an expensive item has absolutely no substance in terms of the rationale for their argument.

If their argument were true, then the prices for all of these commodities, cakes, cookies, and whatever, would have gone down. There is not one item that we can find on the shelf today in

the grocery stores where the prices have gone down that uses sugar as a substance for their production.

So it seems to me that we have to be together in this discussion about agriculture. We cannot pick out one particular farmer. We do not have any multibillionaire sugar producers in my State. They are all small hard-working farmers who are just making a living.

So let us stand for the agricultural industry in this country and not kill sugar because somebody does not like the law that we passed in 1996 that was designed to benefit all commodities.

Mr. Chairman, we have heard a lot of misinformation today about the U.S. sugar program. I want to present a few facts.

During the 1990s, wholesale refined sugar prices fell 11 percent. During the same period, the retail price of refined sugar increased by 1 percent and the prices of manufactured food products with sugar as a major ingredient—candy, baked goods, cereal, and ice cream—rose by 23 to 32 percent. Since the start of the 1996 Farm Bill, wholesale refined sugar prices are down 26 percent, but retail sugar prices have not dropped at all and sweetened products prices are up 7 to 9 percent. It is clear that if someone is making a killing, it is not the sugar farmers.

American sugar farmers are in crisis. In my state of Hawaii, only three sugar companies are still operating. In 1986, 13 operating factories were operating and sugar was grown on all of the four major islands. Today, sugar is produced only on the islands of Maui and Kauai—and the survival of these companies and the fragile rural economies of these islands are severely threatened by historically low prices. This year, Hawaii sugar farmers are receiving the lowest prices in 18 years for their sugar.

Those who would like to kill the U.S. sugar program cite the so-called “world price” of sugar of 8¢ a pound. No one—not even countries that use child labor—produces raw sugar for 8¢ a pound. This “world price” is in fact a dump price for excess sugar that bears no relationship to the actual cost of producing sugar. The dump market represents the subsidized surpluses that countries dump on the world market for whatever price that surplus sugar will bring.

A study by LMC International estimated the weighted world average cost of producing sugar during the 11-year period of 1983/84 through 1994/95 to be 18.04¢ a pound. The actual level is almost certainly higher now because of inflation since that time. Even though U.S. sugar growers are among the most efficient in the world, they cannot survive when they receive prices on the order of 17¢ to 19¢ a pound.

Two-thirds of the world's sugar is produced at a higher cost than in the United States, even though American producers adhere to the world's highest government standards and costs for labor and environmental protections. U.S. beet sugar producers are the most efficient beet sugar producers in the world, and American cane producers rank 28th lowest cost among 62 countries—almost all of which are developing countries with deplorable labor and environmental practices.

U.S. consumers pay 20 percent less for sugar than the average for developed countries. Our average retail price for a pound of sugar—43¢—is far below the more than 80¢ paid by consumers in Norway, Japan, and Finland. The average price paid by consumers in the European Union is 52¢. Of course, U.S. prices would be even lower if the retailers and manufacturers did not absorb all of the benefit of the lower prices producers have been receiving over the past three years.

Is the price of sugar a problem for the average American family? I don't think so. Sugar is so cheap that you can pick up packages of it in restaurants and no one cares. The average American works 2.3 minutes to purchase a pound of sugar. Are the opponents of the U.S. sugar program responding to concerns of consumers? Clearly not. They are responding to pressure from big businesses that want to increase their profits further still at the expense of American farmers. The Dan Miller amendments use consumer cost as an issue to mask the primary motive, which is allow cheap foreign sugar into the U.S. market so that the mega food-conglomerates can make more money.

The U.S. sugar and corn sweetener producing industry accounts, directly and indirectly, for an estimated 420,000 American jobs in 42 states an for more than \$26 billion per year in economic activity. Defeat the Miller amendments that seek to destroy the U.S. sugar industry.

I also want to respond specifically to the contention by Mr. MILLER that the U.S. sugar program costs consumers \$1.9 billion per year. First, the deeply flawed study by the GAO has been thoroughly discredited by the USDA. Economists at the USDA have “serious concerns” about the GAO report, which “suffers in a numbers of regards relative to both the analytical approach and . . . the resulting conclusions.” USDA concluded: “GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively.” As with the 1993 version of this report, the GAO assumes that food retailers and manufacturers would pass every cent of savings along to consumers—we have convincing evidence that this will not happen.

Mr. MILLER is also very critical of the moves by the USDA to remove excess sugar from the domestic market in order to stabilize the price of sugar and thereby avoid very expensive forfeitures. Several factors account for the excess of sugar on the market: good yields due to favorable weather, increased imports, and schemes that undercut the foundation of the sugar import quota such as importation of stuffed molasses (a product with a high sugar content, which is made into refined sugar) and importation of dumped sugar via Mexico under the reduced NAFTA tariffs. The Miller amendments to prevent the USDA from making purchases to reduce the supply of sugar and to avoid forfeitures will cost the government money. Purchases cost less per ton and will avoid a much larger volume of forfeited sugar. Purchases instead of forfeitures for the 132,000 tons the government purchased this year will save taxpayers \$6 million in avoided forfeitures.

Sugar farmers—like other farmers—are suffering. Prices for most crops are at or near all-time lows. The government has stepped in to avert a disaster in rural America by providing over \$70 billion in payments to other farmers since 1996—but no assistance has been given to sugar farmers. Moreover, sugar farmers have contributed \$288 million in marketing assessments to reduce the deficit and, prior to the recent sugar purchase, the sugar program has operated at no cost to the U.S. Treasury.

It angers me to hear Members talk about the sugar program benefitting only a few wealthy sugar barons. I can tell you that the small growers who supplied the now defunct Hilo Coast Processing Company were not and are not sugar barons. Now many are not even farmers—they are unemployed. And the thousands of people who work for or whose jobs depend on the remaining sugar companies in Hawaii are not rich. They work hard at their jobs and have to pay their mortgages and save to send their children to college.

In Hawaii, we have over 6,000 jobs dependent on the sugar industry. These are good jobs that pay a living wage, include health benefits, retirement and other benefits. U.S. sugar producers are providing these jobs while complying with U.S. labor and environmental law.

Mr. Chairman, U.S. consumers benefit from the U.S. sugar program. They benefit from the stability it ensures, and the access it provides to quality sugar produced by U.S. companies. A strong domestic sugar industry contributes to our economy by producing jobs.

The demise of the U.S. sugar industry would mean the loss of these jobs to sugar producers overseas that do not have labor or environmental protections and in documented cases use child labor to produce cheap sugar.

Are we willing to forsake our own sugar producers so that the international food cartels can buy cheap sugar produced by twelve year-olds in Brazil or Guatemala? I hope not.

In Hawaii, the decline in sugar prices has been ruinous. These prices threaten the survival of our remaining sugar companies and the livelihood of workers in our rural areas. Sugar production ended on the island of Hawaii several years ago. Nothing has replaced sugar as a viable agricultural crop and the former cane lands remain idle. Unemployment is high and drug problems have increased as have the social costs of dealing with these issues. The islands of Maui and Kauai—where the sugar industry is a major source of employment—will face the same devastating consequences if we do not give sugar farmers a fair price.

I urge my colleagues to reject the false consumer cost argument based on the GAO report, and vote today for a U.S. sugar industry that will continue to provide jobs here in America. Defeat the Miller amendments.

Mr. HILL of Montana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to carry on the debate and discussion about the issue of sugar.

I made note when the gentleman from Florida (Mr. MILLER) was on the floor. He said when the agreement was reached in 1996, taxpayers were promised that this would not cost the taxpayers any money. I want to remind

the people in this room that this program has not cost the taxpayers any money.

Some people will point to the recent purchase of sugar that the administration has concluded for about \$200 million. But I want to remind the Members in this Chamber that as part of this agreement in 1996, that the sugar producers agreed to pay over \$288 million towards deficit reduction during the 7-year life of this program. So the taxpayers, even with the purchase of sugar, even if that sugar is never resold, still will be beneficiaries to the extent of \$288 million.

The people who are advocating the change in the sugar program mostly come from districts where there are candy manufacturers. They come to the floor and argue that consumers have been hurt by this sugar program.

Let me tell the Members, sugar cane prices have gone down 17 percent since this program went into place, and sugar beet has gone down 26 percent. During that period of time, while the producers' share of the dollar has gone dramatically, the price of refined sugar has gone up 1.1 percent.

Guess what, the price of candy, cookies, and ice cream have gone up 27 percent. So somebody is taking money from the pockets of consumers. It is not the sugar producers that are taking it out of the pockets of consumers, it is the candy manufacturers.

If we kill this program, who will benefit? The candy manufacturers, among the wealthiest, most successful companies in the world. Who is going to get hurt? Family farmers and family ranchers who are out here struggling, trying to make a living.

I want to also address, Mr. Chairman, this issue of the world price of sugar. People suggest that U.S. consumers are paying more for sugar because they compare our domestic sugar price with the world price. But there is not a world price. There are not two prices, as it has been represented. There are multiple prices. Every country has its own price based upon its own market.

All the sugar that is on the world market is excess production. It comes from subsidized producers. What happens is our competitor nations subsidize their producers. They have quotas that they have to produce to. In order to get their subsidized price, which is way above our U.S. price, they have to overproduce. If they do not meet their quota of production, their quota gets cut back.

What do they do? They overproduce and dump that sugar on the market. If they had to give it away, they would not care. It does not come close to covering the cost of production because it is excess production. It is a relatively small market. To suggest to U.S. consumers that the price of sugar in this country would go down if we started buying sugar on the world market is a

manifest misrepresentation of the situation.

Mr. Chairman, this has been a good program. It has helped in our area, given people alternative crops at a time when they very much need it. This is the first time this program has been triggered. In order for the program to be triggered, we have to have imports that exceed the quotas and we have to have a price that falls below the market price and the cost of production.

We need to keep this program. The amendment of the gentleman from Florida (Mr. MILLER) is really misguided and misdirected. I do not think that we should be further hurting our farmers, particularly at times when they are struggling so much.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleague, the gentleman from Florida (Mr. MILLER), for introducing this amendment. I rise in support of this amendment, unfortunately, it was struck on a point of order, to limit the purchases of sugar to \$54 million.

The U.S. sugar program represents Congress at its worst. It takes precious resources held by the U.S. taxpayer and funnels them to private businessmen who are multimillionaires. The sugar program is nothing but corporate welfare that has survived solely due to the generous financial contributions from a very narrow interest groups.

My colleague knows the sugar program props up the price of sugar by restricting imports and guaranteeing the repayment of sugar loans if the price falls too low. But the sugar program is a failure. Prices keep falling. The government is spending our money in a desperate attempt to salvage its own mess. Taxpayers should not be asked to support this.

Twice taxpayers were robbed under the sugar program. First the program inflates the price of sugar. That means consumers pay more. In fact, the Government Accounting Office has been reported here as paying almost \$2 billion more than they would otherwise.

Then, because the price support actually creates an incentive to grow too much sugar, the price of sugar goes down from oversupply, and the taxpayers pay directly to buy up sugar stored in an effort to prop up the price again. I think the average American understands the program quite well and they do not like it.

My office got a call the other day from a man down in Donaldsonville, Louisiana, an area where they grow a lot of sugar. The man says he owns a small dry cleaning business. He said, "Wouldn't it be nice if the government guaranteed me a steady price during slow times? With sugar, the richest farmers in this country are getting bailed out by the government. It just isn't right."

That man in Donaldsonville, Louisiana, understands sugar. He does not need a GAO report or USDA analysis. He lives in sugar country. He sees how it works.

Who benefits from the sugar program? The GAO has said that only two industries benefit, sugar beet growers and sugar cane growers. But the benefit handsomely is tuned to \$1 billion in additional profits, \$1 billion extra, thanks to the program.

Consider some of these allegedly needy farmers. One of the largest beneficiaries is the sugar family of the Fanjuls, estimated to be worth hundreds of millions of dollars, and who own extensive properties in Florida and the Dominican Republic. They also contribute vast sums to both political parties to ensure that this program stays alive.

The Fanjul family Members and business executives alone have contributed over \$2 million in the past three election cycles, but they have figured out how this program works. They have figured out how it works twice. First, they grow sugar in Florida and sell it at inflated prices guaranteed by the government. They earn an additional \$50 to \$65 million per year from the sugar production of Florida, thanks to this program.

Next, on top of that, they also grow sugar in the Dominican Republic, one of the countries with a guaranteed contract to export sugar to the United States, because of a treaty obligation. But the import comes to the U.S. at inflated U.S. prices, not at the lower prices on the world.

Therefore, the Fanjuls, the biggest growers of Dominican Republic sugar, sell the sugar to the U.S. under the import quota and are estimated to earn an additional \$80 million than they would otherwise earn because of the inflated prices under this program.

It is very smart business for them and it could only happen because of the U.S. Government and the Congress' complacency in this program.

Mr. Chairman, the sugar program is making a number of sugar growers very rich, but it is a failure as a policy. That is why the USDA had to take an unprecedented step earlier this year for the direct purchase of 130,000 tons of sugar this spring for \$54 million, 130,000 tons of sugar they do not know what to do with. They cannot put it on the market, sell it overseas, they cannot give it away. It is just \$54 million that is sitting in a dark warehouse somewhere, taxpayer dollars, taxpayer dollars to buy sugar that nobody wants and nobody can let them put on the market, because if they put it on the market, the price would go lower and we would have to buy more sugar. If we put that on the market, the price would go lower and we would have to buy more sugar.

Do Members see why this is important? The \$54 million was just the

opening bid for sugar in this country. But if we have the U.S. taxpayers' purse, if we have open access to that, we can put down another \$54 million in a couple of months, and then when the Mexicans import 250,000 tons of sugar, we can put another \$54 million.

Do Members get the idea? Do Members get the idea that maybe the U.S. taxpayer is being robbed to prop up the sugar industry that is failing? It is failing because of this support program. Refiners are going out of business, farmers are going out of business. Yet, we are keeping a very narrow band of these farmers in business.

We ought to stop this program now. My colleague, the gentleman from Florida (Mr. MILLER), is quite right in offering this amendment.

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

Mr. Chairman, as I heard this debate, I felt the need to come down to the floor and participate because I think the amendment offered by the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. MILLER), which unfortunately we will not be considering today, addresses an issue that we are going to have to address as part of our trade policy, whether we enjoy doing it or not.

The fact is, Mr. Chairman, the sugar program has harmed U.S. trade policy. The United States has had a goal and policy of knocking down barriers to fair and open trade, such as tariffs, quotas, and subsidies. This policy clearly benefits domestic agriculture and domestic manufacturing.

Our trade representatives have taken a message to the world that subsidies and tariffs are bad, and we need to allow free trade to work and we need to allow markets to be opened up.

The U.S. economy is essentially free of subsidies and high tariffs, yet, despite that high ground, when our trade representatives go forth and meet with their counterparts, our trade representatives are forced to passionately defend the sugar subsidy and tariff, defend the indefensible.

Sugar protectionism in America harms our efforts to open up world markets to more important U.S. commodities and sell U.S. corn, wheat, livestock, cotton, rice, and other products overseas. It also hurts the competitiveness of American food products that are made with sugar.

We have heard some speeches on the floor about candy manufacturers, but they are not given a subsidy. They are invited to compete in a free market.

Mr. Chairman, during the recent Seattle round our trade negotiator in the agriculture discussions was trying to lower foreign protections of corn, grain, and cattle. This job was made all the more difficult because other nations could point to our absurdly generous support of sugar and call us hypocritical.

We cannot allow the sugar program to continue to be a black eye on our efforts at knocking down trade barriers for our most important products. The U.S. Trade Representative's testimony to the Subcommittee on Commerce, Justice, State and Judiciary conceded the trade negotiations relating to sugar are some of the most contentious she has had to deal with, despite sugar's relatively small share of our economy.

Because of her concession, that appropriations bill contains report language for the USTR to prepare a report on how sugar complicates U.S. efforts to discuss trade policy with other countries.

I have heard the world price of sugar described as the dump price, but the fact remains, we have in place antidumping laws to provide protection for our markets against those kinds of practices. That is the appropriate remedy, not sugar protectionism. Our trade policy should be to open up markets overseas first, not defend outdated, environmentally unsound corporate welfare benefiting a very small segment of our economy, the domestic sugar industry.

To elaborate on this, I yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, let me correct a few statements made earlier. The gentleman from Montana talked about the fact that with sugar, we were told in 1996 there was going to be an assessment of about \$40 million a year for sugar, generating \$280 million over the 7 years.

Guess what? They got rid of it in an appropriation bill 2 years ago. We are not collecting that money anymore, so there is no income for deficit reduction in the sugar program.

This GAO report that everybody wants to discredit, remember, the GAO is an agency for Congress, a nonpartisan, unbiased agency. This is a very complex issue. As I met with the GAO people, they brought in four distinguished academicians who specialize in agricultural economics to review this program to come up with the best type of report.

When we talk about the world trade, the world market, he is right, we have antidumping. So if France subsidizes their sugar, they cannot come in the United States. Australia, the largest grower of sugar, does not subsidize. There are growers around the world that sell at the world price that are not subsidized.

Some talk about jobs. Look at all the jobs we are losing in this country. The gentleman from Massachusetts (Mr. FRANK) talked about the cranberry growers. They cannot compete with Canadian cranberry growers. There are jobs in this country in the candy business that are moving offshore because they cannot buy candy cheaper, in Canada or the Caribbean. That is unfair competition and it is destroying jobs.

So I think this report is fully justifiable to defend the full \$1.9 billion cost of the program.

□ 1530

I know the Agriculture Department and the sugar people will hire their own economists and try to dispute that, but that is the reason we have a GAO, nonpartisan, unbiased.

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

Mr. Chairman, I find it somewhat ironic that the gentleman from Pennsylvania (Mr. ENGLISH) would stand up and say there is something wrong about supporting domestic production and that the cheapest foreign price is the thing that we should pay attention to. I have heard the same individual speak eloquently in an exactly opposite way when it comes to steel. When it comes to steel, he is all about protecting domestic capacity and resisting dumped steel subsidized by foreign governments.

Mr. Chairman, I think he is right on steel, but he is dead wrong on sugar. He ought to be a little consistent. The same problem with exposing our domestic production to dumped subsidized exports apply in sugar just like they do in steel.

Let us just talk for a moment about what is happening in the farm economy. We all know that our farmers are facing very serious distress. In North Dakota, the value of wheat has dropped 33 percent, 33 percent. Barley, 30 percent. Sugar prices are at a 20-year low. So it is a bit depressing to have to come and fight for the area where our farmers have at least some price protection, when everything else about family farming is so under stress.

Some have suggested that this is about Big Sugar lobbyists and Big Sugar refineries. In the situation in North Dakota, it is about family farmers struggling to hang on.

Here is the deal with sugar: it is one product where domestic consumption exceeds production. For the most part, we grow more than we possibly could eat, and we have to fight for exports and the competition has driven down prices. Sugar, we actually consume more than we produce.

Now, much of the world wants access to this market and the governments are prepared to subsidize their exports to get it. And if it was allowed just to go without any restriction, without protection of the sugar program, we would not have a domestic sugar industry in this country. We would not have any significant domestic sugar capacity in this country. It would all be foreign sugar.

Sugar is linked directly to the pricing of food. If we would be completely dependent on foreign sugar, our food prices, grocery store prices in this country would swing very dramatically depending on where the world price for

sugar has been. So we have had a sugar program for many years now and have struck a bargain. Farmers have a price that gives them some reasonable return; consumers have food price stability and some of the lowest-priced sugar in the industrialized world.

The result is stable food pricing. The consequence of this amendment would be great volatility in grocery store prices. We have seen what has happened with gasoline just over the last year, the howls we are hearing from consumers at the gas pump this year. Last year, there was an unbelievable bargain at the pump. Unfortunately, what we have come to realize is the greatest disservice to the consuming price is volatility. Very low prices one day; extraordinarily high prices the next day, destroying household budgets, never leaving anyone knowing where they are at.

We want the price of groceries for American families to have price stability, and that is what the sugar program is all about.

Now, let us not think for a moment that the only Federal resources expended in this country is to help support sugar. Just weeks ago, my colleagues joined me in passing about \$7.5 billion in economic relief to farmers because prices have collapsed, and under Freedom to Farm there is no price support protecting our farmers in these times of price collapse. Compared to commodity support, the support offered for sugar, with the much-maligned sugar purchase discussed on the floor, is very modest and, in fact, very modest indeed.

Let me give a couple of reasons why our domestic farmers growing sugar beets or sugar cane are under such threat. Number one, Canada is cheating. Canada is stuffing molasses super-saturated, full of sugar, and shipping it into our market for manufacturers who are pulling the sugar out of the molasses and getting around the ban on Canadian sugar imports in that fashion. In an absolutely ludicrous court ruling, the judge held that that was okay. It is under appeal, and I believe it is a flat violation of the Canadian trade commitments to us.

We are about to see, thanks to NAFTA, something I voted against, a very significant increase in Mexican sugar as well. It is vital to our farmers we keep the sugar program in place.

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

Mr. Chairman, I rise in support of this amendment because I think it makes a whole lot of common sense. I would say that for a couple of different reasons. I would say this amendment is important first and primarily because I think that this present program in its present configuration is just plain evil. I would go so far as to say that I think this program is the equivalent of a crack cocaine of corporate welfare, be-

cause we have been talking about family farms. What we do not see with this program are family farms.

Mr. Chairman, 42 percent of all the benefits that come as a result of this program go to 150 sugar producers in the United States. That is to say if we take about these two sets of chairs over there, and every person in each of those chairs would get about \$6 million per chair. That is not a family farm.

Then we look at some of the egregious examples: the Fanjul family living down in Palm Beach are not exactly family farmers. Are they a family farm if they have a Gulfstream jet, which is a \$35 million jet? Are they a family farmer if they have a yacht, which they happen to have? Are they a family farmer if they own their own resort in the Dominican Republic called Casa de Campo? Are they a family farmer if they have a mansion in Palm Beach? I don't think so.

Mr. Chairman, I do not think this debate is about family farmers, which is to a degree what we have been talking about.

I would say secondly, that this amendment is about simply the idea of watching out for the taxpayer, as the author of this amendment has pointed out. Mr. Chairman, \$54 million of taxpayer money will go to buy sugar that will be used for nothing. Does that make common sense? In fact, if we look at the overall cost to the consumer based on the GAO reports, based on a number of different studies, \$1.9 billion is the aggregate cost to American consumers in this program. That comes to about \$15 per family in America that go to the likes of the Fanjul family who lives the lifestyle of the rich and famous down in Palm Beach. That, too, does not make common sense to me.

Thirdly, I would mention that this amendment makes sense because we have to ask a larger philosophical question. This is especially the case for Republicans. That is: Why are we here? I heard conversations about "dump price." We do not want to see the dump price. Every time I turn on the television back home there is talk about we are moving to 2001 models with Ford or Chevrolet or other cars and we are dumping them down at the local car lot. "Come on and get yourself a bargain." Nobody complains about those ads.

So I look at other products out there, whether we are talking about cars, whether we are talking about homes, whether we are talking about computers or shoe repair or dry cleaning. The dump price is the market price, and so it seems to me that none of that is complained about.

Mr. Chairman, all we are talking about is the market price. I live on the coast of South Carolina; and if we look at the, quote, "dump price" with watermelons, with cucumbers, with toma-

atoes, all of those are similar. Whatever the market will bear, that is what the consumer pays for. That, to me, seems to be a very Republican idea of standing on one's own two feet and working through markets.

So I think that this amendment makes a whole lot of sense for a number of different reasons.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MILLER), the author of the amendment.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SANFORD) for yielding me this time. He was here in 1996, as most of the people who are participating in this debate, where we debated the issue under the authorization bill. We were told back then by Member after Member, no net cost. It will not cost the taxpayers a penny.

Last month, the reason we have this amendment, \$54 million worth of sugar was purchased by the Department of Agriculture. \$54 million worth of sugar, and there is no use for it. We cannot give it away around the world. Nobody wants it. They will not let us use it for ethanol. What are we going to do with it? We will find a warehouse and the Federal Government will pay money to the warehouse to store it.

Mr. Chairman, this is just the tip of the iceberg. We are on a slippery slope, because we have had the price of sugar so high. More and more people are growing sugar. Production is up 20 percent and will be higher next year, and we will buy more and more sugar. Media reports say it could have been as much as \$500 million worth of sugar in the next 90 days alone. There is going to be a problem finding enough warehouses in this country to store all the sugar from the overproduction.

We have created ourselves a mess in 1996; and we need to get a handle on it, because it is taxpayers' dollars. The \$54 million, plus all of that storage, plus hundreds of millions more worth of sugar that we are stuck into buying and again having to store. This is real dollars for real consumers, and I hope we can get rid of this program in a hurry.

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

Mr. Chairman, we are having a rather bizarre debate this afternoon. It is on a subject which has already been ruled out of order; and as a consequence, it is hard to understand why we need to continue to consume time here on the floor.

But I think in terms of trying to bring closure to this, it is probably useful to observe that the U.S. Trade Representative has not done a good job by the American sugar farmers in the sense that we have stuffed molasses coming into this country. I looked in my cupboard at home at the molasses and wondered how do you stuff this

stuff? I learned that there are tremendous quantities of foreign sugar coming in in the form of molasses, and it is refined and the sucrose is extracted and there it is as granular sugar. This product is then sent back up to Canada.

Mr. Chairman, we had a hearing this morning in the Committee on Agriculture, and we had the chemical companies explaining to us why they charge less in Canada and Australia for farm chemicals than they do in the United States and saying that we ought to feel blessed that we can purchase these chemicals at a higher price.

We talk about fair trade. We talk about international markets and open markets. The fact of the matter is that we do not have fair trade in this world. We have all different types of devices that exist out there to protect discrete sectors of the economy. I looked at the appropriation bill this afternoon. I noticed that we have a humble amount in there for GIPSA, the Grain Inspectors, Packers and Stockyards Administration, to try to ensure America's farmers raising livestock that we indeed have a competitive marketplace when it comes to the sale of their livestock. They are very suspicious that we do not and, as a consequence, they would like to see stronger enforcement. We learned that we just have a very small staff for a national program.

We are not devoting our resources to ensure competition in the American marketplace. Far more, we are limiting the resources that would assure us of that. And then we sit on the floor, and we talk about whether America's farmers, who are being forced out of business, many of them, including those raising sugar beets and sugar cane, ought to receive even less.

The American consumers are paying billions of dollars for petroleum products this spring and summer. We have seen the world price of oil, the per-barrel price, go from \$8 to \$33, \$34 a barrel. We have a world market in oil and look at the consequences. Tremendous volatility. Tremendous dislocation. Look at sugar, and we have a stable price in the United States. We do not have this tremendous volatility.

The claim that the American consumer is being fleeced, it is certainly not by the sugar producer. The prices of refined sugar have gone up 1.1 percent during the period of time since 1996, in the last 4 years. Compare that to the price of crude oil. During the period of time in the 1990s, the price of products made out of sugar have gone up 27 percent. The problems that we are experiencing I think are very unfairly being laid at the feet of the farmers and a program which has, at least over the years, usually worked for the farmers.

□ 1545

It is not appropriate.

I submit that the time has come to move on with our deliberations on this bill. Hopefully we could have put more money into GIPSA to assure that we had adequate enforcement of that program.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I would just like to give my colleagues an example of what will happen if we get rid of this program. The truth of the matter is this world market is a dump market. The Europeans are the biggest people that dump into the world market.

I had a chance to go to Romania last year where they had a huge sugar beet industry, 12,000 farmers, 36 plants. What happened, they needed some money from the World Bank, so they forced them to give up their tariffs, which they did. The Europeans came in and destroyed their industry by dumping into their market. They now have no sugar beet farmers left in Romania. They only have 11 of the 36 plants that are operating, and they are owned by the West Europeans.

If we get rid of this sugar program under the current way that we are operating in the world, we will have the West Europeans owning the United States sugar industry in this country exactly as they have done in Romania, because we are not on a fair playing field. We have got this dump market.

We are there subsidizing higher than my colleagues claim that we are, and then they are taking their excess production, using their \$10 billion of export subsidies, and dumping it into the world market. This is not a free market. It is not a fair market. My colleagues that are trying to take this apart really do not understand how this works.

Mr. MILLER of Florida. Mr. Chairman, if the gentleman from Minnesota (Mr. MINGE) will yield, I agree, we should not have a dump price.

Mr. MINGE. Mr. Chairman, I reclaim my time. In summary, I urge that we move on to other portions of this bill and recognize that the sugar program has been authorized by Congress. It is a program that is scheduled to continue to the year 2003.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, We are going to start rewriting the farm bill next year, and we have already started hearings. Sugar review is going to be part of that effort.

Some of the gentlemen that favor this amendment make a point about a lot of the money and benefits going to a few producers. Maybe we should restructure to assure that the distribution of benefits is equitable. I will research the possibility of an allocation that benefits individual producers, with possible payment limits, like we do on other commodity producers.

It would be possible for the non-course loan benefits to go to all producers. It may be possible to prorate the loan and limit the payments.

But here is the situation that we are faced with, not only in sugar, but in almost all farm commodities. We have other countries, for example Europe, that are subsidizing five times as much as we subsidize in this country. Again they are subsidizing their farmers up to five times the amount we subsidize in this country, and then, as has been suggested, they overproduce and their extra production, is dumped into what otherwise might be our markets or the world market.

Consumers and this body have to face a decision of whether we want parts of our agricultural industry to diminish or if we want to establish the kind of farm policy with support and help that will allow producers in this country to survive. Produced in this country where we can examine how they are grown, and assure the safety of those products.

If we don't support agriculture, here is what is going to happen. If we ruin some of our farm industries, we are going to be more dependent on imports. Eventually those imports and those people selling that product, like OPEC, will start charging whatever price they think they can get and we will be forced to accept the quality available.

I think it is in our long-term interest, for our and our farmers that we maintain our agricultural production, including sugar. As we start rewriting our 5-year farm bill next year, we do not dismantle current programs with these kinds of amendments in an appropriation.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, obviously there have not been enough words stricken on this issue, and we need to continue talking about it.

This debate comes up every year. It is really a debate between those who support the candy industry and the soft drink industry who would like to have lower sugar prices, they buy a lot of sugar, and those of us that support agriculture. We hear, well, there is a different policy here for sugar than there is for anything else, which is not true. This is not part of the AMTA payments. We do not pay the farmers directly.

What we do in America is we limit the number of imports, and we give preference to countries that we are trying to help, particularly in the Caribbean Basin and Central America, allow their sugar products to come in, mostly cane sugar. What do we do? We pay the price that we get for sugar in America, which is a better price than they get on the world market. So it is really part of our foreign policy, this program.

Also my colleagues make it sound like we do not do anything for any

other agriculture. In the last year, we have had the largest wheat purchase ever in the United States. We made another wheat purchase last April right after that for another \$93 million. Then we assisted, went and purchased small hog operators, we helped them out. We assisted dairy farmers who were suffering low prices. Then in May of last year, we did the disaster assistance funds for farmers.

In June, we put \$70 million into livestock assistance. In July, we put another \$100 to hog farmers. In December, we assisted tobacco farmers. In January, we assisted sheep and lamb farmers. In January, we also assisted other dairy farmers; in February, the cotton farmers; also in February, the oil seed farmers; in March, the livestock production; in March, the cheese production; in March of this year, another \$231 million for drought relief. Then we have done crop disaster payments totally \$1.9 billion.

So America does help its farmer, and we ought to. We ought to make sure that they have a market that they can sell their product. For after all, if this all goes away, we all come here talking about what happens with urban sprawl and what is happening to rural America, I mean, rural America is our history, our culture. What we are really about is a people and where still our number one industry in this country is agriculture.

We have got to be here as representatives of districts of agriculture, supporting agriculture. This program does it without spending taxpayer dollars. I urge that we continue to support the sugar program in the United States.

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

Mr. Chairman, I think it is inappropriate to suggest that this is a debate between soft drink manufacturers and even sugar growers for that matter. This is a question of taxpayer interests. I think there is no question, this program just does not serve the interests of the taxpayer and the interests of the consumer.

I have heard two particular points made in the recent debate that I would like to address. One is the argument that, well, this is really about fair trade and that somehow, because other countries are penalizing their consumers or subsidizing their farmers to the disadvantage of taxpayers, that it is all right for us to do the same. I do not think that argument ever holds water.

Just because another country is engaged in a policy that makes no economic sense or that penalizes consumers or that distorts markets does not mean that the United States should engage in that same foolhardy policy.

Fair trade is about lowering barriers to imports and exports. We do that in order to benefit our own consumers,

American consumers that should have every right and opportunity to purchase products on the world market that improve their quality of life, that enable them to be healthy, to be successful and to live the kind of existence they want for themselves and their families.

The second argument that was made suggests that this is somehow protecting one class versus another. I think that that is wrong as well.

There was a suggestion that this is about price volatility. The importance of the program is to maintain price stability. How is it ever in the interests of any American to maintain prices at an artificially high level and to then go back to the consumer and say, you see, we are protecting you from changes in price by keeping it really high so that you are penalized every time you go to the supermarket, every time you buy a product, but you are penalized at a very consistent level. I think that is a foolish argument to make and one that most Americans are going to see through.

We accept the fact that prices are going to go up at times; they are going to go down at times. But the key to true economic productivity is a fair and open competitive market, and that is what America is known for. That is at the heart and soul of the strength of our economy.

\$1.9 billion in overpayments that consumers are being forced to handle every year, that is bad for the consumer. \$100 million or more in direct taxpayer subsidies this year alone.

The gentleman from Florida (Mr. MILLER) has suggested that may go as high as \$500 million in direct taxpayer payments, the bulk of which are going to very large, very successful, very profitable agricultural concerns.

I do not think the sponsors of this amendment bear those concerns any ill will. This is not about penalizing an industry. It is about being fair to taxpayers and consumers.

Last, but certainly not least, our environment. Do we really want to perpetuate a program that does such tremendous damage to the environment? Whether it is the Everglades in Florida or sensitive environmental lands in Hawaii or anywhere else in this country, we certainly should not engage in policies that damage the environment all the while distorting markets and taking money from both consumers and taxpayers.

I applaud the work of the gentleman from Florida (Mr. MILLER).

Mr. Chairman, I am pleased to yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from New Hampshire for speaking in opposition to the sugar program.

One of the strange things of the sugar program is the way they control the

prices. They control imports. What they have is a quota to different countries.

People talk about this world price. Well, I agree we should have anti-dumping laws. I think it is wrong if France subsidizes their sugar, they should not be allowed to sell their sugar in the United States. We have laws to protect that. I fully support those.

But places like Australia have a free market. They do not get subsidized. New Zealand does not get subsidized. They sell their sugar on the world market every day at about a third of the price of the United States. So there is a world price for sugar.

One of the other strange things about this corporate welfare issue is this foreign aid corporate welfare. Now, Australia sells their sugar around the world for 9 cents a pound, whatever the world price is. But what do we do in the United States when we buy sugar from Australia. We do not pay the same world price, we pay the high U.S. price of 27-some cents a pound. That is amazing.

Australia, New Zealand, Jamaica, you name the country, the Dominican Republic, they sell it around the world for the world price; but the United States pays this high price to these countries. Now justify that one.

Mr. SUNUNU. Mr. Chairman, reclaiming my time just to be clear, that is a direct transfer of money from the American consumers to foreign corporations.

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

Mr. Chairman, I intend to say things that have not been said to this point. I think it is very important, we hear all the crocodile tears for consumers. I am speaking as someone from Hawaii associated in people's minds, people who are listening to us and people back in their offices, associated in people's minds with sugar.

Well, the policies that we have pursued in this country supposedly about fair and impartial and open trade have destroyed sugar in Hawaii. My colleagues will not have to worry about it. The gentlewoman from Hawaii (Mrs. MINK) has already come down here and said that we are not going to be affected by this. I am here to say the same thing.

Sugar is effectively destroyed in Hawaii. I hope everybody is happy with that. Because what we have all around the world is wage slavery and child labor producing the sugar. Now, if that is determined to be and defined as free and open markets and free markets seeking their profit level as well as their price, then one can define it that way, but I do not.

If one wants to define it as having other countries environment be degraded while ours is somehow upraised in the process and call that fair, one can do that.

The fact of the matter is that child labor, what amounts in my mind to slavery, is used all over the world to produce its sugar. Yes, there are subsidies and oligarchy existing in the rest of the world where sugar is concerned that ought to make us weep with shame to think that we would import that sugar and say that that is some net advantage to the consumer.

It has been said already, and I want to emphasize that, that none of this imported sugar, where there are no health standards, where there are no environmental standards, where there are no labor standards, none of that sugar that is imported at that price is going to be reflected in any product that is sold in this country that will be taken as profit.

□ 1600

Maybe people will applaud that. If my colleagues feel that it is a good idea to make a lot of money off of other people's pain and suffering, then I suppose that that is something that my colleagues would welcome. I do not. I think we set standards.

The great irony, Mr. Chairman, for me, coming from Hawaii, is that the people who would lose their jobs, not these rich people in Florida, if my colleagues do not like these rich people in Florida or they disapprove of the way they live, then find a way to tax them or put them out of business or do whatever; but do not tell me that somebody working on a plantation in Kauai with his or her hands, working in the fields all their lives by the sweat of their brow, is on the same plane and should be treated the same as someone who my colleagues think is getting undeserved riches from what happens with a program that we passed.

Fix the program. Do not attack the people who are the victims of my colleagues' self-righteousness. If my colleagues want to come down on this floor and attack sugar, then they are attacking people who are working for a living and who came from countries who are now being subsidized, who are dumping sugar into this country, whose ancestors came here looking for just an opportunity for justice, looking for just an opportunity for equity, looking for just an opportunity to earn a decent and fair living. Those people are being put out of business. Those people are losing their jobs because of the programs that my colleagues support to import wage slave sugar in this country.

As long as I am on this floor, and as long as I am in this country, and I am in this Congress, believe me, I am going to be standing up for working people against those who would take advantage of them.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as the guests of the

House and that any manifestation of approval or disapproval of the proceedings and other audible conversation is in violation of the rules.

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

I will not be as passionate as the previous speaker. I was just sitting here listening to that speech and the other speeches thinking about what a wonderful place this is, because last night, I should not even say last night, earlier this morning the gentleman from Florida and I were here on this floor, and we were on the same side of an issue.

We do not grow a single sugar beet in my district in Minnesota, but we do grow a lot of sugar beets in Minnesota. In fact, in Minnesota it is a \$2 billion industry. It is a very important industry, and particularly in northwestern Minnesota, again, very nonpartisan areas represented on both sides of the Red River by Democrats.

I want to talk about the sugar program just briefly, if I can, both from the perspective of agriculture policy and for budget policy, because I think it is interesting how people of good will, people who may agree or disagree on different issues, can look at the same set of facts and come to such incredibly different conclusions on them. Let me just share with my colleagues my conclusion.

If we look at the sugar title in the farm bill, it does not cost the American taxpayer a penny. We make money on the sugar title. I would invite any of my colleagues to come to my office, and we will go through that with them.

Another thing that has been said is that American consumers are paying more. In the first 3 years of the 1996 farm bill, and I have a small chart here which we did not have time to make into a big chart, but if we look at these red bars here, the price paid to the farmers for raw cane sugar and wholesale refined sugar dropped by 23 percent. But what happened for the consumer? Well, the retail price of sugar did go up, 1.2 percent; the price of candy went up 4.6 percent; and the price of cereal went up 5.8 percent. So a lot of the things we are talking about here today, the farmer is getting less for his sugar; but we are paying more for candy and some of the things sugar goes into.

Let me just say that this really gets at the very core of why we have farm policy at all. Why do we have a farm policy at the Federal level? I think the reason we have a farm policy is to ensure that Americans have an adequate supply of safe food, and we have a farm policy to act as a shock absorber for some of the ups and downs in the market and some of the things that happen in terms of Mother Nature and floods and pestilence, and all the other things that can affect agriculture and farmers.

And if we look at the sugar title, I think it really is the example we ought

to use for all of our farm programs, because we do not subsidize sugar, although it is supply management to a certain degree; but at the end of the day what we have done is guaranteed an adequate supply of a very basic commodity for American consumers at very reasonable prices.

I do not think that is too much to ask. I think it is a good program. And, frankly, I respect the gentlemen who are bringing this; but again I have to say that we look at the same set of facts and come to completely different conclusions.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Florida.

Mr. MILLER of Florida. There has been a change since the program was approved back in 1996. In 1996, we were told no net cost, and there was going to be this assessment of about \$40 million a year that would flow into the Government.

First of all, that assessment has been done away with in an appropriation bill, I think, 2 years ago. The other thing is that because we are trying to keep that price high enough, we are having to buy sugar. Last month, in May, for the very first time since 1985, we bought \$54 million worth of sugar in order to prop up the price, and we have no use for that sugar. And according to media reports, between now and the end of September, we could buy another \$500 million worth of sugar.

That is where it is going to start costing us money. We have \$54 million worth of sugar now, and we have nothing to do but to put it in storage. No one will take it around the world. So things have changed in the past 45 days.

Mr. GUTKNECHT. Reclaiming my time, I think the gentleman is generally correct in that. Right now no one would buy it. But when is the best time to buy a commodity? When the price is low. We should be buying sugar right now, and we should sell it when the price starts to go back up. That makes sense. That is supply management.

At the end of the day, this program will cost the taxpayers nothing. It will save future taxpayers and consumers a great deal. We need a strong sugar industry in this country, and they are forced to compete every day against heavily subsidized sugar from around the rest of the world. I support open and free trade. We had that debate last night. But we do not have free trade, we do not have fair trade in the sugar industry, and, frankly, I think I would have to rise in opposition to the motion that the gentleman is trying to propose.

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

Mr. GUTKNECHT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. I want to address the point that somehow the new farm policy is to buy and sell to manipulate the price of the commodity sugar in the market. I think that is a very dangerous precedent to set.

We should not be manipulating prices in the sugar market or candy or grain or beef or oil for that matter. Price controls do not work.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is about this time of year that I think about my colleague from Florida, who I am certain, along with a lot of Members of this House, find former President Reagan to be one of their heroes. Now, most of my colleagues know that I was not the biggest fan of the former President; but he sure did know how to turn a phrase, and one that keeps coming to my mind, and that we use often here on the floor is, "There you go again."

It is summertime and we are debating the agriculture appropriations bill and the opponents of this Nation's hard-working sugar farmers are at it again. It seems each year at about this same time, we have to have this vote. It is a waste of time and of this body's attention. Let me explain why, Mr. Chairman, in a very simple way.

Let us look at the real issue here. The price of sugar in the United States is at a 20-year low, 30 percent lower than when we passed the farm bill. Yet all the things that have sugar in them in the supermarket have increased in price. Why is it, Mr. Chairman, sugar prices are down for growers and up for consumers?

What we really should be doing here is taking a hard look at the big food companies who, in the final analysis, cause this amendment to come before us. The real truth is they just want sugar cheaper so they can pad their already fat pockets.

Now, I ask the Members of this House if they have, in the last week, received in their offices e-mails and calls regarding the price of oil? My bet is that they have. As yesterday and on into the night last night we discussed the price of medicine, have my colleagues received e-mails and calls from their constituents around this great country of ours regarding that? I am certain that every man and woman in this House has received such a call. I ask any of my colleagues to tell me if they have received a call because sugar prices are too high.

Now then, I would like to address specifically my colleague, my good friend, the gentleman from the west coast of Florida (Mr. MILLER), who earlier in his comments made the statement that the price of sugar elsewhere around the world is cheaper. Well, I just want to use two countries, and I got this price today before coming to the floor, in Winn-Dixie and Publix, major supermarkets in my district and

the district of my colleague in the State of Florida, the cost of a pound of sugar today is 32 cents. In England, it is 50 cents. In Germany, it is 50 cents. I have difficulty understanding how it is that we are going to gain this particular cheapness that I hear the proponents of this amendment offer.

Now, I would like to say something else for purposes of the edification of the body. The United States Agriculture Department, USDA, has denounced the GAO report that has been continuously paraded here. I have also heard talk about who these farmers are. Let me say proudly that I represent many of the sugar farmers, along with my colleague across the aisle, the gentleman from Florida (Mr. FOLEY). We represent in this country 75 percent of all the sugar cane grown in the United States of America. And that includes the much-maligned Fanjul family, who have done a considerable amount of good that has not been paid attention to in that area, and that includes United States sugar industry representatives as well.

What I believe my colleague does know is that there is a United States cooperative that has 54 family farmers involved in the production and farming of sugar. Those farmers help in our State alone to produce good jobs. I am not talking about jobs for the average kind of wage that we think of when we think of the stoop labor that used to be directly involved in cane sugar growing. I am talking about jobs for machinists that start at \$60,000 a year, I am talking about jobs for people who drive trucks, black and white people, that make \$40,000 and \$50,000 and \$60,000 a year. We are talking about good jobs.

So when we put a human face on this thing, if my colleagues come with me to Clewiston and to Belle Glade, and to Pahokey, they would see people who are working in this industry. And while it was one thing for my colleagues to offer \$50 billion phased in for estate taxes, somehow or another they find it difficult to find \$54 million for growth in jobs.

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

Mr. Chairman, I have listened to the debate over the course of the last hour with great interest. I think it is an example of how we have a tremendous capacity on the floor of this Chamber to talk past one another. It is an example here of one of many items where people get involved in a vicious cycle of subsidization that ends up savaging the markets, disadvantaging consumers, and posing great risks to the environment.

We could have had this same conversation about what happens with products in the fisheries industry. Estimates have been made that it costs about \$1.33 in total cost and government subsidies to deliver \$1 of product that is harvested from our oceans.

There is no doubt in my mind that the sugar industry around the world is subsidized in many areas and produces distorting effects. But I do not think that the answer here is for us to step back and try to somehow imagine away the distorting effects in our country.

We have heard on this floor that there is a disproportionately few number of people who benefit from this. If people want to step back and provide benefits for small family farms, I will be the first to look at ways that we can, in fact, do that in a cooperative fashion. But this program does not do that. It is not targeted. And, sadly, that is the case with many of our other agricultural subsidies that we spend billions of dollars on. Precious little gets to the small family farm, and they continue to go out of business each and every year.

□ 1615

I think we have had people back away from the myth that somehow this is paid for by magic, that there is no risk to the consumer or to the taxpayer. And I thank my colleague the gentleman from Florida (Mr. MILLER) for talking about that; and, if time permits, I would like to discuss it further with him.

The notion somehow that prices here are too low, well, what is happening in the face of prices being too low and a worldwide glut, the evidence is that every year since 1996 production has increased in terms of the acreage in the United States, every year since 1996; and the estimation for the year 2000, with the terrible prices, the threat of world dumping, all of the things that we have heard, the estimates are that we are going to plant at least as much as we did last year.

But my particular interest has to do with the vicious cycle we are in in terms of the environment. We heard our colleague the gentleman from California (Mr. GEORGE MILLER) talk about the cycle that we are in in terms of subsidization, more imports at lower prices, having to subsidize and purchase more, stockpiling sugar, at least at this point that we do not need and we have no market for.

But I am concerned with the cycle that we are involved with in terms of the Everglades this Congress is involved with, and I commend the effort to try and repair decades of damage to that fragile ecosystem. It is a situation in south Florida where people are going to end up having to desalinate water in the foreseeable future, a product that is going to cost them more than petroleum and that is going to taste about as good.

Yet, what are we doing in this Congress to deal with the serious problems that are associated with it? The sugar program is clearly harmful to the environment in south Florida. The subsidized production of sugar in Florida

results in this phosphorus-laden agricultural runoff flowing into the Everglades, contributing to the destruction of the ecosystem. And we do not have enough money to fix that.

But, amazingly, the Government continues to support the sugar program in south Florida even as we are asking to put up more money to repair the destruction. And, in fact, according to the information I have received, the production in Florida for cane sugar has gone up every year since 1996 and this last year was an estimated 10,000 more acres, compounding the problem.

Mr. Chairman, I yield to my colleague, the gentleman from Florida (Mr. MILLER), to see if I understand correctly the dilemma that we are facing in this Congress.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for his support for the Everglades.

The Everglades is a national treasure, just like the Grand Canyon is, the Everglades National Park down there. My colleague has been to the Everglades, I know, and is very supportive.

The Senate recently passed a bill that is going to cost \$8 billion to restore the Everglades. Because of Government problems, we lost land in the Everglades. Half the Everglades is gone, and sugar is causing even more destruction.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak about sugar beet farmers in Michigan and Minnesota and North Dakota in the area of the country that I come from. And the question that they must be asking now is, why on Earth, when we are providing billions and billions in emergency support for family farmers, would we want say to the SDA that they cannot buy surplus sugar from a group of growers who have been among the hardest hit in the country?

The message that we send these families and these farmers is that their sweat and their toil and their hard work is not worth a dime, that their labor is not valued, and that their product should just be thrown to the wind.

This amendment, if offered, would have driven a number of beet and cane growers out of the business, ensuring that sugar loan forfeitures actually occur at great cost to the U.S. taxpayer.

Let me put some perspective on this issue. We heard this debate rage on now for a while on the floor. And as the gentleman from Oregon (Mr. BLUMENAUER) has just said, other nations provide huge subsidies to their sugar growers and then they try to flood our market with cheap foreign sugar.

Yet, how do some people in this institution respond to that? They want the

USDA to turn their backs on our growers and even purchase the excess sugar for the established food programs that we already have.

Now, that is not a level playing field. It is a slippery slope toward eliminating that part of the agricultural sector of our economy.

On top of all of this, to make matters worse, when we passed the North American Free Trade Agreement back in 1993, it had a provision in there, and we warned people about this, and it said that Mexico will be able to increase their export sugar to the United States from 25,000 metric tons to 250,000 metric tons later this year, a ten-fold increase.

So now we are having not only domestic problems, we are going to have a surge coming in as a result of this treaty from Mexico. We are not to be surprised by this because, of course, when we did that very same treaty, we, basically, put those people in our country who produced tomatoes out of business.

If my colleagues go to south Florida, the State of the gentleman from Florida (Mr. MILLER) that had just spoken, or if they go to the Eastern Shore of Maryland today, they do not grow the tomatoes anymore. The reason they do not grow them is because that treaty provided provisions where a child of 10, 11, and 12 could pick the tomatoes, they could have pesticides sprayed on those tomatoes that are not allowed here, and they are undercut and forced those workers and those farms out of business.

So, in an era of budget surpluses, Mr. Chairman, one can only conclude that this is a concerted attempt to drive these farmers out of business. And it needs to be stopped, because they are not only the backbone of their communities, but they provide a valuable commodity to the people of this country.

I hope that this amendment will indeed not be offered and that the people that toil on our Earth to provide us with the food at such a reasonable cost will be provided with the opportunity to provide a living for themselves and their families.

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

TITLE II
CONSERVATION PROGRAMS
OFFICE OF THE UNDER SECRETARY FOR
NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$693,000.

AMENDMENT OFFERED BY MR. BERRY

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

The Clerk read as follows:

Amendment offered by Mr. BERRY:
On page 31, line 14, strike "693,000" and insert \$0; and on page 36, line 13, strike "41,015,000" and replace with "41,708,000".

Mr. BERRY. Mr. Chairman, my amendment cuts \$693,000 out of the salaries and expenses of the office of the Undersecretary for Natural Resources and the Environment at the Department of Agriculture. It puts this money in the Resource Conservation and Development Account.

My intent is to point out that farmers are tired of being abused by the bureaucracy. This money would be much better used to assist our producers in the field.

Enough is enough. It is time to draw the line.

Just yesterday, in the Committee on Agriculture, we had a hearing on EPA's proposed rules on total maximum daily load. This rule would devastate farmers by requiring permits for normal, everyday farming practices.

Sadly enough, it was quite clear by the performance of the gentleman from EPA and USDA that their interest is in regulating, let us just regulate.

EPA has overstepped its bounds with this rule and many other rules that they have proposed. We might as well not have an Undersecretary for Natural Resources and the Environment. This money would be better spent, as I have said, in technical assistance for our farmers in the field.

We can no longer stand by and allow more and more regulations to be placed on America's farmers that benefit no one or nothing.

One concrete example is a survey that I have here with me that is proposed by the Administrator of EPA which would go to every aquaculture producer in this country. This survey would require farmers, under penalty of law, to turn over their income statements and balance sheets.

What does confidential financial information have to do with water quality? Nothing.

The USDA should stand up for America's farmers and prevent such misdirected Government regulation from going forward. This has not happened. This is part of the job of the Undersecretary for Natural Resources and the Environment.

In the past 9 months, the administration has proposed at least 10 new regulations to be imposed on agriculture. Most of these regulations have come from EPA. With each regulation, EPA has failed to follow a transparent process and use good science in an effort to show the need for what they are trying to do.

This problem has not been the goal to clean the environment. The problem has been with the process and principles used to make regulatory decisions and the collusion between the Natural Resources and Environment Agency and EPA.

The USDA must stand up to these bureaucratic, unscientific, and impractical efforts of EPA. Our farmers are faced daily with overwhelming bureaucratic rules that they can no longer

tolerate. The USDA should be representing this viewpoint. They have not, as I have said. This includes the regulations on total maximum daily load proposals.

Let me be clear. Farmers need an advocate in the decision-making process. We must have an advocate at USDA, and they should be fulfilling this role. I hope that in the future the USDA will stand up for agriculture in this process.

My amendment is intended to highlight the need for an advocate. Producers must be represented as these decisions are being made. I would hope that this amendment would bring attention not only from USDA and EPA, the Fish and Wildlife Services and all the other Federal agencies that seem determined to tell every farmer and landowner in this country exactly what they can do and how they can do it.

Agriculture deserves to have a voice and especially when regulations are being developed.

Mr. Chairman, I urge the Congress to stand up for America's farmers and approve this amendment.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment and commend my colleague, the gentleman from Arkansas (Mr. BERRY), for offering this.

On the Subcommittee on Appropriations, as well, we have had great difficulty in dealing with the specific item that the gentleman from Arkansas (Mr. BERRY) has mentioned.

This office is, quite frankly, a loose cannon. It is not standing up for the rights of farmers. The USDA is supposed to look after the interests of American agriculture; and in this particular case, with this particular office, it is not.

The issue of the total daily maximum load that would impose onerous regulations on American agriculture is out there, and this office is supposed to be looking after the interests of agriculture and rejecting these costly, onerous regulations that are pending out there for American farmers.

Also, this office has been audited by the Inspector General, who discovered that \$21 million in this budget that is overseen by this office was not used appropriately. These are dollars that could go to American farmers and ranchers who are interested in conservation programs. And instead, throughout the years, it has spent money, misappropriated money, misspent money on crazy ideas like wall murals and civil lawsuits and are working on an agenda that is out there that no one even knows for sure what they are doing.

This is the United States Department of Agriculture. Again, it is supposed to be looking after the interests of our farmers and ranchers. Money contributed directly to the Sierra Club. It does

not matter what interest group is out there advocating or fighting for whatever the cause that they are interested in, this office should not be giving this money away when farmers and ranchers are in desperate need of it, and for field trips for some of these groups for goodness sake. That is not what the American taxpayers should be spending.

I questioned the head of this office, as well as the gentleman from Arkansas (Mr. BERRY) did in the authorizing committee yesterday, questioned him extensively on why is all of this going on. What is this, a rogue operation out there, a mission that no one is authorizing or interested in pushing? And somehow someone has given this office the authority to work on these interests that, again, have nothing to do with the well-being of American agriculture.

□ 1630

So I commend the gentleman from Arkansas (Mr. BERRY) for offering this amendment, will strongly support it. We have to put a stop and rein this loose cannon in.

Mr. STENHOLM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I must say that it saddens me somewhat to have to rise in support of the amendment of the gentleman from Arkansas (Mr. BERRY). However, I have been tremendously disappointed with the leadership shown, or lack of leadership shown, by the U.S. Department of Agriculture during the entire process that has led up to the publishing of the TMDL rule, the Total Maximum Daily Load.

During the entire process, there has been much, much to be faulted. There are serious questions about the science and financial analysis underlying these new water quality regulations proposed by EPA. Recent reports by the General Accounting Office, the Society of American Foresters, and other respected experts have questioned the wisdom of EPA's proposed rules.

Our colleagues on the Committee on Transportation and Infrastructure have called on the EPA to withdraw this rule, as have a number of agricultural and environmental groups.

Even USDA, in their own testimony before the Committee on Appropriations, took strong exception to some of what EPA proposed in their TMDL rule, although they seem to have tempered that concern somewhat.

This House has already spoken on this issue with a provision passed by the House in the VA-HUD appropriation bill that does not allow EPA to implement the proposed rule in FY 2001.

Now, USDA has the technical and scientific expertise to review the actions of EPA and help guide them toward a reasonable solution that might actually work in the field, and that is

why the gentleman from Arkansas (Mr. BERRY) offers this amendment today and why it is very pertinent to the discussion today.

If the Department of Agriculture is not willing to use their resources to stand up to EPA for the benefit of farmers and ranchers and the environment, then we should spend their money helping those same landowners that are already trying to preserve their soil and protect water quality. That is the simplicities of this amendment.

Now I find it very frustrating, because I happen to have been chairman of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry when we reorganized USDA in 1992 and one of the things we agreed to in this Congress and with the administration was that we wanted to improve the ability of USDA to be a coequal with other branches of government when it comes to dealing with environmental and food safety issues.

The problem is that we do not have a coequal when one part of the coequal does not stand up for that which is in their own testimony and also in which they have said we agree. So the purpose of this amendment today is pretty simple. It is delivering what we hope will be a very strong message to both EPA and to USDA that common sense must apply, and to all of those groups that keep pounding on EPA to do things that do not make common sense, to require our farmers and ranchers to spend unlimited amounts of money fixing a problem that may not be fixable with any amount of money.

If we could just come back, just come back to a common sense approach in which we recognize that farmers and ranchers want to solve the TMDL problem, I certainly in my district have some very serious problems in which all farmers and ranchers are willing to work with reasonable people to come up with a reasonable solution that will solve the problem.

Therefore, I am not here today saying we should do nothing, but many times doing something is very, very detrimental to the very cause in which we are talking and today it is clean water.

When there is someone within a bureaucracy that so believes they are right, that they are completely, completely willing to ignore all common sense and forge ahead with requiring paperwork burdens and things that absolutely will not solve the problem in the opinion of everybody but them, there is a problem.

So this amendment is very serious. Let us put the money where there is an indication that we will have a willingness to solve the problem. Hopefully, though, we will have the kind of common sense approach to this question that will lead us to a solution that can

be embraced by all. Certainly that is the desire of farmers and ranchers that I represent in my district, in my State and the other 49 States.

To those out there in EPA land, listen carefully. We want to work with them. We do not agree with those of them who believe that the only solution is theirs and they want to do it in the quiet of the night. We want to work with them. Let us work with them. Quit demanding that it be done only their way.

Mr. COMBEST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Arkansas (Mr. BERRY), and I recognize and understand the frustration that has driven the gentleman to this fairly serious amendment.

As I am sure it is in the district of the gentleman and all of the districts of the other Members, it is not the common sense regulation approach of the Federal Government that concerns people. It is the approach and the regulations that simply do not pass the logic of the stupid test. This subject is one that has gained the attention of agriculture all across this country, and it has gained their attention in a very negative way.

As the gentleman from Texas, my colleague, mentioned, we felt somewhat excited about the fact that the U.S. Department of Agriculture, the agency that we look to to speak in behalf of the American farmers, not as a rubber stamp but those who understand the problems of agriculture, as well as any other agency of government, was going to have a more equal role in making the decisions that were going to affect farmers, with other agencies of government.

When the total maximum daily load issue arose sometime back, we felt that USDA would be there to explain what the benefits or what the costs would be to agriculture, in fact, felt quite heartened by a letter that was written that talked about the hundreds of millions, even possibly billions of dollars of expense that this was going to impose upon agriculture, and without having the scientific basis on which to base these regulations that are proposed, whether or not it would even accomplish the good that EPA was trying to accomplish.

Well, subsequent to that time, I will describe the actions of USDA as we would back in Texas. They have basically tucked tail and run and now have become almost a rubber stamp for the EPA. Well, this concerns us a great deal because this is moving forward in an area that we do not believe is scientifically based. It is moving forward in an area that we believe is going to be extremely detrimental, and it is moving forward in an area that we do

not believe is going to do the most good.

The gentleman from Texas (Mr. STENHOLM) and I and 92 of our colleagues have introduced a bill that would stop the implementation of the regulations. There are several other bills in both the House and the Senate, and totally there is almost half of the Congress that is supporting at least one or a variety of these bills.

I think that if nothing else that this should send a strong signal to USDA and hopefully to EPA as well that they have in the past run roughshod over the American farmer. We do not intend to let them run roughshod over the U.S. Congress.

Mr. CHAMBLISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. Agriculture is the number one industry in our great country, always has been and it always will be, because our folks depend on a good quality supply of food to feed themselves and their family, and we are very blessed and we are very lucky here.

Agriculture all across the United States today is in some very, very difficult times. Particularly from a commodity price standpoint and from a weather standpoint, we have been through some tough years; but we have survived, and we have survived in part because we have had some policies in part that have been adopted here and some policies that have been carried out of USDA that have been beneficial to agriculture.

There is a current mindset at USDA that in my opinion is anti-agriculture, and that mindset has been no more appropriately displayed than has been the case with the issuance of the TMDL ruling and the failure on the part of the United States Department of Agriculture to stand up for farmers and forestry landowners in opposition to this unfair, capricious, and arbitrary rule that was promulgated by EPA.

This amendment strikes at the heart of establishing common sense at USDA because what it does is remove some people at USDA who very honestly do not have common sense. I do not care whether one talks to them in a hearing setting that we had yesterday or whether one talks to them just standing on the side of the road discussing agriculture with them. This amendment, in my opinion, is a very important amendment; and it does more than send a message. This amendment helps to establish the fact that we in Congress are going to continue to work to establish common sense in this town, and the folks in the various agencies around better get the message because we are going to do it.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to acknowledge that this is a real issue in my part of the country because indeed those people who are affected feel that the system has not worked simply because the bureaucracy has not understood nor taken the time to find all the information based on science.

I just feel that they have not been fair in listening to both sides of the issue. I for one stand as a person who believes in the environment, so I do not take shortcuts. I embrace this issue as an issue that we should wait imprudently for economic development. I take as a part of my faith that actually the environment is God's creation and we should do everything to preserve it and certainly, as we move into this area of trying to balance and have clean water, it is equally important that we are fair in that.

The tree farmers and those affected, they also honor the land not only because that is where they get their livelihood, but they love the land. To find that they are put in this kind of situation of having to determine that they are not polluters or they are not doing all they want to do to preserve the land is grossly unfair, and it is not based on science.

Mr. STENHOLM. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for yielding to me.

Just to make sure that our colleagues understand this amendment, what we are saying is there is a process in which most folks in USDA and EPA have agreed to from time to time, and that is to allow the participation of all interests in this case, those groups concerned solely with conservation, but also not only those individual groups but also producers. There is a mistaken belief among some that farmers and ranchers are always on the opposite or other side of conservation, clean water and clean air; and nothing could be further from the truth.

What we are saying and have been trying to say and have been almost totally ignored thus far by EPA is that we want to be included. We want to have them decide and discuss sound science and the rationale behind their proposal in this rulemaking and do it in the sunshine so everyone can see their rationale and can hear those who disagree, and then reasonable people can come together and can come up with a solution that accomplishes what we all want to accomplish.

That has not been followed. That is the frustration that we have had not only on this issue but also on the Food Quality Protection Act. We are simply saying very strongly, as we know how, USDA, if they choose not to exercise their authority, as they stated to the

Committee on Appropriations when they said in a letter that they take strong exception to what EPA is doing, if they took strong exception to what USDA is doing, why have they now decided to go along with what EPA is doing?

□ 1645

That is the message today, and I urge my colleagues to support the Berry amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to make a couple of points. I guess, first of all, as a farmer myself and someone who grew up on a family farm now and in the fifth generation over 110 years, the idea that somehow farmers are not concerned about the environment, about maintaining the land and the quality of their environment is simply outrageous, and to me is very, very offensive.

We are the ones who, in my family, drink out of the well where the water, where the runoff is going to go. We are the ones who have to live in this environment, and it is the most important. It is our biggest asset as farmers to maintain the quality and the land itself and the clean environment.

It is very personal and very real to anyone who lives on a farm like I do. I will also tell my colleagues as someone who strongly believes in trying to preserve the family farm that these new regulations are not going to harm the big mega hog lot producers, the big mega cattle producers, chicken producers, those folks are already in compliance with every new regulation that is being proposed. It is not going to cost them one more dime to comply with these regulations.

What it is going to do, Mr. Chairman, is bust the small family farmer out there who cannot afford to comply with these regulations. We talk about concentration in agriculture, about doing away with the family farm, then we have bureaucrats here in Washington who want to put regulations who are only going to hurt the little guy.

Let us not forget about what this is about. The big mega hog lots are already in compliance with these regulations. It is not going to hurt them a bit, but it is going to kill the family farmer out there. That is what is so outrageous about this whole idea and about the USDA basically backing off and saying okay, you go ahead, put mandates on small family farmers, let the other folks go as they are.

Mr. SMITH of Michigan. Mr. Chairman, in light of the June 27, 2000 hearing on water pollution and the impact of EPA's proposed Total Maximum Daily Load (TMDL) rules on agriculture and silviculture, I would like to express my disappointment with the EPA approach to this problem and voice my support

for Representative BERRY's amendment to cut funding from the office of the Undersecretary for Natural Resources and the Environment. In recent years, public concerns about surface water contamination by nutrients, in particular nitrogen and phosphorus, has intensified as agricultural practices have been identified as a significant contributor to non-point source pollution. While we have made great progress in the past 30 years at cleaning up our waterways through addressing both point and non-point source pollution, much room for improvement still remains. The EPA idea of Total Maximum Daily Loading was introduced to address these problems directly, but unfortunately calls for unreasonable and unrealistic changes in our current pollution prevention programs.

Though I have long recognized the importance of managing agricultural nutrients in a manner that both sustains agricultural profitability while protecting the environment, I am strongly opposed to EPA's TMDL plan, and equally disappointed with the extreme lack of communication, consistency, and straightforwardness by the Department of Agriculture on behalf of American farmers. It has become evident that the EPA overstepped their bounds in the development of their TMDL proposal, avoiding communication with farm groups and Congress, picking and choosing data to support their own regulatory agenda, and underestimating the cost of this program to our states and farmers. Though I am thoroughly disappointed by the EPA's actions, I am even more disappointed that our own Department of Agriculture has stood behind this questionable proposal and turned its back on our farmers. For these reasons I applaud Mr. BERRY for his amendment transferring \$693,000 to the Department of Resource Conservation and Development so farmers can be assured that the USDA is in fact working for them, not against them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. BERRY).

So the amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$676,812,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$5,990,000 is for snow survey and water forecasting and not less than \$9,125,000 is for operation and establishment

of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That none of the funds appropriated or otherwise made available by this Act shall be used to carry out any activity related to urban resources partnership or the American heritage rivers initiative: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

AMENDMENT NO. 8 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. KELLY:

Page 32, line 20, strike "or" through "the American heritage rivers initiative" on line 21.

Mrs. KELLY. Mr. Chairman, I offer today an amendment to strike language from this bill which prohibits funding from being used for the American Heritage Rivers Initiative. I feel this prohibition is inappropriate, as it imposes a serious detriment to river communities in 25 States, which have chosen to be a part of this initiative.

American Heritage Rivers Initiative began in 1997, the purpose behind it being to refocus and improve our efforts to preserve the cultural, economic and historic values of rivers throughout the country. Since then, the initiative has served as an effective tool in supporting voluntary community efforts to restore rivers and revitalize river fronts.

Despite the potential it holds for some of our Nation's treasured resources, the communities which have accepted designations under this initiative have been subjected to repeated efforts to undermine their intentions, primarily through the placement of funding restrictions on various agencies involved in this enterprise.

The bill being considered today continues this effort by prohibiting funding for the National Resource Conservation Service from being used for purposes under the initiative.

I realize that these restrictions have been spawned in part by an undercurrent of concern among those who feel

the initiative represents some sort of Federal intrusion into local matters.

To this point, let me say this is simply not the case. Throughout the process, proponents of the initiative have gone to great lengths to ensure that local control is not circumvented. In fact, it should be argued that local control is not only preserved, but enhanced by an increased awareness of the options that are available through already existing programs.

It should be made clear that the American Heritage Rivers Initiative involves no new mandates. It involves no new money, and it is entirely voluntary. Those communities which are on designated rivers but choose not to be involved are under no obligation to do so. Those which do choose to be involved are subject to no new regulations.

I further understand that some object to this initiative because of its origins, and because of the way in which the administration has worked with and responded to Congress in their effort to implement it. When it comes to reports of opposite-minded and uncooperative officials in the administration, I am not without sympathy for my colleagues.

Nevertheless, I rise today with this proposal for the simple fact that the restriction in this bill affects stubborn actions not nearly so much as it does the river communities in 25 States across the country which made a conscious choice to be a part of the initiative. I should emphasize that I am not on the floor today with some proposal to force this initiative on communities that do not wish to be a part of it. Nor do I come here today with a proposal to take away a Member's right to preclude communities in their district from being eligible for the initiative.

I am here because I object to the practice of placing these restrictions on communities which have made a choice to be a part of the initiative. Members representing those communities should not be forced to go from bill to bill to bill to ferret out these kinds of restrictions simply so they can try to protect their constituents from being penalized for their decision to be a part of this initiative.

If there are objections to the American Heritage Rivers Initiatives, I believe there are more appropriate and reasonable approaches than to simply tack restrictions onto a spending bill.

I believe that Members of this House who represent communities which have chosen to benefit from the American Heritage Rivers Initiative and Members who believe that these communities should not be penalized for making this decision ought not to sit idly by to watch its gradual deconstruction through appropriations processes.

Mr. Chairman, I encourage my colleagues to support this amendment.

Mr. KANJORSKI. Mr. Chairman, I rise in support of the amendment of

the gentlewoman from New York (Mrs. KELLY), which would eliminate language in the Agriculture Appropriations bill that would prohibit funds in the bill from being used on activities related to the American Heritage River Initiative.

The language currently in the bill would bar most USDA funds from being used to support and coordinate the American Heritage River Initiative. This broad language could be interpreted to prohibit most USDA agencies from undertaking community-oriented service or environmental projects related to the American Heritage Rivers. This could selectively put at a disadvantage 25 States that contain all or portions of the current 14 American Heritage Rivers.

I would like to compliment my colleague from New York (Mr. HINCHEY) who at the full committee was successful in having language inserted in the bill. The bill language would not affect the Hudson River, which the gentlewoman from New York (Mrs. KELLY) represents, and the Susquehanna River which I represent, but it would still not remove the bar and the effect on the other 12 Heritage Rivers in the country.

The fact of the matter is that this initiative, although sometimes attacked, sometimes understood and sometimes misunderstood by some of our colleagues is not a threat of the American government to the American people. It is, in fact, reinventing government at its best. It says basically that each community along the river or groups of communities have and are encouraged to put together comprehensive programs to celebrate the historical significance of their community to protect that, to add and think about the economic development elements that their river affects in their community and to provide for historical preservation.

Mr. Chairman, the essence of the success of this program was really set out when the initial applications were made when 126 rivers across America competed for designation as an American Heritage River in the first round, and that competition I have seen since I am a Member of Congress.

There were 14 that won the initial round, 14 rivers. I think to use the appropriation process to bar Federal funds to move to this program would be wrong from this standpoint. This is a creature of reinventing government.

Some of the very basic problems in our governmental structure is that funds flow down through the departments and agencies of government in a very narrow focused way. What this initiative calls for across government is to come together in an agreement and agencies and departments and bureaus of the Federal Government to cooperate with those communities that

have set out a comprehensive plan, that plan has been reviewed and thought to have great merit and then these agencies to cooperate in this comprehensive effort to be more efficient and effective in expending Federal funds to further the plans of those local communities.

Mr. Chairman, I cannot think of anything that is more American, more supportive of community activity and that should not be inhibited, either in the appropriation processes here or by the nature in which this program was originally established.

I want to compliment my colleagues, the gentleman from New York (Mr. HINCHEY) for the process itself, protecting the Hudson and Susquehanna Rivers, but I want to compliment the gentlewoman from New York (Mrs. KELLY) to carry that protection to all 14 rivers of the American Heritage River Designation and Initiative.

With that, Mr. Chairman, I wish to urge all my colleagues on the Democratic side, together with my colleagues on the Republican side, that this is indeed good policy. It is something that is starting to show areas of success, and we should not prohibit or inhibit the American communities from participating in honoring and preserving and forwarding the success and effort of the American Heritage Initiative.

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to begin by congratulating the gentlewoman from New York (Mrs. KELLY). I was very lucky when this competition began, because I have two of those 14 rivers designated in my congressional district as American Heritage Rivers. I think it is important to recall what the objectives were as we began down this course. First, natural resource and environmental protection, something we certainly can all rally to. Second, the question of tasteful growth and economic revitalization. Third, and perhaps the most important, historic and culture preservation.

This initiative involves the coordination of a number of agencies, as well as the cooperation of local leaders, but the main initiative here is to help people who live near these rivers effectively coordinate their efforts to preserve, protect and revitalize the watershed areas.

What is significant about the Blackstone River, where much of our industrial heritage grew from or certainly the Connecticut River, which is New England's mightiest river, is that virtually everything that occurred in the Pioneer Valley began because of the Connecticut River.

There are few words in American history or, for that matter, world history, that are more powerful than the word river. The success of these initiatives

not only are underway but the navigators have been put in place. The catalyst that these rivers offer I think for further tasteful growth and development are very important to all of us.

Let me, if I can, take one moment to congratulate the late Senator John Chafee, who was a great champion of this initiative and, indeed, much of the growth in the Blackstone Valley and the success that we have had with that proposal stems from the commitment of former Senator Chafee, the navigators have been entrusted with the revitalization of these two rivers and they have done a tremendous job in a very, very short period of time.

These proposals represent no threat to local property owners, indeed, if anything, they have enhanced the property values of those who live along these waterways. Let us not deny the hard-working residents and business leaders of the river valleys of the Connecticut and Blackstone our support.

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

Mr. NEAL of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I know that we have had a lot of time spent on this, so that we can proceed, I urge a vote on the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, the American Heritage Rivers Initiative is a popular, effective and completely voluntary program.

Claims that the program somehow violates property rights have been rejected by this Congress, the courts and the communities who participate in the Initiative.

Having failed to abolish this program outright, the anti-river forces are now attempting to starve the program to death through a series of small funding cuts.

These attacks are unwarranted, unwise and should be defeated.

BACKGROUND

The American Heritage Rivers Initiative (AHRI) was first proposed during President Clinton's 1997 State of the Union Address.

The program was actually established in September, 1997 through Executive Order, after an extensive notice and comment period. The notice and comment period included a series of public meetings held around the country.

One hundred and twenty-six rivers in 46 states were nominated for designation and, in 1998, President Clinton selected 14 of those rivers, running through portions of 25 states, for designation.

The rivers selected in the first round include some of the most vital waterways in America including the Hudson, Mississippi, Rio Grande, and Potomac Rivers.

Contrary to the claims of opponents of the program, AHRI remains extremely popular. Nearly 200 Members of Congress, more than 500 mayors, and 21 Governors have expressed support for the AHRI. CEQ receives new nominations, in addition to the 126 received in the first round, regularly.

WHAT AHRI DOES

The program allows local communities to voluntarily nominate a river in their area for designation as an American Heritage River.

For those rivers selected, a "River Navigator" is appointed to help coordinate federal, state and local efforts to protect the qualities which made the river eligible for designation in the first place.

Anyone who has attempted to navigate the sea of federal, state and local grant and technical assistance programs understands why a river navigator working on behalf of each of these rivers is necessary.

AHRI is designed to identify some of the most important waterways in this nation and make certain that any and all efforts to protect those rivers are as targeted and well coordinated as possible.

The program is about achieving managerial efficiency and using federal resources to leverage private funds.

WHAT AHRI DOES NOT DO

The American Heritage Rivers Program is in no way a federal "land grab." The program involves no land acquisition or condemnation authority.

AHRI is not an attempt to limit the use of private property. The program involves no new regulatory authority of any kind.

The AHRI does not waste a single tax dollar. The program does not involve the expenditure of any new funds. Rather, the program takes money that likely would have been spent on general water quality programs or other environmental protection efforts and attempts to focus and leverage those funds more effectively.

The program has no international component. Claims that this initiative is somehow part of a U.N. conspiracy to control America, a claim which has been made regarding this program, simply have no basis in fact.

EFFECTS OF THE LIMITATION IN THE BASE BILL

Language inserted in the base bill would prohibit any funds in the bill from being used to carry out the American Heritage Rivers Initiative.

Specifically, this would prohibit the Natural Resources Conservation Service (NRCS) within the Department of Agriculture from participating in the program.

The effect would be two-fold. First, the NRCS is the conservation assistance arm of the Agriculture Department. This limitation would prohibit NRCS experts from working with local communities, which have requested assistance, to improve water quality, prevent soil erosion, re-vegetate eroded areas, restore habitat and wetlands and help create economic development opportunities.

The limitation leaves the AHRI program standing but robs the program, and the 14 rivers and 25 states included in the program, of expertise critical to achieving the goals of the program.

A second effect is even more devastating. A representative of the NRCS happens to be co-chair of the Interagency Task Force which coordinates the AHRI. If the language stays in the bill, it would cripple the entire initiative by removing one of its current leaders.

Rather than address the program on its merits, this funding limitation, another like it in at least we other appropriations bills, seeks to weaken the program by robbing it of crucial know-how and manpower.

CONCLUSION

Attempts to abolish the American Heritage Rivers Initiative are based on misunder-

standing of the program and, in some cases, purposeful mischaracterizations.

Legislation to end the program never made it to the floor and a lawsuit challenging the program failed.

AHRI is fiscally and environmentally responsible, which is why it is so popular. This attempt to strip the program of the tools it needs to continue succeeding should be defeated.

Mr. BLUMENAUER. Mr. Chairman, my community has been working hard to restore the water quality in the Willamette River. We recognized that the American Heritage River program would make the federal government a better partner in this effort and spent years working to get the Willamette River so designated.

The Heritage River program has funded a river navigator who works full-time on behalf of our local governments and watershed groups. The River Navigator provides an important link between the river communities and the appropriate federal agencies and programs to clean the river. The local Heritage river communities have already dedicated an enormous amount of time and effort to this program without any additional funding, and we are committed to seeing this program develop to its full potential.

I am concerned, however, that the bill as written undermines our efforts. The bill's restrictions on heritage funding do not represent the type of support that was promised when the Willamette River and her sister rivers were designated. Since current federal participation in water resource management is poorly coordinated, we should not be stepping back from this commitment. I urge my colleagues to join with me in supporting the Kelly/Kanjorski amendment.

Mr. KIND. Mr. Chairman, I rise in support of the Kelly-Kanjorski amendment and ask that the House support its adoption. This amendment recognizes that inclusion of language to prohibit funding for the American Heritage Rivers Initiative into the Agriculture Appropriations Act is short-sighted and ignores the tremendous benefits of this important program.

Since its inception, the American Heritage Rivers Initiative has been extremely popular with communities and local government officials. Currently, there are over 50 communities that are included in the Upper Mississippi River American Heritage River Initiative. Four (4) river communities within my district participate in this program.

"River towns" are some of our nation's oldest and have rich cultural, social and natural histories. In the past, many of these towns were forced to turn their backs on the river because the costs associated with redevelopment were too large and the planning process too cumbersome. Today, however, as a result of this initiative, people are returning to the river and seeking to integrate it into their daily lives. The communities in my district are working to invest in riverfront development projects that share the story of their communities' pasts while also stimulating much-needed economic development.

With help from the "River Navigator," these communities are better able to identify and utilize Federal programs and services that assist

them in meeting the objectives of natural resources and environmental protection, economic revitalization, and historic and cultural preservation.

Mr. Chairman, the American Heritage Rivers Initiative is a successful program and should not be eliminated as a result of the shortsightedness, misinformation, and false allegations by those who seek the initiative's demise.

I urge adoption of this amendment.

Mr. HOEFFEL. Mr. Chairman, I rise in support of the Kelly/Kanjorski amendment to strike language in the Agriculture Appropriations bill which prohibits conservation funds included in the bill from being used for purposes related to the American Heritage Rivers Initiative.

The Initiative was created to insure that all local efforts to protect rivers were coordinated and targeted. No new federal funds were obligated, no new regulatory authority was created, and there was no provision for federal land acquisition. When President Clinton created this Initiative, forty-six states voluntarily took part by submitting applications for 126 rivers to be designated as a Heritage River. Fourteen were selected including the Upper Susquehanna-Lackawanna River in PA.

Even though the Initiative is completely voluntary, there have been detractors which continue to attack it. Efforts to abolish it have failed and a lawsuit designed to eliminate it has been dismissed. In this legislation there is another effort to disable this very successful program.

The Agriculture Appropriations bill contains an anti-environmental rider which prohibits any conservation funds under the bill from being used for the Heritage Rivers Initiative. This would prevent the USDA from sharing information with other agencies to benefit all river communities. While there is a partial exemption for the Upper Susquehanna, other river communities are denied the benefits of this initiative.

Today, the Schuylkill River is a key focal point for Southeastern Pennsylvania. A major community and economic development project is underway in Montgomery County bringing new attention and energy to the river and its surrounding communities.

There will be hiking, biking, and equestrian trails as well as other recreational paths in a linear park along the riverbank. There will be a water trail for canoe paddlers, kayakers, fisherman and other boaters. There will be a fish ladder constructed at flat Rock Dam to make the river passable for fish with the hope of restoring the once plentiful American Shad to the waters upstream.

While the Schuylkill River is not a designated Heritage River, the river has benefited from this initiative. The Council on Environmental Quality disseminates information to local communities like those in Southeastern Pennsylvania on how to coordinate efforts and where to look for federal resources.

There are the benefits that the America Heritage River program can offer to all communities across the country not just the fourteen designated rivers. The American River Heritage Initiative is a program that deserves our support. Vote to strike this unfortunate anti-environmental rider by supporting the Kelly/Kanjorski amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this amendment, which would remove an unnecessary and counterproductive spending limitation from the bill.

The spending limitation is an attempt to cripple the American Heritage Rivers program. Yet the benefits of this program are visible and real, the alleged problems are unproven and imaginary.

The American Heritage Rivers program is voluntary, communities apply to win the designation. And the competition for the program is intense. Communities of all sizes from all regions of the country have been applying to the program. So unless all these communities are delusional, there must be a real benefit to the program.

And there is. The program helps communities to focus on economic development programs along the rivers and gives them greater access to a wider and better coordinate assortment of federal agencies for help. Sounds like a good idea to me.

What this program does not do is impose any additional regulatory burdens or coerce anyone into participating.

So why would we shut down a program that localities want, that improves the targeting and coordination of federal programs, and that comes with no federal mandates? I can't think of any reason. And indeed there is no reason unless one believes that paranoia should prevail over common sense and that imaginary fears should triumph over proven, practical benefits.

Let's show that common sense can prevail. Vote for the Kelly amendment and help communities around the country redevelop their riverfronts.

Mr. GEJDENSON. Mr. Chairman, I rise in strong support of this amendment which would strike the restrictive language in the Agriculture Appropriations bill that prevents any funds from being used for the American Heritage Rivers Initiative (AHRI).

This initiative has received and continues to receive unprecedented support from the residents in my district; including residents of the Connecticut River Valley, business owners, Chambers of Commerce, environmental leaders and local-elected officials. This initiative is not being forced on the American people by their government. It is and has always been a voluntary initiative. The community involvement is voluntary and they can terminate their participation at anytime.

The people who live along the Connecticut Rivers and other Heritage Rivers realize the value of these great natural resources. They have come together with a deep resolve to not only clean up their rivers, but to promote economic revitalization in their communities. The partnership created by the residents, environmentalists and business owners will create a clean, healthy environment while boosting a thriving tourism industry.

There has also been tremendous bipartisan support for this initiative within Congress. Over 200 Senators and Representatives wrote letters of support for one or more Heritage River applications. There should be no opposition to this program simply because it does not create any new rules or regulations for state and local governments. Furthermore, it does not create additional costs because funding

comes from programs authorized for river restoration.

The detestable language used to prevent the use of funds on any of the 14 Heritage Rivers is just another attack on the environment. It is another effort by so-called private property advocates to derail local initiatives.

I urge my colleagues to join me in voting in support of the Kelly/Kanjorski amendment to the Agriculture Appropriations bill (H.R. 4661).

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mrs. KELLY).

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1009), \$10,868,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

□ 1700

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

I want to say a word with regard to the amendment that just passed.

The American Heritage Rivers program is one of the proud initiatives of the Clinton administration. I think that as the years go by, it will be increasingly recognized as such. A decade from now, indeed, 100 years from now, people will recognize that the American Heritage Rivers initiative coming from the Clinton administration was one of the important environmental initiatives, among many, that the Clinton administration has been responsible for. I am very proud to be a supporter of that initiative, and I am also very proud that New York contains two of the rivers that have been designated in this initiative, the Hudson River and the Upper Susquehanna, Lackawanna Rivers.

I want to say also with regard to the amendment that just passed, although it is an amendment that does absolutely no harm, it is also an amendment that was, in fact, unnecessary, because as a result of the cooperation of the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on Agriculture of the Committee on Appropriations, we were able to place language in the bill which removed any ambiguity whatsoever with regard to the Department of Agriculture's ability to fund the Upper Susquehanna and Lackawanna River and the Hudson River American Heritage Rivers. It is a fact that these are the only two rivers that are funded in any way by the Department of Agriculture. The other American Heritage Rivers are funded through other appropriations bills and are under the auspices of other agencies.

So with the cooperation of our chairman, the gentleman from New Mexico (Mr. SKEEN), we were able to take care of any problem that may have been foreseen to have existed with regard to these heritage rivers; and the language in the bill makes it clear that the Department of Agriculture may, in fact, and will, in fact, continue to fund the Hudson River navigators and the Susquehanna, Upper Susquehanna/Lackawanna Rivers and other aspects that relate to the American Heritage Rivers program of these two rivers, these two rivers being the only two rivers that, in the American Heritage Rivers initiative, are funded through the Department of Agriculture and, therefore, under the jurisdiction of this bill.

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

WATERSHED AND FLOOD PREVENTION
OPERATIONS
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$83,423,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$12,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed \$44,423,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That notwithstanding any other provision of law, of the funds available for Emergency Watershed Protection activities, \$1,045,000 shall be available for DuPage County, Illinois for financial and technical assistance: *Provided further*, That up to \$4,170,000 is for the costs of loans, as authorized by the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a), for rehabilitation of small, upstream dams built under the Watershed Protection and Flood Prevention Act (16 U.S.C. et seq.), section 13 of the Act of December 22, 1944 (Public Law 78-534, 58 Stat. 905), and the pilot watershed program authorized under the heading "Flood Prevention" of the Department of Agriculture Appropriations Act, 1954 (Public Law 83-156, 67 Stat. 214): *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the costs for such rehabilitation activities (including any technical as-

sistance costs such as planning, design, and engineering costs) shall be borne by the Department of Agriculture: *Provided further*, That the Department may provide technical assistance for such rehabilitation projects to the extent that the costs of such assistance shall be reimbursed by the borrower, and such reimbursements shall be deposited into the accounts that incurred such costs and shall be available until expended without further appropriation. In addition, for expenses necessary to administer the loans, such sums as may be necessary shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a-f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$41,015,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), \$775,837,000, to remain available until expended, of which \$33,150,000, shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$668,988,000, shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$73,699,000, shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, \$12,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes: *Provided further*, That of the total amount appropriated for Federally Recognized Native American Tribes, \$250,000 shall be set aside and made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development for federally recognized tribes: *Provided further*, That of the total amount appropriated in the Rural Community Advancement Program account, \$2,000,000 shall be for an agri-tourism program: *Provided further*, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the ca-

capacity and ability of private, nonprofit community-based housing and community development organizations, and low-income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: *Provided further*, That of the amount appropriated for rural community programs not to exceed \$5,000,000 shall be for hazardous weather early warning systems: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$5,000,000 shall be for rural partnership technical assistance grants; \$2,000,000 shall be for grants to Mississippi Delta Region counties; and not to exceed \$2,000,000 may be for loans to firms that market and process biobased products: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed \$20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, of which one percent may be transferred to and merged with "Rural Development, Salaries and Expenses" to administer the program; not to exceed \$18,515,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed \$9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed \$42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$30,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which \$8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY: Page 37, line 10, insert "(reduced by \$2,000,000)" before "to remain available".

Page 37, line 11, insert "(reduced by \$2,000,000)" before "shall be for".

Page 38, line 3, insert "(reduced by \$2,000,000)" before "shall".

Mr. HEFLEY. Mr. Chairman, this amendment cuts what I think is questionable government spending by \$2 million. The money was dedicated to agritourism in the Rural Community Advancement Program.

Now, on the television program "20/20" John Stossel has a segment at the end every time that is called "Give Me a Break." I guess I would say to this program, give me a break. Agritourism. This program just does not meet the laugh test, it seems to me.

Congress should provide real solutions for America's embattled farmers instead of creating wasteful spending programs. The number of small farms in America has fallen from over 300,000 in 1978 to 170,000 today. Last year, 260,000 American farmers were hit by natural disasters, claiming \$1.3 billion in damages. The number of farmers has dropped from 6 million in 1933 to less than 2 million today. We all know of the terrible drought conditions being faced this year by farmers in the Southeast.

Agritourism is not a bad idea, because look what some of the examples are: cut your own Christmas tree, pick a pumpkin out of a pumpkin patch, roadside produce stands where people can meet the farmers who grow their food, pick and process grapes in a vineyard. All of these programs are a great way for American farmers to raise money. But all of these programs are for profit. Farmers make money on these programs. Why should the Federal Government subsidize them?

Congress should not create wasteful programs that will only benefit a few. We need real solutions, real progress, real programs in Congress to help our farmers. This amendment is a good way for Congressmen to stand up against government waste in the agriculture appropriation bill, which is often known as a vehicle for pork barrel spending.

Mr. Chairman, I would encourage support of this agritourism amendment.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, on behalf of the committee, I think we can all agree that people in rural America are going through some very hard times. The purpose of the agritourism program is to offer our rural communities another way of developing their economic potential. This bill supports a number of economic development programs in rural America. It offers loans and grants for cooperatives and small businesses, and it supports basic infrastructure that rural communities need to survive. The money for agritourism is just one more part of that effort.

Mr. Chairman, this program has strong bipartisan support on the committee. It does not earmark the money for any particular State or community. All rural areas are eligible for the funding.

I ask my colleagues for their support for economic opportunity for rural America and to vote no on this amendment.

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

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

Mr. BOEHLERT. Mr. Chairman, I want to identify with the remarks of the gentleman from Iowa (Mr. LATHAM), because this is a very modest amount to invest in some hope and some opportunity in an area of the country where people are really hurting, rural America. Family farms are struggling to make ends meet; and constantly, we in Washington say, do not come to Washington and expect us to write a blank check for all sorts of subsidies and everything, we are reducing those. We want you to diversify and come up with new opportunities so you can stay on the farm and yet make a decent, livable income.

So a lot of farms are just trying to do something like this, and I think it makes so much sense. It is an innovative program, and I want to compliment the committee for addressing this program in such a prudent, responsible manner.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I thank the gentleman from New York. I would really like to associate myself with his remarks and remember that we are trying to encourage our farmers to diversify, to find new crops, new ways of generating income in rural America; and also, I will tell my colleagues as a member of the Commerce-Justice-State subcommittee, I find it interesting that we give microloans all over the world; and yet we will not help our local rural communities to develop small businesses just like we do all across the world.

So I would hope that while I understand the gentleman's concern from Colorado, I would certainly hope that this very small program, which I think does some good and will do some good, would be able to continue. I urge a no vote.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment and support the Vermont agritourism initiative. I do so because first of all, the committee and the House have approved this initiative. I want to commend the gentleman from Vermont (Mr. SANDERS) for his leadership on this. We all know what is happening to farms, especially small and medium-sized farms across our country.

The name of this subcommittee is Agriculture and Rural Development, and this is one of those activities that falls in the area of rural development. For all of the other Members here who have supported this in the past, it is very interesting to think about some of the articles we read in the newspapers today, about people getting shot on the freeways in California. Just the stress of being on those roads every day and

to have to commute hours a day. People are looking for relief from the stress of modern society. Then we read other articles about a place like Lancaster, Pennsylvania, which is known to have a number of people of Amish heritage and which also has benefited from agritourism over the years. There are so many visitors to Lancaster county, 7 million visitors. It is one of the most key destinations in Pennsylvania for tourists. They cannot even handle it.

The American people and visitors from abroad are looking for the experience that rural America can provide. We do not really have a very well-coordinated set of initiatives across this country to help people move through the rural countryside. I remember when I was traveling in Europe years ago and they had a whole system of bed and breakfasts, one could go to the main tourist bureau in the town and they would give you a list of where to stay. America is beginning to catch up. But we are far from where other countries in the world are in this regard. There are a few tour books. I know in Michigan I picked up one in a bookstore about some of the places one could visit in the State of Michigan.

Mr. Chairman, as rural incomes decline and prices decline in terms of commodities, and we are going through this extremely difficult period in rural America right now, people in rural America are looking for ways to enhance their income. They are not asking for a handout, they are asking to use the assets they have, which include their farmland, their barns, their communities, their community activities, in order to bring in people from the outside who have extra dollars to spend and invest.

So I really think agritourism is a vital element for economic growth. It is one of the answers for us in terms of restoring vitality to rural America. Really, we need to celebrate the natural wonders and educational opportunities that rural areas and the people there offer to all of us.

Perhaps the gentleman has a good intention of trying to be fiscally responsible; but I think that this is not a forward-looking amendment, because many parts of the country, including Vermont which does not have the highest income in the country, that is for sure, sagging incomes and a very precarious rural situation, this is really part of the answer for the future for Vermont as well as many other places.

Mr. Chairman, I would just like to commend the gentleman from Vermont (Mr. SANDERS). I apologize if I have not listed all of the cosponsors of this proposal. I would be pleased to yield to the gentleman any remaining time that I might have in order to further discuss the gentleman's opposition to this amendment.

Mr. SANDERS. I thank the gentleman.

Let me just associate myself with the remarks of the gentleman from Iowa and thank him for his support, and I thank the gentleman from New York and the gentlewoman from Ohio. I also want to thank the gentleman from New Mexico (Mr. SKEEN) for his support of the concept of agritourism.

The gentleman is aware that agritourism has worked very, very well in New Mexico and in many other parts of this country; and we should all be clear that what we are talking about now is a national program. Vermont is experimenting, getting into it, New Mexico is in it, Ohio is in it, Massachusetts, New York. But this is a national program which will accept competitive applications from people all over this country.

I should say that as the gentlewoman from Ohio (Ms. KAPTUR) has already indicated, there is strong bipartisan support for the concept of agritourism and an understanding that it would really be very unfair to family farmers all over this country who, as the gentleman from Iowa pointed out, are looking for alternative sources of revenue.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

The point here is that as commodity prices decline, and that is true for dairy, it is true for many other commodities, family farmers are looking for alternative sources of revenue. One of the sources of alternative revenue that they are looking at is agritourism. What we are looking at here is a \$2 million program that would help family farmers all across this country.

□ 1715

The key issue here, which is an interesting concept, is that, as the gentlewoman from Ohio (Ms. KAPTUR) just said, people from cities all over the country go to rural areas in order to enjoy the peace and beauty that exists in rural areas.

One of the reasons that the rural landscape is beautiful is because our family farmers keep that land open. It seems to me what we have to try to do is make sure that family farmers get a fair shake, get a fair return in terms of the agritourism money that is spent in their States; that it is not just the ski areas, that it is not just the fancy hotels, but that some of that money goes out into the rural countryside and helps the family farmers who need it the most.

Let me just give a few examples of what farmers in Vermont and throughout this country are doing, and why we need additional help for family farmers to get involved in what is a growing national concept.

Family farmers throughout this country are converting their guest rooms into small bed and breakfast operations. That means that on the weekend and maybe a few days a week they have a room available for a tourist to stay in.

But in order to do that, in many instances, they might need a loan to convert the guest room into a bed and breakfast. They might need some help in learning how they can market what they are developing. It is not so easy for farmers suddenly to get on the Internet and to know how to bring guests into their home.

Farmers are now encouraging tour buses to stop by and learn what family agriculture is about. But in order to be successful, they might need a loan or a small grant to build a restroom. If you are going to have a busload of people coming by, you might need a restroom there, improved parking facilities.

Farmers might want to build snowmobile trails through their fields and woods so people can come and use the snowmobiles. It might cost a little money in order to maintain those trails and in order to advertise what they have available.

In some instances, people who own apple orchards might want to do some value-added work. I know of an instance where somebody, instead of just doing apple picking in the fall, what they are doing is baking apple pies, selling them to tourists. They might need a few bucks to build or buy a new oven, a commercial-sized oven, and to deal with the health regulations in order to do it.

The list goes on and on and on. And the gentleman from Iowa made a good point about we give out these microloans all over the world, and they are good loans, they are successful, but a few thousand, a few hundred dollars to a family farmer could literally make the difference, if that money is converted into \$5,000 in additional revenue stream. It is the difference between whether that farm stays up or goes under.

I happen to think that we are going to see is that agritourism is going to be spreading all over. It is good for the urban folks who want to get out and have the kids see what farming is about.

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

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

Mr. BOEHLERT. Mr. Chairman, I thank my colleague for his remarks.

Mr. Chairman, there is an environmental aspect to this because urban sprawl is a concept that concerns us all. One of the reasons we have urban sprawl is that so many family farms are so hard-pressed that they have no choice but to sell their land for development. That is not good for them, that is not good for us. It just adds to urban sprawl.

If we have something like this, the microenterprise, small assistance package, we can help them and help increase the family farm income. That is an objective worthy of our best effort. I thank my colleague for yielding.

Mr. SANDERS. Just in conclusion, Mr. Chairman, there is no argument that family farmers all over the country are losing their farms. This is a national tragedy.

I do not claim that this \$2 million is going to save the world, but I think what it will do is add energy to a growing concept by which farmers can gain the greater share of the tourist dollar that they deserve. Tourists come to their areas because they keep the land open.

I would urge strong opposition to the Hefley amendment.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. HEFLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I thank the gentlewoman for yielding.

Most of the things that have been said I agree with. It is great to have farms there. That is good for the environment, there is no question about that. It is a matter of whether this program makes any difference or makes any sense. The gentleman from Vermont (Mr. SANDERS) said this program is doing well. Great, let it do well, but why does the Federal government have to participate in it?

When we talk about building bed and breakfasts, people build small businesses every single day without a special program like this. If they need help for it, if they need small business loans, we have a Small Business Administration. We have a small business loan program for that. If they need guidance in how to make a small business thrive, then they have small business guidance programs to train them in how to make a small business thrive.

If they need to build a restroom, by gosh, the lumberyard on the corner that gets started, it does not have a farm loan to build its restroom. It figures out how to build a restroom as part of its small business.

To me, Mr. Chairman, this seems to me to be the perfect example of the classic farming of the Federal government, rather than farming of the land. It just makes no sense to me at all. If people want to go watch people milk cows, watch corn grow, I think that is great. I think it is great. You have a tourism industry to do that. I do not know why the taxpayers of the whole Nation need to subsidize that.

Mrs. EMERSON. Mr. Chairman, let me close by commenting on the remarks of our colleague, the gentleman from Colorado.

As the cochairman of the Rural Caucus with my very dear friend, the gentlewoman from North Carolina (Mrs. CLAYTON), I am a little taken aback. It strikes me as something that is very important to say, because everywhere I go in rural America, it does not matter, in my district, which is 26 counties of very, very rural and somewhat remote areas, the economic prosperity that seems to be pervasive in the suburbs and in some of the cities is nowhere to be found.

The Federal government reimburses our hospitals for Medicare at a fraction of what the cities get. We have hospitals closing right and left. We have folks in my district who cannot get local TV, who cannot get cable TV, who have no means by which to find out what happens in an emergency. Education funds are lacking, infrastructure funds are lacking.

Everything that we want to do to preserve our heritage, to preserve the very heart and soul of the country, is what my colleagues are all talking about.

I would ask our colleagues to please make sure that we defeat the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to say a word about the amendment offered by the gentleman from Colorado, because I think that it is important that the full dimensions of the effect of his amendment be more clearly understood by the Members of the House.

One of the strengths of American agriculture is its diversity. We grow enormous amounts of food and fiber in this country. We do it in very diverse ways under very diverse circumstances. I suppose that some people living on the edge of the Great Plains may not have an appreciation for the small farms that exist in other parts of the country.

The gentleman from Vermont (Mr. SANDERS) told us quite a bit about the circumstances of family farming in Vermont. Those circumstances are very similar to those that exist in New York and other places in New England and in the central States, as well; I think on the West Coast, in many instances, also, as well as many parts of the South. As we have heard from some of our colleagues, that occurs in the Midwest, also.

In many areas, particularly in areas where farmers are trying to survive on the edge of metropolitan centers, there is great pressure coming out of those metropolitan centers for the land on which agriculture now is carried out.

We have a great interest in this country, I think, in keeping that land in agriculture and supporting those farmers who live near metropolitan centers and doing everything we can to help them

continue in agriculture. That is, first of all, because the products that they produce are important to us. The food and fiber that comes out of those farms is important to those metropolitan areas and to other places all across the country. So we have an interest in keeping those farms viable, successful, economically strong, allowing those family farms to make a living and helping them to do so.

We perform in a variety of ways here in this Congress to support agriculture. Just earlier this year we provided \$5.5 billion, \$5.5 billion in supplemental crop payments for farmers who needed assistance in the Great Plains and elsewhere.

I live far away from the Great Plains, but I understand the problems of agriculture in the Great Plains. I supported that \$5.5 billion of supplemental payments and crop insurance in that bill. I did so because I have an appreciation for the problems that those farmers are facing out in the Great Plains and elsewhere who would benefit from that kind of support from the Federal government.

The Federal government has a strong and long history of providing support for agriculture here in the United States. That I think is appropriate, and we should continue to do so.

What we are asking for here today, the gentleman from Vermont (Mr. SANDERS) and myself and the others who sponsor this small amount of money in the agriculture appropriations bill, is simply this, a recognition of the kind of circumstances under which agriculture on small farms, in orchards, in vegetable farms, in vineyards and other similar circumstances around the country, have to operate in order to survive.

Agricultural tourism is increasingly becoming a very important part of that, a very important part of their economics, the economics that allows them to continue operating their farms, feeding their families, providing the produce from those farms that are so highly valued by the other Americans who consume them.

This is an important program. Yes, it is relatively new, but it is very important. I hope that the vast majority of the Members of this House will join all of the rest of us who have spoken on this bill this afternoon in showing that we appreciate agriculture in its great diversity. We appreciate the small vegetable farms, we appreciate the orchards that grow apples and other fruits. We appreciate the vineyards that grow vines for the production of wine and other agricultural products from those vines.

We want to do what we can to sustain those farmers in agriculture; keep that land out of other less appropriate, less environmentally sound, less ecologically healthy development, keep it in agriculture.

The way to do that in large measure, Mr. Chairman, is by supporting agricultural tourism and this small amount of money that is asked for in this appropriations bill.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the concept of the gentleman from Vermont (Mr. SANDERS) in the bill. I think the idea of agritourism is essential to a changing agricultural landscape in my State.

When people think of New York State, they do not necessarily think of agriculture. I remember when I first came down here as a candidate, I went to see Frank Horton, who was then the dean of the New York delegation. I sat down and we talked. He said, if you get elected, what committee do you want to be on? I said, I want to be on Agriculture. He said, Well, we will do the best we can, but it is a very competitive situation. The first thing you have to do is get elected. So I was elected. Little did I know that he was just dying to get somebody from New York on Agriculture.

Again, New York State's number one industry is agriculture, but it is a changing scene. The dairy farms that are spread across New York, as they are across most of the northern tier of the country, are relatively small: a lot of woodlots and streams and rivers and gullies. A lot of it is not suitable to large-scale agriculture, so dairy farms are what have been what populates it.

But what the farmers are doing, because the prices are difficult in dairy, they are trying to diversify. They want to stay on the land. They want their children to stay on the land, so they try to find other ideas.

There is one farmer in my district in upstate New York near Syracuse who turned a corn lot into a maze; planted the corn according to a map and planted it in the form of a maze, and advertised. He made ten times as much money on that small plot, several acres, ten times as much money on that acreage as he did prior when he was just planting corn.

□ 1730

There are vegetable farms and truck farms, fruit farms all around central New York that encourage the city dwellers to come out from Syracuse, Albany, even the folks who come from New York City. And you can always tell them. They have a dress shirt on opened at the top with a T-shirt, black pants and black shoes. We love to see them come; they usually have lots of money in their wallet. And they love to come upstate and see us rubes, and we like to take their money.

One of the ways we can do that is by supporting agritourism. It is an opportunity for our small family farmers to stay on the land, to make some money,

and improve their lot. And nobody husbands that land better than those farmers; nobody takes care of that land better than those farmers. They are protecting the environment. They are keeping the streams clean. They are rotating their crops properly. They are working the wood lots. But they need this extra incentive to provide them the ability, the cash income. Think of it as a new cash crop to sustain their livelihood.

So I strongly support the gentleman's idea. I hope we would reject the amendment offered by the gentleman from Colorado (Mr. HEFLEY). I know he feels strongly about rural development, but I would say to the gentleman we have a lot of rural areas in upstate New York. But this is true rural development for us.

Mr. KIND. Mr. Chairman, I rise in opposition to the Hefley amendment that eliminates the bill's funding for USDA's Agri-Tourism program.

In the last twenty years, my state of Wisconsin has lost over one half of its dairy farms—decreasing from 46,000 in 1980 to less than 21,000 today. At the same time, the average age of the Wisconsin dairy farm has increased to 58 years. The family dairy farm is struggling with many pressures; unstable commodity pricing, unpredictable trade policies, and the growing pressures of sprawl.

Adapting to change and taking advantage of emerging traveler interests in agriculture and rural places is a wonderful opportunity for Wisconsin's farms and rural communities. Wisconsin's natural scenery of rolling hills, bluffs, coulees, valleys, lakes, and rivers are tourist destinations for many outside visitors. In addition, it is often times important to families that they are able see cows, pigs, goats, and sheep in their natural settings instead of in picture books and on television. Many visitors have never been on a farm and seek bed and breakfasts that are in rural farming communities. Unfortunately, there currently is little effort to link our family farmers with tourists.

For these reason, programs such as USDA's Agri-Tourism provide important steps in linking tourists with farming communities. In addition to providing important recreational opportunities for tourists, agri-tourism can provide needed financial assistance to our farm families. It would be short-sighted for Congress to eliminate this important program.

I urge my opponents to oppose this misguided amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. 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 538 further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

RURAL HOUSING SERVICE
RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,800,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$3,700,000,000 shall be for unsubsidized guaranteed loans; \$32,396,000 for section 504 housing repair loans; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$114,321,000 for section 515 rental housing; \$5,000,000 for section 524 site loans; \$16,780,000 for credit sales of acquired property, of which up to \$1,780,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans.

AMENDMENT OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CLAYTON:

Page 40, line 23, before the period insert the following:

: *Provided*, That of the total amount made available for loans to section 502 borrowers, up to \$5,400,000 shall be available for use under a demonstration program to be carried out by the Secretary of Agriculture in North Carolina to determine the timeliness, quality, suitability, efficiency, and cost of utilizing modular housing to re-house low- and very low-income elderly families who (1) have lost their housing because of a major disaster (as so declared by the President pursuant to The Robert T. Stafford Disaster Relief and Emergency Assistance Act), and (2)(A) do not have homeowner's insurance, or (B) can not repay a direct loan that is provided under section 502 of the Housing Act of 1949 with the maximum subsidy allowed for such loans: *Provided further*, That, of the amounts made available for such demonstration program, \$5,000,000 shall be for grants and \$400,000 shall be for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of loans, for such families to acquire modular housing.

Mrs. CLAYTON. Mr. Chairman, this amendment will not require any new spending, but it can provide new hope. More than 8 months ago, Hurricane Floyd struck eastern North Carolina and left a path of death and destruction that was unprecedented in the history of our State. Millions of our citizens were affected; 60,000 homes were left in disrepair; 11,000 homes were completely destroyed.

Since that time, thousands have been left in a state of virtual homelessness. Many have moved in with their relatives and friends; others have been placed in temporary housing.

Mr. Chairman, my colleagues may recall The Washington Post article which described the typical day of these families who have found themselves without a home. They may recall that there was a young girl living in a trailer park near Tarboro, North Carolina, who was forced to do her homework outside in the snow because a trailer

housing six family members was too crowded and stuffy.

Many of those families are still in trailers, trailers that did not provide sufficient warmth in the winter, trailers that must be unbearable as we face drought-producing heat this summer.

Imagine, Mr. Chairman, having to do without those things that we take for granted: the ease of transportation, the pleasure of recreation, the convenience of communication. For many of the flood victims in North Carolina, those things are incidental to us, but they are a luxury to them. That is because they have no permanent place to live; no expectation of a permanent place to live in the future.

This amendment will not require any new spending, but it will provide new hope. It does not require any new spending because it makes use of the funds already available through the Department of Agriculture for housing. It provides new hope because, through a pilot demonstration program, it will provide the use of modular housing to rehouse low- and very low-income elderly families who have lost their homes because of a major disaster.

Mr. Chairman, what is modular housing? Modular housing is no different from site-built housing. Modular housing is highly engineered; however, it is built offsite and then moved on-site. In the end, a modular house looks no different than a site-built home. Modular housing can be constructed very quickly and affordably. Modular housing can be constructed in less than a month in some times. Site-built homes take at least 3 months.

The reasonable cost of a modular house is as low as \$45,000. On the other hand, a reasonable cost for a comparable site-built house would be at least \$100,000 or more. Modular housing is of equal and sometimes even better quality than site-built housing.

At the end of this demonstration project, we will be able to determine the timeliness, the quality, the suitability, the efficiency, and the cost of utilizing modular housing in disaster-affected areas.

In April, this House passed H.R. 1776 by a vote of 417 to 8. Title XI of that bill contains the Manufactured Housing Improvement Act. Under that act, every State is required to have a comprehensive installation program within 5 years.

Mr. Chairman, modular housing is the wave of the future. But for the flood victims in eastern North Carolina, it is a hope for the present. Eastern North Carolina is in crisis. The destruction has been enormous. The needs are great. The situation is urgent.

This amendment will not solve every problem for all in North Carolina as a result of the flooding, but it will help to normalize the housing situation for some of our elderly citizens. More importantly, it provides hope and it will

indeed provide the housing that thousands of our citizens need. I urge the acceptance of this amendment.

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

Mr. Chairman, I thank the gentlewoman from North Carolina for her interest in rural housing and her continued strong support for rural development programs. And on behalf of the gentleman from New Mexico (Chairman SKEEN), our side will accept this amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would like to thank the gentleman from Iowa (Mr. LATHAM) and the majority, along with the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, for accepting this very worthy amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

I cannot think of another Member who comes up to me as much as the gentlewoman from North Carolina does to carry the plight of those from North Carolina who have been suffering from this hurricane, from floods, from low prices. We need more Members like the gentlewoman in this Congress.

Mr. Chairman, I want to say to the people of North Carolina who sent her here, they have really gotten their money's worth. This woman works every day, 24 hours a day for her constituents and for this country. And this particular initiative to try to provide modular housing to people who have been very damaged by disasters in North Carolina is but another example of the kind of work that she does here.

So my compliments to the gentlewoman for her leadership and her absolute devotion to her State and to her people. And I think that this amendment offers an innovative way to help people who have lost their homes through no fault of their own. And without question, it is the responsibility of the people of the United States to help our fellow brothers and sisters around this country who are trying to live under the weight of natural disasters over which they have had no control.

Mr. Chairman, I commend the gentlewoman for her real leadership coming to this committee, both sides of the aisle, and crafting a very worthy amendment like this. She obviously has the support of both sides of the aisle. I extend to her my congratulations.

Mrs. MYRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment because, as my colleagues are probably aware, last fall Hurricane Floyd left a devastating path of destruction in my State of North Carolina. In the days and the months afterwards, thousands of fami-

lies spent endless nights in temporary shelters.

The sad reality is that many of these families are still living in those same temporary shelters, and they have no reason to believe that they are ever going to get a permanent home. Unfortunately, the elderly are more likely to never leave these temporary homes which tend to be dirty, overcrowded and insufficient. These unbearable conditions harm seniors' well-being and health, and there is very little they can do to change their situation.

But, Mr. Chairman, this amendment could change all of that. It is aimed at helping those low-income elderly families in North Carolina who are facing this crisis; and it will allow, through this pilot program, the use of modular housing for these low-income seniors who lost their homes and their livelihoods during Hurricane Floyd.

The good news is the modular homes can be assembled quickly and they are extremely low cost, compared to building a regular site-built home. And further, the amendment requires no new spending, but will go extremely far in helping these victims of this natural disaster.

This amendment is going to be a good first step toward the goal of helping all low-income seniors nationwide who are left homeless after any major natural disaster. I urge support of this amendment in order to help this urgent situation.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

The amendment was agreed to.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentlewoman from Ohio (Ms. KAPTUR), my good friend and a friend of rural America who does a wonderful job.

The Rural Development section of this bill includes language concerning a region of importance not only to the State, but certainly to the county of Tillamook County. In 1996, floods wiped out the rail link from Tillamook County to the largest population center in Portland, which is 75 miles away.

Last year, Congress provided \$5 million from Rural Development to reimburse the port for money that they already spent for the 1996 floods, as well as to make improvements to the rail right-of-way that also serves as Alaska's fiber optic corridor to the lower 48 States.

I am currently working with USDA to ensure that the entire \$5 million is released to the port. Next year, a diverse route will be constructed from Nedonna Beach terminal along 20 miles of railroad right-of-way south of Tillamook, and then east along Highway 6 to Portland.

This section of rail bed was not included in the portion repaired fol-

lowing the 1996 floods and needs immediate upgrades to reduce the risk of service interruption for all users.

The Port of Tillamook Bay needs \$3 million from Rural Development to upgrade the railroad infrastructure and protect the fiber optic telecommunication network. Now, not only does this corridor serve Alaska, but it also serves as a landing for MCI WorldCom's Southern Cross that crosses the Pacific from Australia. There will be two more cable landings next year. Within a short time, Tillamook's communication corridor has become a strategic location for the telecommunication world.

Mr. Chairman, we need to create a diverse route, a redundant loop, to make sure that we guarantee connectivity; and I ask for the committee's assistance in securing this badly needed funding from USDA.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman for bringing this important economic project to our attention. The committee in our report identified this project as one that should be given special consideration by the Department, and I am certainly willing and prepared to work with the gentlewoman to be certain the Department is supportive of this very worthy project.

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Ms. HOOLEY of Oregon. Mr. Chairman, I thank the gentlewoman for her leadership and her commitment to Tillamook County.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the committee for accepting the amendment pertaining to the American Heritage River Initiative. I want to add my support because it is very important initiative. It is an initiative that put decision making in the hands of local officials. It is an initiative that requires no new funding and no new mandate. This is the kind of partnership that we should encourage, not discourage.

The St. Johns River is an American Heritage River because of the grassroots efforts of Republican and Democratic mayors, city council people, and other people throughout the river community. From Jacksonville to Orlando, there is overwhelming support for this designation. This initiative is a great example of how government should work.

We should encourage our Federal agencies to work together and target the kinds of resources available to these river communities.

Florida's St. Johns River runs through the middle of Jacksonville and spans 325 miles of the third district. Republican Mayors John Delaney of

Jacksonville and Glenda Hood of Orlando supported this designation and have formed advisory committees to set priorities for the river.

Later today I plan to submit a newspaper article to the RECORD that ran in the Daytona Beach News-Journal last week. In this article, the reporter talks about how the local officials in Volusia County want the politicians in Washington to stop interfering with their plans.

"This is a real grassroots, community-driven program that is working to bring awareness to the designated rivers," said Pat Northey, Volusia Council member and chair of the river task force for Orange, Seminole, and Volusia County.

She says that the river has already benefited from this designation by giving a small grant to mark the historical elements. This is just one of the many benefits. In Jacksonville, the community has come together behind a plan called the Preservation Project, which would help preserve the sensitive ecosystem in north Florida.

In a letter from Jacksonville Mayor John Delaney, he says "This program has enabled cities and counties in the St. Johns River Basin to identify priority projects and align the projects with existing Federal funding sources. Because of this designation, local governments along the river have worked cooperatively toward the goal of restoring the river and improving their communities."

Mayor Delaney said that, with restricted language, the City of Jacksonville may be limited from obtaining these funds on a competitive basis because Federal agencies would be reluctant to fund any project, regardless of the merit, that could be associated with the Heritage River designation.

He goes on to say that the effect of these riders would punish areas like north Florida for trying to improve the river and surrounding communities.

Mr. Chairman, this amendment was supported by all of the local mayors, city council members, and I am very happy that this committee uses common sense in supporting this amendment.

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

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$184,160,000 of which \$7,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$11,481,000; section 538 multi-family housing guaranteed loans, \$1,520,000; section 515 rental housing, \$56,326,000; multi-family credit sales of acquired property, \$874,000; and section 523 self-help housing land development loans, \$279,000: *Provided*, That of the total amount appropriated in this paragraph, \$11,180,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$375,879,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$655,900,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$28,000,000, to remain available until expended (7 U.S.C. 2209b) of which \$1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$39,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$27,000,000, to remain available until expended for direct farm labor housing loans and domestic farm labor housing grants and contracts. In addition, for grants to assist low-income migrant and seasonal farmworkers, as authorized by 42 U.S.C. 5177a, \$3,000,000, to remain available until expended.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities related to marketing aspects of cooperatives, including economic research

findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives: \$120,270,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available for the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$38,256,000: *Provided further*, That of the total amount appropriated, \$3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,337,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,911,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,911,000 shall not be obligated and \$3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$6,500,000, of which \$2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program.

NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER REVOLVING FUND

For the National Sheep Industry Improvement Center Revolving Fund authorized under section 375 of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 2008j), \$5,000,000, to remain available until expended.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$50,000,000; 5 percent rural telecommunications loans, \$75,000,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$295,000,000; and loans made pursuant to section 306 of that Act, rural electric, \$1,200,000,000 and rural telecommunications, \$120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$25,500,000, and the cost of telecommunication loans, \$7,770,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$31,046,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$2,590,000.

In addition, for administrative expenses, including audits, necessary to carry out the loan programs, \$3,000,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$18,100,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas; in addition, for the cost of direct loans and grants, for a pilot program to finance broadband transmission and local dial-up Internet service \$1,400,000, to remain available until expended: *Provided*, That the definition of "rural area" contained in section 203(b) of the Rural Electrification Act (7 U.S.C. 924(b)) shall be applicable in carrying out this pilot program: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nu-

trition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$554,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$9,535,039,000, to remain available through September 30, 2002, of which \$4,407,460,000 is hereby appropriated and \$5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of any funds made available under this heading by transfer from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), up to \$6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: *Provided further*, That up to \$4,511,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,067,000,000, to remain available through September 30, 2001: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate \$10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional \$5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, up to \$14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than \$6,000,000 of which shall be used for the development of electronic benefit transfer systems: *Provided further*, That once the amount for fiscal year 2000 carryover funds has been determined by the Secretary, any funds in excess of \$100,000,000 may be transferred and made available as follows: \$6,000,000 to programs under the heading "CHILD NUTRITION PROGRAMS", \$5,000,000 to programs under the heading "COMMODITY ASSISTANCE PROGRAM", and \$10,000,000 to programs under the heading "FOOD DONATIONS PROGRAM": *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.),

\$21,231,993,000, of which \$100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That not more than \$194,000,000 may be reserved by the Secretary, notwithstanding section 16(h)(1)(A)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)(vi)), for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, \$138,300,000, to remain available through September 30, 2002: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note), \$20,781,000 of this amount shall be available for administrative expenses of the commodity supplemental food program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, \$141,081,000, to remain available through September 30, 2002.

AMENDMENT NO. 21 OFFERED BY MR. STUPAK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. STUPAK: Page 53, line 9, insert "(increased by \$20,000,000)" after the dollar amount.

Page 56, line 13, insert "(reduced by \$30,000,000)" after the dollar amount.

Mr. STUPAK. Mr. Chairman, I am pleased to offer this important bipartisan amendment with the gentleman from New York (Mr. BOEHLERT). Our amendment adds \$20 million to the USDA's nutrition programs for the elderly meal reimbursement programs; in other words, senior center meals and Meals on Wheels, and offsets this additional spending by reducing international commodity aid. I wish there were some other offset that we could look to, but this was the most logical offset.

Our amendment has the support of the Meals on Wheels Association of

America, the National Association of Nutrition and Aging Services Programs, the TREA Senior Citizens League, the National Council of Senior Citizens, and the National Association of State Units on Aging.

I am sure that all the Members have met and spoken with seniors in their districts, and they have told my colleagues how much they depend on the senior meal assistance that they receive, be it Meals on Wheels or meals at the senior centers.

Senior meal providers receive funding for the meals through three avenues, private donations, Department of Health and Human Services, and USDA meal reimbursements.

Let me explain why the funding increase to the USDA reimbursements is so necessary. Unlike funding from HHS, which is channeled to the States and local providers based on certain formulas, our amendment here through the USDA reimbursements go directly to every senior meal provider for every meal that they prepare.

This amendment is the best way and it is the only way to ensure that there is direct and immediate aid to senior meal providers and the seniors they serve.

Every senior, every meal provider in every district in every city, in every town will get their money, whether they are up in Calumet in the Keewanaw Peninsula or in Traverse City or Alpena in the Lower Peninsula, which makes up my district.

Why do we need this money? Why does this amendment go above the President's request.

The funding for USDA reimbursements has remained fairly constant since 1992. But look at what has happened since 1992 as this chart demonstrates. The amounts, when translated into today's dollars, have steadily been dropping due to inflation. For example, in fiscal year 2000, we allocated \$140 million. In fiscal year 1992, we allocated \$151 million. But in real dollars, what has happened since 1992, it has gone down. We have lost \$40 million from this program in real dollars. It used to be 62 cents they would get for every meal. It is now down to 54 cents. Funding has stayed constant, but the rate of inflation and everything else to prepare those meals have gone up. I do not know how they can do it, but they manage to get by right now at 54 cents per meal.

It is for this reason that the senior meals across the country are suffering, from 62 cents to 54 cents. Pennies per meal but, nationwide, it has effects of millions of millions of meals. If we pass the Stupak-Boehlert amendment, we will go from 54 cents up to 57 cents. We can stop this downhill spiral that we have been on.

Our amendment will allow reimbursements to finally increase. It may only be 3 cents, but it means a lot to

our seniors. I offer this amendment because, like all of my colleagues, I go to senior centers, I talk to my seniors, I talk to my senior meal providers.

Bill Dubord and Sally Kidd of the Community Action Agency in Excanaba, Michigan, they told me their agency is having a tougher and tougher time just trying to keep their head above water to provide their seniors meals. I am sure many of my colleagues have heard the same stories and hardships when they go home.

The bottom line is this, our senior meal providers need more money to provide senior meals. An increase in USDA reimbursements will give them more money, from 54 cents to 57 cents. They will be able to provide more meals. More meals mean more help for the seniors. It is really that simple.

Now, again, to pay for this amendment, we have taken less than 3 percent from an \$800 million program, the international commodity aid. I fully recognize the legitimate need for these funds by people of other nations, but before we provide to needy persons in other countries, let us ensure that our own seniors are provided for and protected.

When my colleagues are casting their vote, I hope all the Members will think of the seniors they have met back home, the senior meal providers they have spoken with. Cast a vote for them and support the Stupak-Boehlert amendment.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Michigan (Mr. STUPAK).

I am sure that the amendment was offered with good intentions, but, Mr. Chairman, if this amendment passes, not a single additional meal would be served to anyone. Allow me to explain why.

The USDA role in this program is to supplement the Department of Health and Human Services with cash and commodities on a per-meal basis for each meal served to an elderly person. The amount reimbursed at the current year level is about 54 cents per meal for 259 million meals. There was an increase of \$10 million in the budget request for an additional 20 million meals to be served.

This bill contains language that allows the Department of Agriculture to transfer \$10 million out of excess WIC carryover funds, that is money that the WIC program cannot spend, and to allow the reimbursement of 54 cents to be maintained in fiscal year 2001. If we add \$20 million to this account, as this amendment seeks to do, all we will be doing is increasing the reimbursement per meal from 54 cents to about 57 cents. But HHS will still serve the same number of meals. Furthermore, the corresponding budget request from HHS did not request an increase in their budget.

Now, the gentleman's amendment seeks to cut \$30 million out of the P.L. 480, Title II program. Some may take this amendment to mean that the choice we are being asked to make is between a domestic feeding program versus an international feeding program. Just for the information of my colleagues, the commodities shipped abroad through the P.L. 480 program are grown all across America, such as wheat from Kansas, Nebraska, Montana, Washington, Iowa, and Texas; rice from Missouri, Arkansas, Mississippi and California; dried beans and peas and lentils from Michigan, Montana, and Idaho; and other commodities like feed grains, vegetable oil and corn and soy meal. This amendment would cut funds to purchase these commodities and would hurt farmers who are already financially strapped.

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In addition, this cut would reduce the amount of funds to private voluntary organizations that help to oversee this program to ensure that food gets to where it is needed most, and this amendment would also cut funds to shipping companies that transport these commodities.

Mr. Chairman, I understand what the gentleman's intent is, but this amendment does not do what the gentleman intends, and I oppose the amendment.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in very reluctant opposition to this amendment, mainly because of the offset and not because of the worthiness of the gentleman's objective here in trying to lessen the burden on seniors who participate in our elderly feeding programs.

I have to say to the gentleman from Michigan (Mr. STUPAK) that I have the highest regard for him and for his trying to be a voice here so ably for all the seniors of our country and their nutrition needs. But for the record I do want to point out that our subcommittee, under great strain, was able to meet the administration's request for all feeding programs, including the elderly feeding program. And, in fact, because we were able to transfer funds, \$10 million from other accounts, we were able to increase the amount of funds available in this account from \$141 million that is being spent this year to \$151 million next year. So that is an increase, and that would help tick up the amount of funds available across our country.

Since 1993, the program that the gentleman wants to take the money from, the PL-480 program, has been cut by nearly half, and for this coming fiscal year, even in the bill we are presenting today, we are \$37 million below the administration's request in an account that has been reduced by 42 percent over the decade of the 1990s. So I would beg of the gentleman to find another offset.

I think I sort of feel he is doing half right and half wrong here. Because with the crisis we have in rural America, one of the ways that we are able to help is to use the PL-480 program, as underfunded as it is, to move these commodities around the world. We are certainly moving commodities around our country to our feeding kitchens, to our pantries around the Nation, and through our humanitarian programs; but to take the money from this account really is almost like taking the money from programs that feed starving people and putting it into programs for those who are participating in nutrition programs here in our country that will be funded at the administration's request.

So I am very torn by the gentleman's amendment. I would only encourage him to, as we move toward conference, to work with us on the subcommittee to see if we cannot find other offsets for the gentleman's very worthy request. I would also mention that his amendment might result in increasing the reimbursement rates for senior meals from 54 cents to 57 cents. While local program operators might have legitimate expenses, I guess one could question the real value of this amendment in terms of actual dollars that would be available at the various feeding sites.

So, please, recognize our objection to this is stated very reluctantly only because of the account that it is being taken from, which is not only underfunded for this next year, and does not meet the administration request, but which has been cut by 42 percent since 1993. I would just encourage the author to seriously look at other offsets.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the greatest respect for the gentleman from Michigan, and like the gentleman was talking about, I, too, visit a lot of senior citizen centers. And also one complicating factor is that my mother attends these on a regular basis, so it becomes quite personal. But I would really like to associate myself with the words of the gentlewoman from Ohio, and her point is exactly right.

In the bill this year we do have the flexibility to increase funding for this program by \$10 million, which fully funds the President's request for this program. And I think everyone in the House is in full agreement that we need to fund the seniors' feeding programs to the full amount. I think we have done that in the bill. And like the gentlewoman from Ohio, my big problem is that we are taking funds out of an account that is already reduced by \$37 million this year. So to cut another \$30 million out of this would be extremely harmful, I believe.

When we look at PL-480 and the benefits it gives around the world to peo-

ple who are starving to death, I think it is very, very important. And I think if we talked to most senior citizens, if it meant the difference between 2 or 3 cents a meal, they would also say that people who are dying of starvation probably need as much help as possible, and they would be willing to possibly even forfeit the 2 or 3 cents a meal to make sure that does not happen.

Also, I think it is very important that the Members are aware of the people who stand in opposition to this amendment, like The Coalition for Food Aid, and groups such as Catholic Relief Services, Save the Children, World Vision, and CARE. All very much oppose this amendment because of the devastating effect it would have as far as their feeding programs around the world.

So, Mr. Chairman, while I have great empathy and concern for the seniors' feeding programs, I think with the facts as they are, that we are fully funding the feeding program at the request of the administration for this program, and the detrimental effect this amendment will have as far as our PL-480 programs, food for peace around the world, I must strongly oppose this amendment.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stupak-Boehlert amendment to increase funding for the USDA's nutrition program for the elderly by \$20 million. This vital program helps provide over 3 million senior citizens with nutritionally-sound meals in their homes through the Meals-on-Wheels program, or the senior centers, churches, and fire halls, through the congregate meals program. These programs are facing financial hardships, and a smaller percentage of needy seniors are being fed.

Quite frankly, the President's request is not adequate. This program has been flat funded since 1997. With the number of seniors growing, the demand for Meals-on-Wheels funding has continued to increase. The National Association of Nutrition and Aging Service programs recently testified before the subcommittee that 34 percent of their member programs indicate they have a waiting list for home-delivered meals. It is only sensible that if they have more money, they are going to be able to serve more seniors.

The increase provided by this amendment is long overdue, and the need for this program is quite real. Participants in this program are disproportionately poor. Thirty-three percent of congregate meal participants and 50 percent of home-delivered meal participants have incomes below the poverty level. A majority of Meals-on-Wheels participants live alone and have twice as many physical impairments as the average elderly person.

The nutrition program not only feeds seniors in need, but also allows these seniors to remain connected to their communities. Congregate meal sites give participating seniors the opportunity to socialize with members of the community, and Meals-on-Wheels volunteers deliver meals to frail and sick and home-bound seniors who are in greatest need of assistance.

This amendment offsets the urgently needed seniors meal program by reducing funding for a foreign assistance program. I do not doubt the need for these funds by people of other countries, but I want to ensure that our seniors are given the highest priority. The fact of the matter is that the foreign assistance program would still receive \$770 million after our amendment passes.

But I have a deal. I agree with the distinguished gentlewoman from Ohio, who was rather eloquent in stating that she likes this program, the congregate meals program, the Meals-on-Wheels program, but she also likes the foreign assistance program. We have great confidence in the good judgment of our distinguished chairman and our ranking minority member. There is flexibility as they go into conference. So I would suggest that we pass this amendment, give them the flexibility, and they know better than we do, so maybe they can find some other offset.

The Stupak-Boehlert amendment is endorsed by the National Council of Senior Citizens, the Meals-on-Wheels Association of America, the Senior Citizens League, the National Association of Nutrition and Aging Services Programs, and the National Association of State Units on Aging. This amendment represents a small investment in a program that helps to fight the malnutrition and isolation far too many of our seniors face.

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

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

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding to me.

With regard to some of the concerns about our amendment, and I have the utmost respect for the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), but this program here, after being flat for so many years and actually losing money in real dollar amounts, we cannot just turn our backs and continue to pretend it is not happening.

To put the issue in proper perspective, the Meals-on-Wheels Association has endorsed our legislation, the Stupak-Boehlert amendment, and they have said, "Because America's elderly population continues to be the fastest growing segment of the population, demands on nutrition programs for the elderly are increasing." So what are we doing? Our funding is staying flat and actually losing in real dollar amounts every year.

The most comprehensive national studies to be conducted in recent years found that 41 percent of home-delivered meals had waiting lists. The relatively small investment, and as they said, what would three pennies mean, three pennies in meal programs that our amendment would provide would pay substantial dividends in helping to target malnutrition and isolation in the elderly, improving their nutritional and health status, and enabling many seniors to be able to stay in their home because they got a good meal.

While I appreciate the increase of \$10 million that the administration has put in, that only puts us even with last year. Throw in inflation, and we are behind the 8-ball again. Let us pass the Boehlert-Stupak amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the gentleman from Michigan and the gentleman from New York for this amendment, and I rise in support of the Meals-on-Wheels amendment to counter skyrocketing gas prices.

The gentleman from Michigan (Mr. STUPAK) is right, when we look at this chart, at how our senior citizens really are beginning to suffer from the gradual decrease in constant dollars that are spent for this important program. Currently, Meals-on-Wheels reimbursements have been steadily dwindling to the current rate of about 50 cents per meal. Consequently, Meals-on-Wheels is suffering from a severe loss of food purchasing power and funds to cover mileage reimbursements.

Our Nation's elderly are lifetime taxpayers, and it is our duty to provide our elderly citizens the basic human services which they are entitled to. However, high gasoline prices are straining the budgets of the Meals-on-Wheels program and destroying the volunteer delivery networks the program depends on.

People in the Midwest are very familiar with this, because last week we had gas prices over \$2 a gallon and now it is over \$1.80 a gallon. We are now in a condition where many people who would deliver the Meals-on-Wheels are finding that they cannot afford to do it. Now, think about what that means. We have this great program, and yet people are finding they cannot participate in it.

In light of the recent increases in gas prices, volunteers cannot afford to provide their services and meals cannot be delivered. The Meals-on-Wheels program is in danger of losing both its volunteer and paid labor base.

Now, this is not a hypothetical situation. Again, back to the Cleveland area and a city called Westlake, which is in my district. I received a letter from the director for the Department of Senior and Community Services for the City of Westlake. Here is what she has told me in part.

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"As you know, many of the volunteers for Meals on Wheels are themselves older adults on fixed incomes. One such couple travels almost 100 miles in a rural area to deliver meals. They are considering resigning because they cannot afford to volunteer."

Think of what that means. People who want to help their fellow human beings who get a good feeling out of delivering meals to the elderly and suddenly, because of these high costs of fuel, gasoline, they are suddenly in danger of not being able to afford to do it.

Now, this amendment offered by the gentleman from Michigan (Mr. STUPAK) would offset, under Title III of the Older Americans Act, monetary donations made to the program to cover increasingly high fuel costs by providing more food purchasing power and mileage reimbursement funds.

In increasing the program's reimbursements, the amendment will alleviate the enormous burden faced by many volunteers who are increasingly unavailable to aid in the delivery of meals to millions of senior citizens through the high fuel cost.

If funding through the USDA adequately covers the Meals on Wheels program, then their food purchasing power will be strengthened and their labor base will be secured.

Mr. Chairman, if the gentleman from Michigan (Mr. STUPAK) would like to comment in the time that remains, I would be happy to yield to him because I know the work that he is doing on this is so important. I know the elderly in my district are very concerned about what is going to happen to the Meals on Wheels program.

Mr. Chairman, I yield to my good friend, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Ohio for yielding.

Mr. Chairman, again, this is a good discussion we are having because we have got valuable programs here that we are trying to save. But as the chart clearly shows, in real dollars we keep going backwards; and while we may have put \$10 million in, that just made us even with last year.

Throw in the rate of inflation. Throw in the point that my colleague made about the increase of gas for Meals on Wheels just to deliver and we are going further and further behind.

With the largest increasing part of our population being senior citizens, they cannot stay even, they cannot regress. We have to move forward with this funding.

Again, we are taking 3 percent from a \$800 million program. There is still \$770 million left in that program, and we are at \$140 million for senior meals. We are saying just give us a little extra.

Now, they say bring up all their offsets. The gentleman from Ohio (Mr.

KUCINICH), the gentleman from New York (Mr. BOEHLERT), myself, the authors of this amendment, we will sit on the Committee on Appropriations. If they want to turn over the power to us and make the offsets, we will be happy to. We would love to.

But, in all seriousness, we tried to work on this one. And amongst friends there has to be disagreements. We feel we have to take care of our senior citizens here at home first and make sure that their nutrition needs are met so there is not the malnutrition we see with senior citizens, especially in rural areas, the inner city areas, and the isolation of seniors, bring them to the senior centers and bring that meal in to them.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stupak-Boehlert amendment to H.R. 4461, because I believe the Congregate and Meals on Wheels programs are in need of additional funds.

There are few communities within the country where a senior nutrition program does not exist, and the demands on nutrition programs for the elderly is increasing.

Few programs can boast the importance to the elderly and overwhelming success as the senior nutrition programs.

I became deeply involved in this issue last November, when I became aware that the Agency on Aging in my district began cutting back the Congregate Meals program after having exhausted their reserve funds.

In the face of a potential crisis, the State of Connecticut and local governments agreed to make up the financial shortfall for this year. The additional State and local funds are allowing the Agency to temporarily overcome the financial shortfall and enabling providers to serve the same number of meals this year as were served in 1999.

While this financial contribution is significant and speaks volumes about the importance of the Congregate Meal program to seniors in Connecticut, it does nothing to prevent similar funding shortfall from occurring next year and the year after that.

This body has an obligation to ensure that senior nutrition programs are adequately funded. I hope we can all recognize that Congregate and home delivered meals programs need assistance, and that this House has the good sense to act favorably on this amendment.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Stupak-Boehlert bill to add \$20 million to the Meals on Wheels Program.

This amendment adds much needed funds to a program that truly plays such a vital role in communities across this country. Meals on Wheels improves the physical and the mental

health of seniors in our communities. It provides them with a balanced, nutritious, and appealing diet.

Last year the program brought over 1.9 million meals to almost 10,000 seniors and the disabled in Connecticut alone.

The West Haven center in my district distributed 1,000 meals a day to homebound citizens of 15 towns throughout south central Connecticut, 200,000 per year.

I might add that Mayor Borer, the mayor of West Haven, Connecticut, and myself last year went on the Meals on Wheels truck, went place by place and helped to deliver the meals. And it was amazing. This program is a lifeline for people. It is one of the most remarkable experiences that I have had in being a Member of this House.

Meals on Wheels helps those elderly who find themselves homebound, unable to go out and shop for their own food. It allows seniors who would have been forced into a nursing home to stay in their home and maintain their dignity and their independence. It helps to lower health care costs while allowing seniors to retain that independence.

It also fills an important need in the community for the preservation of ties with our elders. By providing seniors with essential food every day of the week, sometimes, I might add, the only hot meal an elderly citizen receives, it builds important links and relationships between the men and women who deliver the meals and the seniors who take advantage of the program. In some cases, these people are the only visitors that seniors get all day.

Meals on Wheels is truly an example of neighbors helping neighbors.

I call on my colleagues, support the Stupak-Boehlert amendment, support a program that provides an essential safety net to millions of seniors and strengthens the community ties between generations.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Is there objection to the gentlewoman speaking for an additional 5 minutes?

There was no objection.

Ms. KAPTUR. Mr. Chairman, I probably will not take the full 5 minutes. But I did want to commend our colleagues, the gentleman from Michigan (Mr. STUPAK) and the gentleman from New York (Mr. BOEHLERT) for bringing that chart to the floor that shows the discretionary cuts that have affected all programs, including elderly feeding programs, across this country.

As we look at the revenues that the Government of the United States is receiving now and the work of all of our committees, without question, every single American sacrificed in order to put the accounts of this Nation in order. These programs got hurt just as

much as many other programs in our country. So these decisions to move us toward a surplus position have not been easy decisions.

We are now at the point where we can more openly look at ways to expand worthy programs. And this certainly is one that has gotten the attention of the subcommittee. And believe me, I give my word to the gentleman from Michigan (Mr. STUPAK) and to the gentleman from New York (Mr. BOEHLERT), who have worked so diligently to bring this to the attention of the membership, that, but for the offset, I certainly would be one Member who would be working 150 percent of my energy in trying to help them find a way to expand these worthy programs for feeding our senior citizens.

I thank the gentlemen for their respectful leadership on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The amendment was agreed to.

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

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$116,392,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$3,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to carry out a Colonias initiative without the prior approval of the Committee on Appropriations.

AMENDMENT NO. 62 OFFERED BY MR. REYES

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. REYES:

Page 53, beginning line 25, strike “: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to carry out a Colonias initiative without the prior approval of the Committee on Appropriations”.

Mr. REYES. Mr. Chairman, I offer an amendment to bring much needed assistance to some of the poorest communities in our Nation. My amendment will strike the provision in the bill that prohibits funding in the bill or any other bill from being available to carry out a colonias initiative without prior approval of the Committee on Appropriations.

“Colonias” is a Spanish term for “community.” Along our Southwest

border, it is the name for U.S. communities that lack basic water and sewer systems, power, paved roads, safe and sanitary housing, health care, and adequate educational, recreational, and employment opportunities.

There are more than 1,500 of these third-world-like communities in our Nation, with more than half a million people in California, Texas, New Mexico, and Arizona. These communities sprung up because of a lack of affordable housing, unscrupulous land development, and neglect of our border region.

Because of a lack of basic service, poverty is extreme in our colonias. Fifty percent of the residents are below the poverty level, with average family income of about \$12,675. Moreover, 40 percent of colonia residents have less than a ninth grade education and unemployment exceeds 40 percent.

The health of these citizens is terrible due to contaminated wells, poorly constructed septic tanks, and the difficulty in buying water from private vendors.

This situation is a tragedy that has never been properly addressed. Eighty-five percent of colonia residents, Mr. Chairman, are United States citizens, and 40 percent of those residing in our colonias are children. Devastating diseases are prevalent in the colonias, with hepatitis and tuberculosis at rates of between 30 and 50 percent.

Colonia residents are part of our Nation, and we have a moral obligation to give them the basic essentials we expect for all of America’s children.

The need to allow USDA to implement programs and initiatives to help address the severe problems of colonia residents is very critical.

One such program is the Partnership for Change-Colonias Initiative, which was a pilot program which began in Texas bringing together Federal, State and local governmental entities and nonprofit groups to create a unified colonia strategy.

This strategy called “Partnership for Change” addresses the multitude of colonias issues including housing, health, nutrition, and employment issues. The “Partnership for Change” uses innovative approaches to ensure that food and nutrition services reach colonia residents. Because colonias are remotely located without proper roads, colonia residents are simply unable to retain these kinds of services.

In response, the “Partnership for Change” built an additional seven WIC clinics directly in the colonias serving an additional 5,200 residents. It has also purchased vans to transport clients to assistance centers and coordinated traveling food pantries.

My amendment will allow strategies such as this to go forward without the continuous need to obtain committee approval.

If the committee has problems with the way programs like this are administered, the proper approach is to have

the committee discuss the various aspects with the USDA rather than continually require this prohibitive requirement before colonia initiatives can go forward.

Every American family, regardless of where they live, should have the basic essentials of water, roads, housing, and a health environment. Otherwise, we allow a cycle of poverty and disease to continue despite having the resources to make an enormous difference.

While the rest of our Nation is reaping the benefits of a booming economy and budget surpluses, colonia residents are struggling barely to survive. This is unacceptable, and we can do much better as Americans.

I, therefore, ask all Members to support my amendment and to show their commitment to our fellow Americans who are having to overcome unbelievable obstacles and to give the USDA flexibility to use innovative approaches to provide additional outreach and coordinated efforts to colonia residents.

I ask all Members to vote yes on my amendment.

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

Mr. Chairman, I accept the gentleman's amendment. I have always enjoyed working with the gentleman from Texas (Mr. REYES), my compadre, and will continue to do so on this important issue.

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

Mr. SKEEN. I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, I just want to say that I appreciate the hard work. We have always worked together, and I appreciate the opportunity to work through this very critical issue. I thank the gentleman, as well as the rest of us who understand the necessities that Colonias have, and I really appreciate the gentleman working with us on this.

Mr. SKEEN. We have done a whole lot of hard work on it, particularly under the leadership of the gentleman from Texas (Mr. REYES), and I am glad to work with him.

Mr. RODRIGUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take 5 minutes. I just want to thank the gentleman from Texas (Mr. REYES) on his efforts and all the congressmen, the representatives from California, New Mexico, Arizona, and Texas. I want to just emphasize the importance of the amendment that the gentleman from Texas (Mr. REYES) had, and I want to put it in perspective in terms of an analogy.

The particular language that it would prohibit the Colonias initiatives unless the appropriations funded it, I

want the gentlemen to think about the way it was, and I am real pleased that it has been eliminated because if that same kind of language was there, say, that was in the Department of Commerce, and a chamber of commerce or a particular corporation was prohibited, it would be said that it was discriminatory. If that same kind of language was in the Committee on Veterans' Affairs, and it would be said that funding would be prohibited from the veterans to go to specific veterans, it would be said that that was discriminatory.

If that same kind of language was in the Department of Transportation and it said that particular resources would not be able to be spent in a specific community, it would be said that that was discriminatory.

So I want to thank the gentleman for agreeing and being able to remove that language from there because there is no doubt that the Colonias need a lot of help, and I know everyone on the border recognizes the importance of providing resources and access just like anyone would have those opportunities.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to thank the chairman of the subcommittee, the gentleman from New Mexico (Mr. SKEEN), for his sympathy to this proposal in support of the Colonias initiative. I wanted to also thank very deeply the members of the Hispanic Caucus, and Shirley Watkins at Food and Nutrition Service at the U.S. Department of Agriculture for really helping us to begin to carve out a new initiative that would reach some of the most forgotten people in America.

I want to commend the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. ORTIZ), and the gentleman from Texas (Mr. RODRIGUEZ) for their strong leadership on this proposal and to say that we look forward to working with them as we move toward conference to really make sure that this Colonias initiative is not forgotten.

Some of the aspects of this proposal involve such initiatives as piloting breakfast and after-school snack programs right on the bus, as children are being driven to and from school because it is so difficult sometimes to reach many of the children who live in these areas, and also taking a look at how we could use traveling food pantries to reach some of the more isolated individuals of all ages who live in the Colonias.

The proposals also take a look at organizing farmers markets, which is a real strong interest of my own, to make sure that good, fresh produce and farm-grown products from the State of Texas or New Mexico or wherever the Colonias are located are organized near

where the people live; and to make sure that locally grown produce, some of it perhaps raised by local farmers, would be able to be used in the school programs in those areas responding to some of the ethnic preferences for food that may differ in different parts of the country, depending on people's preferences; and working with USDA to look at an interactive Web site to link various partners and Colonias advocates and others to share success stories and communicate accomplishments of the existing projects in Texas.

So there are so many aspects to this, and we are at the very beginning of it; but I think it is such a wonderful proposal and one that we are going to take step by step and really try to reach among some of the lowest-income people in America. I never like to say poorest because there is a richness of heritage there and a richness of hope in every community in America, but if we can help people have better nutrition for their children, where their children can learn and they can have a better way of life, food is one of the most basic needs, and certainly contribute to better health.

This is such an exceptional opportunity to reach many of these families. The proposals for refrigerated trucks, for example, even finding trucks that have been used perhaps in business and are not brand new but even used trucks, almost like we put book mobiles in some of the underserved rural areas of America before, to do this in the Colonias is just so practical and so achievable.

We want to thank Shirley Watkins from the Department of Agriculture for working with our Hispanic Caucus, with the Congressmen and women who have supported this here.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to be here joining my good friend in support of the second amendment of the gentleman from Texas (Mr. REYES) on Colonias, and delighted to see that our good friend, the gentleman from New Mexico (Mr. SKEEN), has been so supportive of the work that we are all trying to do to improve life in Las Colonias.

Mr. Chairman, I rise today to bring awareness to a very important issue to my district in south Texas and all along the United States-Mexico border. The continuing plight of Colonias is what I wish to speak on. As my good friend, the gentleman from Texas (Mr. REYES), noted, Colonias are substandard housing developments in America, with many homes which have no water, sewer or utility hook-ups. United States citizens are forced to buy property without these essential services because of chronic housing shortages in high-poverty areas.

For example, in the fifteenth district of Texas, my own district, we have the

third fastest growing metropolitan statistical area in the Nation. We also have the third highest rate of poverty.

This unique situation creates a hardship on the children and families that live in Colonias.

A group in Texas called the Las Colonias Project has worked to bring national awareness to this vital issue but more, much, much more must be done.

If we will look at this chart, we will see the numbers that are staggering. There are more than 1,500 Colonias along the United States border with Mexico with more than 400,000 residents. All these facts is the type of national awareness that we are trying to bring to the House floor today and in a bipartisan way be able to bring resources to be able to correct the deficiencies that exist in these Colonias.

While I cannot support getting money for this program at the expense of the USDA Wildlife Services program, an absolutely worthwhile program, I do urge Members to support funding for the serious problem of Colonias.

I know we can find both a way and the money to do this.

Mr. ORTIZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to compliment the gentleman from Texas (Mr. REYES) for bringing this issue not only to the floor today but before, when he was able to bring some young children from Colonias to testify before Members of Congress. I would like to also thank my good friend, the gentleman from New Mexico (Mr. SKEEN), for doing a great job, him and his staff; the gentlewoman from Ohio (Ms. KAPTUR), from our class of 1983; and the staff, thank them for being able to understand the seriousness of the problem that we have.

I do not want to continue to belabor the issue, but it is a very, very serious issue along the border.

These children have tremendous potential. With all the obstacles and pitfalls that they face on a daily basis, some of them make the national honor roll. They make the Boy Scout troops, with all these obstacles.

So we do have tremendous potential if we can help them by providing all these services so that they will never lose sight of the fact that they can become productive citizens. Again, I would like to thank my colleagues, the gentleman from New Mexico (Mr. SKEEN), members of his staff, my good friend, the gentlewoman from Ohio (Ms. KAPTUR), for all they have done in bringing this issue to the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

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

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$150,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$109,186,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit arrangements under said Acts, \$114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 83-480 are utilized, \$1,850,000, of which not to exceed \$1,035,000 may be transferred to and merged with "Salaries and Expenses", Foreign Agricultural Service, and of which not to exceed \$815,000 may be transferred to and merged with "Salaries and Expenses", Farm Service Agency.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended, \$20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts.

PUBLIC LAW 480 GRANTS—TITLES II AND III

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended, \$800,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act, of which up to 15 percent may be used for commodities supplied in connection with dispositions abroad under title III of said Act.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Page 56, line 17, insert before the period the following: ", and of which \$1,850,000 may be used for administrative expenses of the United States Agency for International Development, including expenses incurred to employ personal services contractors, to carry out title II of such Act (and this amount is in addition to amounts otherwise available for such purposes)".

Ms. KAPTUR. Mr. Chairman, I rise to offer this amendment which has to do with the way in which our Food for Peace commodities are delivered in other countries. Essentially, what this does is it allows the U.S. Agency for International Development, which is a part of the Department of State, to hire contractors in-country for this work on PL-480, title II commodities, just as the U.S. Department of Agriculture does.

During hearings on these important humanitarian programs, it became very clear to us on the committee that the U.S. Agency for International Development does not have the same ability to hire contractors in-country to work on the Food for Peace program that USDA has.

I know this sounds like kind of a technical bureaucratic problem but, in fact, it is; and we worked with AID and the chairman to identify the best way to correct this problem.

I want to thank the chairman deeply for his support. We want to make sure that when wheat or soy meal or any product is delivered to a very needy country that the private voluntary organizations that are there and AID contractors are able to find the most efficient way to get food into the villages, to the people, maybe refugees, living very far from the point where the food actually comes to port.

AID is having particular problems with this, we think simply because the legislation was written in a way that AID and USDA are under different committees here in the House.

Truly, with many of the private voluntary organizations doing this work in-country, which is one of the most risky jobs in the world, because they go into areas sometimes that are war torn, deep in-country. It is not easy work. We have had plane crashes around the world where many of these volunteers are going. All we are trying to do is to find a more efficient way to help them do the job that all of us want to do and that is to bring food to hungry people.

□ 1845

No bureaucratic snafu should prevent that kind of person-to-person assistance from occurring. We still want to find a way to allow greater authority for the Department of Agriculture, to use administrative funds in countries to provide and monitor food assistance in needy areas of the world. Essentially, this would provide additional

contracting latitude to the U.S. Agency for International Development, so it parallels what USDA is able to do in moving these commodities to people that truly need them.

Mr. Chairman, I want to thank the gentleman from New Mexico (Mr. SKEEN) very, very much for his cooperation and participation in this.

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

Mr. Chairman, this amendment will help provide more effective and more efficient administration of our food aid programs overseas. I thank the gentleman for taking this initiative and recommend to the House that it be accepted.

Ms. KAPTUR. Mr. Chairman, if the gentleman from New Mexico (Mr. SKEEN) will yield, I thank him truly on behalf of all the people that this will help.

Mr. SKEEN. Mr. Chairman, it is a pleasure doing business with the gentleman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMODITY CREDIT CORPORATION EXPORT
LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service" and \$589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

TITLE VI

FOOD AND DRUG ADMINISTRATION AND
RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN
SERVICES

FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES
(INCLUDING RESCISSION)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$1,267,178,000, of which not to exceed \$149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: *Provided*, That no more than \$104,954,000 shall be for payments to the General Services Administration for rent and related costs: *Provided further*, That of the funds appropriated for "Food and Drug Ad-

ministration Salaries and Expenses" under Public Law 106-78, \$27,000,000 is hereby rescinded upon enactment of this Act.

AMENDMENT NO. 42 OFFERED BY MR. KUCINICH

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

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 42 offered by Mr. KUCINICH: Page 58, line 4, insert after the colon the following: "*Provided further*, That \$500,000 is available for the purpose of drafting guidance for industry on how to assess genetically engineered food products for allergenicity until a predictive testing methodology is developed, and reporting to the Congress on the status of the guidance by September 1, 2001; for the purpose of making it a high agency priority to develop a predictive testing methodology for potential food allergens in genetically engineered foods; and for the purpose of reporting to the Congress by April 30, 2001, on research being conducted by the Food and Drug Administration and other Federal agencies concerning both the basic science of food allergy and testing methodology for food allergens, including a prioritized description of research needed to develop a predictive testing methodology for the allergenicity of proteins added to foods via genetic engineering and what steps the Food and Drug Administration is taking or plans to take to address these needs:".

Mr. KUCINICH. Mr. Chairman, food allergies are a serious health concern, 2.5 to 5 million Americans have food allergies. Common food allergies include milk, eggs, fish, seafood, tree nuts, wheat, peanuts, soybeans.

The health impacts of a food allergy range from itching to potentially fatal anaphylactic shock. We all know people who have food allergies. People learn about their food allergies by way of the trial and error method. If they eat a food a few times and react to it, each time they know they are allergic to it.

Now, with respect to genetically-engineered foods and known allergens, things get much trickier with foods that have been genetically engineered.

Scientists at the University of Nebraska inserted a Brazilian nut gene into a soybean. The study showed that people allergic to Brazil nuts, which is a common allergy, are also allergic to soybeans that have been modified by the Brazilian nut gene.

The scientists concluded that allergens from one food can pass to another and harm anyone with that allergy who unsuspectingly eats genetically-engineered foods.

Genetically-engineered foods have this problem with unknown allergens. The problem is very complicated. Most biotech crops on the market today were inserted with genes from things we have never digested before. Now, here is a picture of bacteria.

Most crops engineered today are engineered with genes from bacteria. Are

we allergic to this? Scientists do not know. Are we allergic to these new foods? The huge genetic pool of possibilities to engineer in the world have not been tested for allergies.

As a matter of fact, it may surprise my colleagues to know that over a 100 million acres of crops last year in the United States were genetically engineered.

There are huge challenges with allergy testing. Allergy testing for unknown allergens is difficult if not impossible. Here is a report from the National Academy of Sciences.

The National Academy of Sciences states in this report, allergenicity is difficult to test. They go on to say that tests for possible allergenicity either are indirect, do not involve adverse effects, or are otherwise problematic for testing of novel proteins that have not previously been components of the food supply.

Researchers from the Clinical Immunology and Allergy Section of Tulane University Medical Center state, and I quote, "The most difficult issue regarding transgenic food allergenicity is the effect of transfer of proteins of unknown allergenicity."

In other words, if we are allergic to Brazil nuts, the Brazil nuts gene is in soybeans, we respond to the soybean; and we do not even know that it has a Brazil gene in it. The challenge is to determine whether these proteins are allergenic as there is no generally accepted, established, definitive procedure to define or predict a protein's allergenicity.

We all know that old saying, what you do not know cannot hurt you. We have all heard that. What we do not know cannot hurt you. But in this case, what you do not know can, what you do not know can hurt you.

The FDA is unfortunately failing to protect Americans. Unfortunately, the Food and Drug Administration admittedly having taken a pro-biotech position have completely dropped the ball on the serious issue of unknown and untestable allergens.

In my hand, this is a 700-page transcript of an FDA conference on this very topic from 1994. The document clearly acknowledges that unknown allergens are difficult to test for. My amendment instructs the FDA to continue the scientific research on this topic and draft guidance from the industry on how to assess genetically-engineered food products for allergenicity until a predictive testing methodology is developed and report to Congress on the status of this issue.

The CHAIRMAN. Does the gentleman from New Mexico reserve his point of order?

Mr. SKEEN. Yes, I do, Mr. Chairman.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio (Mr. KUCINICH).

Mr. Chairman, I would just like to call to the body's attention and to the attention of the gentleman from Ohio (Mr. KUCINICH) that the Brazil nut gene within that soybean and its potential danger was discovered through pre-market testing meeting the requirements of FDA and USDA. The product never got to market.

I rise in strong opposition to the amendment, because the mandate of food labeling which is part of the sponsor's goal, would send dangerous signals. Let me review a little bit of what we did in our Subcommittee on Basic Research.

On April 13, I issued a chairman's report on plant genomics and agricultural biotechnology. This report was a culmination of three hearings that we held in Washington and meetings throughout the United States with scientists.

The Subcommittee on Basic Research had some of the Nation's leading scientists testify, one of the issues that we dealt with in some detail in the report was the mandatory labeling provision. What we found is that there is no scientific justification for labeling food based on the method by which they are produced. Labeling of agricultural biotechnology products would, as suggested by the industry and by some of the scientists, confuse, not inform, consumers and send a misleading message on safety.

The Food and Drug Administration has more than 15 years of experience in evaluating food-based products of biotechnology, more than 20 years of experience with medical products of biotechnology. FDA's decision not to require labeling is consistent both with the law and with FDA's "statement of policy" More to the point, consumers have a lifetime of direct personal experience with foods genetically modified through hybridization and cross breeding should have the same regulations scrutiny as those modified by the new technology.

FDA bases labeling decisions on whether there are material differences between the new plant-based food and its traditional counterpart. These material differences include changes in the new plant that are significant enough that the common or usual name of the plant no longer applies or if the safety or use at issue exists that warrants consumer notification.

Despite this sensible policy, biotechnology's critics including the sponsor of this amendment, continue to argue that foods created using recombinant DNA techniques should bear a label revealing that fact. This view is based, in large part, on the faulty supposition that the potential for unintended and undetected differences between these foods and those produced through conventional means is cause for a label based solely on the method of production of the plant.

I would urge our three regulatory agencies that are overlooking, not only the biotech, but all products produced through traditional cross breeding, to thoroughly evaluate, all plants and seeds regardless of the process of development.

Mr. Chairman, I mean we have had products developed through cross breeding that ended up poisonous. So the regulatory bodies that we have with USDA, Food and Drug, as well as EPA is the best in the world right now. They are doing a good job.

What I am concerned with, I say to the gentleman from Ohio (Mr. KUCINICH), because of emotion, and miss information, labeling is going to be like putting a skull and cross bones on the food product. If we were to define a biotech-produced food the way Food and Drug defines a biotech-produced food, then it would require labeling of everything except a few brands of fish. Essentially all food today has been genetically modified.

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

Mr. SMITH of Michigan. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, although this specific amendment does not speak to our labeling bill directly, I would like to say that the labeling bill that the gentleman is speaking of serves to give the public the right to know what is in the food they are eating, that is really the basic concept.

Mr. SMITH of Michigan. Mr. Chairman, this amendment, as well as the sponsors goal of mandatory labels would be extremely confusing, and of little relevance, or service to consumers. FDA's current policy on labeling has been scientifically and legally sound and should be maintained. I urge my colleagues to oppose this amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio, which would mandate labeling of foods derived from biotechnology.

Mr. Chairman, the risks for potentially unintended effects of agricultural biotechnology on the safety of new plant-based foods are conceptually no different than the risks for those plants derived from conventional breeding. As described in FDA's Statement of Policy, "The agency is not aware of any information showing that foods derived by these new methods differ from other food in any meaningful or uniform way, or that, as a class, foods developed by the new techniques present any different or greater safety concern than foods developed by traditional plant breeding." This view was echoed by the research scientists who testified before the Subcommittee on the subject.

Indeed, there is a genuine fear that labeling biotech foods based on their method of production would be the equivalent of a "skull and crossbones"—that the very presence of a label would indicate to the average consumer that safety risks exist, when the scientific evidence shows that they do not. Labeling advocates who argue otherwise are being disingenuous.

The United Kingdom's new mandatory labeling law, for example, was put forward ostensibly to enhance consumer choice. Instead, it has prompted British food producers and retailers to remove all recombinant DNA constituents from the products they sell to avoid labeling.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word and rise in support of the Kucinich amendment, and I believe it is a forward thinking measure that deserves this Chamber's full support. If passed, the amendment would earmark \$500,000 in the FDA portion of the budget to study guidelines for industry on how to assess genetically-engineered food products for allergenicity or for the potential food allergens and report back to Congress by the end of fiscal year 2001. If all that the prior speaker, the gentleman from Michigan (Mr. SMITH), says is true, it seems the gentleman would be supportive of the Kucinich amendment because everything that FDA has done in support of these issues would be met by a study.

As was previously stated, it is estimated that 2.5 million to 5 million Americans are allergic to foods such as milk, eggs, fish, seafood, tree nuts, wheat, peanut and soybean, and of all the millions already diagnosed, there are still countless others who do not know they are allergic to foods until they have a reaction which sometimes can be deadly.

□ 1900

We must act now to ensure that we understand not only what we eat, but what effect the food we eat has upon us.

Again, I rise in support of my colleague's amendment.

Mr. KUCINICH. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman from Ohio (Mrs. JONES), my colleague. The gentlewoman and I both represent the people of the Cleveland area.

Mr. Chairman, we have to remember what this amendment is about: it is to get \$500,000 for the purpose of drafting guidance for the industry on how to assess genetically engineered food products for allergenicity. We are not voting on a labeling bill here. Some day we hope to bring such a bill to the floor so that the people of America will have a right to know what is in the food they are eating.

But with respect to this and the comments of the previous speaker, the gentleman from Michigan (Mr. SMITH), Brazil nuts are a known allergen. What we are speaking about here is testing for unknown allergens. I want everyone here to know that I am pleased to report that the FDA just informed me that they support the concepts within this amendment. I have pledged to

work with them to find a compromise that all the parties can support.

So I want to let the chairman and the ranking member know that I am going to withdraw this amendment with an understanding that the chairman, the ranking member, the Food and Drug Administration, the gentlewoman from Ohio (Mrs. JONES), and other Members of the Congress who are working on this, that we could all work together to include acceptable language in a conference report.

Mr. Chairman, I would like to ask the gentleman from New Mexico (Mr. SKEEN) if that would be acceptable if the gentleman, that is, if I withdraw this amendment, could the gentleman give me some help with the FDA in encouraging them to go ahead and work to find a compromise so that the concepts in this amendment could be supported.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I am sure I will do my best to give the gentleman from Ohio (Mr. KUCINICH) that kind of help.

Mrs. JONES of Ohio. Mr. Chairman, I again yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman, and I want to thank the gentleman from New Mexico (Mr. SKEEN) for his indulgence, and I also want to say that this issue of genetically engineered food is an issue all over this world. People in Europe are demanding labeling all throughout the European Union. People in Japan, people in Australia, people in New Zealand, demanding labeling. Why? Because people want to know what is in the food they eat. People have a right to know that. That is why years ago the Food and Drug Administration passed a regime so people could learn the ingredients on the food that they buy.

Imagine today if we did not even know the ingredients on the food that we were eating. Suppose someone did not want too much fat content or one was concerned about their protein intake. That is why Americans have become more sophisticated on dietary matters because of that law.

Americans are going to have the opportunity in the future, hopefully, to be able to know what is in the food they are eating. If it is genetically engineered, it will have to be labeled.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, it is very important that we move ahead, that we give the assurance of safety. It has to be done. We cannot go ahead like Europe has gone ahead, based on unscientific evidence.

Mr. METCALF. Mr. Chairman, I rise in support of Mr. KUCINICH's efforts to secure funding for more study on the allergenic effects of genetically modified foods. I believe that bioengineered foods hold the potential for great benefit to the consumer. However, studies indicate that allergens from one food may pass to another through genetic engineering, and more research is required before families can be comfortable buying them at the grocery store.

Americans need to be able to make informed decisions about the food they buy. I understand that funding for an FDA study is not included in the bill we are debating today, but I hope that it can be inserted in conference.

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

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

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 538, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 18 by Mr. NEY of Ohio; amendment No. 1 by Mr. HEFLEY of Colorado; and amendment No. 2 by Mr. HEFLEY of Colorado.

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

AMENDMENT NO. 18 OFFERED BY MR. NEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Ohio (Mr. Ney) 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 vote was taken by electronic device, and there were—ayes 94, noes 326, not voting 14, as follows:

[Roll No. 359]

AYES—94

Aderholt	DeMint	Horn
Armey	Duncan	Hostettler
Bachus	Ehlers	Houghton
Ballenger	Ehrlich	Hunter
Barr	English	Isakson
Bartlett	Fattah	Jackson (IL)
Biggert	Foley	Johnson (CT)
Bilbray	Ford	Kasich
Billrakis	Possella	Kelly
Bilely	Fowler	King (NY)
Blunt	Franks (NJ)	Kingston
Boehner	Galleghy	Kucinich
Bryant	Gilchrest	Kuykendall
Burr	Gillmor	LaTourette
Buyer	Hall (OH)	Manzullo
Campbell	Hastings (WA)	Martinez
Chabot	Hayworth	McCrery
Collins	Hilleary	McHugh
Crane	Hobson	McInnis
DeLay	Hoekstra	McKeon

Metcalf	Riley
Miller (FL)	Ros-Lehtinen
Mollohan	Sawyer
Nethercutt	Scarborough
Ney	Sensenbrenner
Oxley	Shaw
Peterson (PA)	Shimkus
Portman	Shuster
Pryce (OH)	Stearns
Quinn	Strickland
Rahall	Sununu
Regula	Sweeney

NOES—326

Abercrombie	Doggett	Largent
Ackerman	Dooley	Larson
Allen	Doolittle	Latham
Andrews	Doyle	Leach
Archer	Dreier	Lee
Baca	Dunn	Levin
Baird	Edwards	Lewis (CA)
Baker	Emerson	Lewis (GA)
Baldacci	Engel	Lewis (KY)
Baldwin	Eshoo	Linder
Barcia	Etheridge	Lipinski
Barrett (NE)	Evans	LoBiondo
Barrett (WI)	Everett	Lowey
Barton	Ewing	Lucas (KY)
Bass	Farr	Lucas (OK)
Bateman	Fletcher	Luther
Becerra	Forbes	Maloney (CT)
Bentsen	Frank (MA)	Maloney (NY)
Bereuter	Frelinghuysen	Mascara
Berkley	Frost	Matsui
Berman	Ganske	McCarthy (MO)
Berry	Gejdenson	McCarthy (NY)
Blagojevich	Gekas	McCollum
Blumenauer	Gephardt	McDermott
Boehler	Gibbons	McGovern
Bonilla	Gilman	McIntyre
Bonior	Gonzalez	McKinney
Bono	Goode	Meehan
Borski	Goodlatte	Meek (FL)
Boswell	Gordon	Meeks (NY)
Boucher	Goss	Menendez
Boyd	Graham	Mica
Brady (PA)	Granger	Millender-
Brady (TX)	Green (TX)	McDonald
Brown (FL)	Green (WI)	Miller, Gary
Brown (OH)	Greenwood	Miller, George
Burton	Gutierrez	Minge
Callahan	Gutknecht	Mink
Calvert	Hall (TX)	Moakley
Camp	Hansen	Moore
Canady	Hastings (FL)	Moran (KS)
Cannon	Hayes	Moran (VA)
Capps	Hefley	Morella
Capuano	Heger	Murtha
Cardin	Hill (IN)	Myrick
Carson	Hill (MT)	Nadler
Castle	Hilliard	Napolitano
Chambliss	Hinche	Neal
Chenoweth-Hage	Hinojosa	Northup
Clayton	Hoeffel	Norwood
Clement	Holden	Nussle
Clyburn	Holt	Oberstar
Coble	Hooley	Obey
Coburn	Hoyer	Olver
Combust	Hulshof	Ortiz
Condit	Hutchinson	Ose
Conyers	Hyde	Owens
Cooksey	Inslee	Packard
Costello	Istook	Pallone
Cox	Jackson-Lee	Pascarell
Coyne	(TX)	Pastor
Cramer	Jefferson	Paul
Crowley	Jenkins	Payne
Cubin	John	Pease
Cummings	Johnson, E. B.	Pelosi
Cunningham	Johnson, Sam	Peterson (MN)
Danner	Jones (NC)	Petri
Davis (FL)	Jones (OH)	Phelps
Davis (IL)	Kanjorski	Pickering
Davis (VA)	Kaptur	Pickett
Deal	Kennedy	Pitts
DeFazio	Kildee	Pombo
DeGette	Kilpatrick	Pomeroy
Delahunt	Kind (WI)	Porter
DeLauro	Kleczka	Price (NC)
Deutsch	Knollenberg	Radanovich
Diaz-Balart	Kolbe	Ramstad
Dickey	LaFalce	Rangel
Dicks	LaHood	Reyes
Dingell	Lampson	Reynolds
Dixon	Lantos	Rivers

Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shows

NOT VOTING—14

Bishop
Clay
Cook
Filner
Goodling

Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stump
Stupak
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman

Tiahr
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wolf
Woolsey
Wu
Young (FL)

□ 1925

Messrs. ROTHMAN, RADANOVICH, SHAYS, BATEMAN, RYAN of Wisconsin, CUNNINGHAM, and CONYERS changed their vote from “aye” to “no.”

Messrs. STRICKLAND, SHAW, HILLEARY, ADERHOLT, and SAWYER changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 538, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 132, noes 287, not voting 15, as follows:

[Roll No. 360]

AYES—132

Archer
Army
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Billirakis
Bliley
Blunt
Brady (TX)
Bryant
Burr
Callahan
Campbell
Cannon
Chabot
Coble
Coburn
Costello
Cox
Crane
Davis (VA)
DeGette
DeMint
Diaz-Balart
Dickey
Doggett
Dreier
Duncan
Edwards
Ehrlich
English
Ewing
Forbes
Fossella
Frank (MA)

Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gilchrest
Goode
Goodlatte
Goss
Graham
Green (WI)
Greenwood
Hall (TX)
Hayworth
Hefley
Hilleary
Hobson
Horn
Hostettler
Hutchinson
Insole
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kingston
Largent
Leach
Linder
LoBiondo
Luther
Manzullo
Martinez
McCarthy (NY)
McCollum
McInnis
Meehan
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Morella

Myrick
Oxley
Pascarell
Paul
Pickering
Porter
Portman
Ramstad
Rogan
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shows
Sisisky
Smith (NJ)
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahr
Toomey
Udall (CO)
Udall (NM)
Vitter
Wamp
Weldon (PA)
Weller
Wilson

NOES—287

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Berman
Berry
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins

Combest
Condit
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Doolley
Doolittle
Doyle
Dunn
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Ford
Fowler
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez

Gordon
Granger
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoefel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Klecza
Knollenberg
Kolbe
Kucinich

Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-
McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar

Obey
Oliver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shuster
Simpson

Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Trafiacant
Turner
Upton
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—15

Bishop
Clay
Cook
Cubin
Filner

Goodling
Klink
Lazio
Loifgren
Markey

McIntosh
McNulty
Vento
Wynn
Young (AK)

□ 1934

Mr. WISE changed his vote from “aye” to “no.”

Mrs. ROUKEMA and Messrs. INSLEE, COX and MINGE changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) 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 94, noes 319, not voting 21, as follows:

[Roll No. 361]

AYES—94

Archer	Ganske	Portman
Arney	Gibbons	Ramstad
Baker	Goss	Rohrabacher
Ballenger	Hansen	Ros-Lehtinen
Barr	Hayworth	Roukema
Barton	Hefley	Royce
Berkley	Hilleary	Salmon
Bilbray	Hobson	Sanford
Brady (TX)	Hoekstra	Scarborough
Bryant	Horn	Schaffer
Burr	Hostettler	Sensenbrenner
Campbell	Inslee	Sessions
Cannon	Johnson, Sam	Shadegg
Chabot	Jones (NC)	Shaw
Coburn	Kasich	Shays
Cox	Kelly	Shows
Crane	Kingston	Smith (WA)
Davis (VA)	Largent	Souder
DeLay	Leach	Stearns
DeMint	Linder	Stump
Diaz-Balart	LoBiondo	Sununu
Dickey	McInnis	Taylor (MS)
Dreier	Meehan	Taylor (NC)
Duncan	Menendez	Terry
Ehlers	Mica	Tierney
Ehrlich	Miller (FL)	Toomey
Ewing	Miller, Gary	Traficant
Fossella	Moran (KS)	Myrick
Fowler	Paul	Udall (NM)
Frank (MA)	Petri	Vitter
Franks (NJ)	Pickering	Wamp
Frelinghuysen		

NOES—319

Abercrombie	Coble	Gordon
Ackerman	Collins	Graham
Aderholt	Combust	Granger
Allen	Condit	Green (TX)
Andrews	Conyers	Green (WI)
Baca	Cooksey	Greenwood
Bachus	Costello	Gutierrez
Baird	Cramer	Gutknecht
Baldacci	Crowley	Hall (OH)
Baldwin	Cubin	Hall (TX)
Barcia	Cummings	Hastings (FL)
Barrett (NE)	Cunningham	Hayes
Barrett (WI)	Danner	Herger
Bartlett	Davis (FL)	Hill (IN)
Bass	Davis (IL)	Hill (MT)
Bateman	Deal	Hilliard
Becerra	DeFazio	Hinches
Bentsen	DeGette	Hinojosa
Bereuter	Delahunt	Hoeffel
Berman	DeLauro	Holden
Berry	Deutsch	Holt
Biggart	Dicks	Hoolley
Bilirakis	Dingell	Houghton
Blagojevich	Dixon	Hoyer
Bliley	Doggett	Hulshof
Blumenauer	Dooley	Hunter
Blunt	Doolittle	Hutchinson
Boehlert	Doyle	Hyde
Boehner	Dunn	Isakson
Bonior	Edwards	Istook
Bono	Emerson	Jackson (IL)
Borski	Engel	Jackson-Lee
Boswell	English	(TX)
Boucher	Eshoo	Jefferson
Boyd	Etheridge	Jenkins
Brady (PA)	Evans	John
Brown (FL)	Everett	Johnson (CT)
Brown (OH)	Farr	Johnson, E. B.
Burton	Fattah	Jones (OH)
Buyer	Fletcher	Kanjorski
Callahan	Foley	Kaptur
Calvert	Forbes	Kennedy
Camp	Ford	Kildee
Canady	Frost	Kilpatrick
Capps	Gallely	Kind (WI)
Capuano	Gejdenson	King (NY)
Cardin	Gekas	Kleccka
Carson	Gephardt	Knollenberg
Castle	Gilchrest	Kolbe
Chambliss	Gillmor	Kucinich
Chenoweth-Hage	Gilman	Kuykendall
Clayton	Gonzalez	LaFalce
Clement	Goode	LaHood
Clyburn	Goodlatte	Lampson

Lantos	Ose	Skeen
Larson	Owens	Skelton
Latham	Oxley	Slaughter
LaTourette	Packard	Smith (MI)
Lee	Pallone	Smith (NJ)
Levin	Pascrell	Smith (TX)
Lewis (CA)	Pastor	Snyder
Lewis (GA)	Payne	Spence
Lewis (KY)	Pease	Spratt
Lowey	Pelosi	Stabenow
Lucas (KY)	Peterson (MN)	Stark
Lucas (OK)	Peterson (PA)	Stenholm
Luther	Phelps	Strickland
Maloney (CT)	Pickett	Stupak
Maloney (NY)	Pitts	Sweeney
Martinez	Pombo	Talent
Mascara	Pomeroy	Tancred
McCarthy (MO)	Porter	Tanner
McCarthy (NY)	Price (NC)	Tauscher
McCollum	Pryce (OH)	Tauzin
McCrery	Quinn	Thomas
McDermott	Radanovich	Thompson (CA)
McGovern	Rahall	Thompson (MS)
McHugh	Rangel	Thornberry
McIntyre	Regula	Thune
McKeon	Reyes	Thurman
McKinney	Reynolds	Tiahrt
Meek (FL)	Riley	Towns
Meeks (NY)	Rivers	Turner
Metcalf	Rodriguez	Udall (CO)
Millender	Roemer	Upton
McDonald	Rogan	Velazquez
Miller, George	Rogers	Visclosky
Minge	Rothman	Walden
Mink	Roybal-Allard	Walsh
Moakley	Rush	Waters
Mollohan	Ryan (WI)	Watkins
Moore	Ryun (KS)	Watt (NC)
Moran (VA)	Sabo	Watts (OK)
Morella	Sanchez	Waxman
Murtha	Sanders	Weiner
Nadler	Sandlin	Weldon (FL)
Napolitano	Sawyer	Weldon (PA)
Neal	Saxton	Weller
Nethercutt	Schakowsky	Wexler
Ney	Scott	Whitfield
Northup	Serrano	Wicker
Norwood	Sherman	Wilson
Nussle	Sherwood	Wise
Oberstar	Shimkus	Wolf
Obey	Shuster	Woolsey
Olver	Simpson	Wu
Ortiz	Sisisky	Young (FL)

NOT VOTING—21

Bishop	Hastings (WA)	Matsui
Bonilla	Klink	McIntosh
Clay	Lazio	McNulty
Cook	Lipinski	Vento
Coyne	Lofgren	Weygand
Filner	Manzullo	Wynn
Goodling	Markey	Young (AK)

□ 1942

Mr. ENGLISH 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. MANZULLO. Mr. Chairman, on rollcall No. 361, I was inadvertently detained. Had I been present, I would have voted “aye.”

□ 1945

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

Mr. Chairman, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I want to thank the gentleman for yielding.

Mr. Chairman, I just would like to wish the gentleman from New Mexico (Chairman SKEEN), a happy birthday. Tomorrow is his birthday, and I wish him a happy birthday.

Mr. SKEEN. Mr. Chairman, reclaiming my time, my colleagues make me feel a lot younger, and I thank all of my colleagues.

Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Happy birthday. Mr. Speaker, I also want to tell my colleagues, Mr. Speaker, I had intended to offer an amendment that would have added \$5 million to the Food and Nutrition Service for a program that would target outreach to expand the feeding programs in the colonia areas of the Southwest.

I will not offer the amendment, but I would like to request a commitment from the chairman that, as the agriculture bill moves to conference committee, that he will do what he can to secure the funds for this much-needed targeted assistance in the colonias.

Mr. SKEEN. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas for his involvement in this issue. The plight of the people living in the colonias is serious. The USDA spends about \$350 million per year on this type of outreach. I commit to the gentleman that I will work in conference to direct that adequate funds be targeted to this program in the southwest.

Mr. REYES. Mr. Speaker, if the gentleman will yield, I want to thank the chairman. I also want to thank the staff for helping us work out this commitment. I look forward to working with him.

Mr. SKEEN. Mr. Speaker, I move that the Committee do now rise.

The motion was agreed to. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NUSSLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, I would like to discuss the evening’s schedule.

Mr. Speaker, we have just risen from the Agricultural Appropriations bill. We will come back to that at a later time.

I should tell the Members we have kind of got good news and bad news for them. Let me start with the good news. The good news is that there is a high probability that we can complete our work some time this evening or early tomorrow morning, depending on how well things go.

The bad news is that, in order to do that and have tomorrow off, we would have to be willing to work late and work our way through this.

Mr. Speaker, in just a few minutes, the distinguished chairman of the Committee on Appropriations will be filing the MILCON conference report and be asking unanimous consent to take it up. Assuming that his unanimous consent request is agreed to, then go directly in that bill and complete that bill as time requires.

Then following the completion of that work, we would take up the doctors' collective bargaining rule and then move right on to that bill; and upon the completion of that bill, our work would be completed.

It is, of course, my fondest hope and my expectation that the unanimous consent will be agreed to. If for some reason that is not the case, we would then go to the doctors' collective bargaining rule and continue to work on our best effort to get the MILCON conference report to the floor right after we complete the rule. We would then, of course, finish up the evening with the collective bargaining.

The urgency here is that we need to complete the MILCON conference report, make it available for the other body for their consideration in the morning. So we will build our remaining schedule to the evening around the fate of that unanimous consent. That is the announcement.

CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION AP- PROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-710)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) "making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION APPROPRIATIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2001, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent pub-

lic works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$909,245,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed \$109,306,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$928,273,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed \$73,335,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$870,208,000, to remain available until September 30, 2005: Provided, That of this amount, not to exceed \$74,628,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$814,647,000, to remain available until September 30, 2005: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$77,505,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the

training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$281,717,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$203,829,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$108,738,000, to remain available until September 30, 2005.

MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$64,473,000, to remain available until September 30, 2005: Provided further, That the funds appropriated for "Military Construction, Naval Reserve" under Public Law 105-45, \$2,400,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$36,591,000, to remain available until September 30, 2005.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$172,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$235,956,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$951,793,000; in all \$1,187,749,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$418,155,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$881,567,000; in all \$1,299,722,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$251,982,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, \$820,879,000; in all \$1,072,861,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, for Operation and Maintenance, \$44,886,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT,
PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$1,024,369,000, to remain available until expended: Provided, That not more than \$865,318,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for

minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such

project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. (a) No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to

the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term “congressional defense committees” means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: Provided, That not more than \$25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2001, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as pri-

vativization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(RESCISSION OF FUNDS)

SEC. 129. Of the funds provided in previous Military Construction Appropriations Acts, \$100,000,000 is hereby rescinded as of the date of the enactment of this Act.

(TRANSFER OF FUNDS)

SEC. 130. During fiscal year 2001, in addition to any other transfer authority available to the Department of Defense, funds appropriated in the Military Construction Appropriations Act, 2000 (Public Law 106-52; 113 Stat. 259) under the heading “MILITARY CONSTRUCTION, NAVAL RESERVE” and still unobligated may be transferred to the account for “MILITARY CONSTRUCTION, NAVY”. Amounts transferred under this section shall be merged with, and be available for the same period as, the amounts in the account to which transferred and shall be available to construct, under the authority of section 2805 of title 10, United States Code, an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

SEC. 131. (a) The Secretary of the Army may accept funds from the Federal Highway Administration, or the State of Kentucky, and credit them to the appropriate Department of the Army accounts for the purpose of funding all costs associated with the realignment, requested by the State of Kentucky, of the military construction project involving a rail connector located at Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2763).

(b) The Secretary may use the funds accepted for the realignment, in addition to funds authorized and appropriated for the rail connector project, notwithstanding the amount authorized in section 2101(a) of Public Law 104-201. The funds accepted shall remain available until expended.

(c) The costs associated with the realignment of the rail connector project include but are not limited to redesign costs, additional construction costs, additional costs due to construction delays related to the realignment, and additional real estate costs.

(d) The authority provided in this section shall be effective upon the date of the enactment of this Act.

(RESCISSION OF FUNDS)

SEC. 132. Of the funds available to the Secretary of Defense in the “Foreign Currency Fluctuations, Construction, Defense” account, \$83,000,000 is hereby rescinded.

(TRANSFER OF FUNDS)

SEC. 133. AMENDMENTS.—Section 131 of the Military Construction Appropriations Act, 1988 (Public Law 100-202), is amended—

(1) by striking subsection (c)(1), and inserting the following:

“(c)(1) The Secretary shall use amounts paid to the Secretary under subsection (b) for the acquisition of suitable sites for military family housing; or, the acquisition, construction, or revitalization of military family housing in the San Diego region, either through conventional military construction or through use of any of the alternative authorities contained in subchapter IV, chapter 169 of title 10, United States Code.”

(2) by adding after subsection (c)(2) the following new subparagraph:

“(3) Any funds received by the Secretary under subsection (b) and not deposited into the general fund of the Treasury under subsection (c)(2) may be transferred into the Department of

Defense Family Housing Improvement Fund in accordance with section 2883 in subchapter IV, chapter 169 of title 10, United States Code.”

SEC. 134. Section 412(c) of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (112 Stat. 160) is amended by inserting before the period at the end of the sentence the following: “, and up to \$170,000,000 for dredging and foundation activities for construction”: Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 135. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair, and maintenance of the historic residences located at Marine Corps Barracks, 8th and I Streets, Washington, D.C.: Provided, That the Secretary notifies the appropriate committees of Congress 30 days in advance of the intended use of such funds: Provided further, That this section becomes effective immediately upon enactment of this Act.

BROOKS AIR FORCE BASE DEVELOPMENT DEMONSTRATION PROJECT

SEC. 136. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available. The section supersedes, and shall be used in lieu of the authority provided in, section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79; 113 Stat. 1277).

(b) AUTHORITY.—(1) Subject to paragraph (4), the Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the “Base Efficiency Project” to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary may carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(4) The Secretary may not exercise any authority under this section until after the end of the 30-day period beginning on the date the Secretary submits to the appropriate committees of the Congress a master plan for the development of the Base.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on “best value” if the Secretary determines that the award will advance the purposes of a joint activity conducted under the project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base and not required at other Air Force installations to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property at fair market value if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services performed by Department civilian or contract employees, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the De-

partment or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of the Air Force determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. Subject to paragraph (2), amounts deposited into the Project Fund shall be available without fiscal year limitation.

(2) To the extent provided in advance in appropriations Acts, amounts in the Project Fund shall be available to the Secretary for use at the base only for operation, base operating support services, maintenance, repair, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration. The use of such amounts may be in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall apply to transactions at the Base during the Project.

(k) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(l) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on June 1, 2005.

(m) DEFINITIONS.—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term "joint activity" means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

(8) The term "public services" means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

(n) This section becomes effective immediately upon enactment of this Act.

SEC. 137. Of the funds made available in the Military Construction Appropriations Act, 1999 (Public Law 105-237) under the heading "Military Construction, Defense-Wide" for planning and design, not less than \$1,000,000 shall be available for the design of an elementary school for the Central Kitsap School District to meet the educational needs of military dependents at the Naval Submarine Base, Bangor, Washington: Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 138. The total amount of appropriated funds that may be expended for the military construction project at the Military Academy at West Point, New York, to construct and renovate the Cadet Physical Development Center shall not exceed \$77,500,000, regardless of the

fiscal year for which the funds were or are appropriated: Provided, That this section becomes effective immediately upon enactment of this Act.

SEC. 139. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on construction, security and operation of Forward Operating Locations (FOL) in Manta, Ecuador, Aruba, Curacao, and El Salvador.

(b) The report required by subsection (a) shall address the following: (1) a schedule for making each Forward Operating Location (FOL) fully operational, including cost estimates, time line of contracting and construction with completion dates, a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall counter-drug strategy; (2) a plan that identifies the operating requirements at FOL for the United States Coast Guard, United States Customs Service, Drug Enforcement Administration, Intelligence community and the Department of Defense and how these requirements will be addressed; (3) a security plan to ensure that FOL facilities and personnel working at these sites are safeguarded from outside threats; and (4) a safety plan to ensure operations conducted at FOLs are in accordance with standard operating procedures.

This division may be cited as the "Military Construction Appropriations Act, 2001".

DIVISION B

FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—KOSOVO AND OTHER NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$23,883,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$20,565,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$37,155,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$38,065,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of the funds appropriated under this heading, \$8,000,000 shall be made available only for use in federally owned educational facilities located on military installations for the purpose of transferring title

of such facilities to the local educational authorities.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to provide assistance to Vieques, Puerto Rico, \$40,000,000, to remain available until September 30, 2003: Provided, That such funds shall be in addition to amounts otherwise available for such purposes: Provided further, That the Secretary of Defense may transfer funds to any agency or office of the United States Government in order to implement the projects for which funds are provided under this heading 30 days after the Director of the Office of Management and Budget notifies the House and Senate Committees on Appropriations of each proposed transfer: Provided further, That each notification transmitted to the Committees shall identify the specific amount, recipient agency and purpose for which such transfer is proposed: Provided further, That appropriations made available under this heading may be transferred and obligated for the following purposes: a study of the health of Vieques residents; fire-fighting related equipment and facilities at Antonio Rivera Rodriguez Airport; construction or refurbishment of a commercial ferry pier and terminal and associated navigational improvements; establishment and construction of an artificial reef; reef conservation, restoration, and management activities; payments to registered Vieques commercial fishermen of an amount determined by the National Marine Fisheries Service for each day they are unable to use existing waters because the Navy is conducting training; expansion and improvement of major cross-island roadways and bridges; an apprenticeship/training program for young adults; preservation and protection of natural resources; an economic development office and economic development activities; and conducting a referendum among the residents of Vieques regarding further use of the island for military training programs: Provided further, That for purposes of providing assistance to Vieques, any agency or office of the United States Government to which these funds are transferred may utilize, in addition to any authorities available in this paragraph, any authorities available to that agency or office for carrying out related activities, including utilization of such funds for administrative expenses: Provided further, That any amounts transferred to the Department of Housing and Urban Development, "Community development block grants", shall be available only for assistance to Vieques, notwithstanding section 106 of the Housing and Community Development Act of 1974: Provided further, That the Department of Commerce may make direct payments to registered Vieques commercial fishermen: Provided further, That the Department of the Navy may provide fire-fighting training and funds provided in this paragraph may be used to provide fire-fighting related facilities at the Antonio Rivera Rodriguez Airport: Provided further, That funds made available under this heading may be transferred to the Army Corps of Engineers to construct or modify a commercial ferry pier and terminal and associated navigational improvements: Provided further, That except for amounts provided for the health study, fire-fighting related equipment and facilities, and certain activities in furtherance of the preservation and protection of natural resources, funds provided in this paragraph shall not become available until 30 days after the Secretary of the Navy has certified to the congressional defense committees that the integrity and accessibility of the training range is uninterrupted, and trespassing and other intrusions on the range have ceased: Provided further, That the Secretary of the Navy shall recertify to the congressional defense committees the status of the range 90 days

after the initial certification, and each 90 days thereafter: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$2,174,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$2,851,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Overseas Contingency Operations Transfer Fund", \$2,050,400,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance, including Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$73,000,000, to remain available for obligation until September 30, 2001: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$5,700,000, to remain available for obligation until September 30, 2001, only for continued test activities under the Tactical High Energy Laser (THEL) program.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$3,533,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) MINIMUM RATES OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS OF THE UNIFORMED SERVICES.—During the period beginning on January 1, 2000, and ending on September 30, 2001 (or such earlier date as the Secretary of Defense considers appropriate), a member of the uniformed services entitled to a basic allowance for housing for a military housing area in the United States shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.

(b) **ANNUAL LIMITATION ON ALLOWANCE.**—In light of the rates for the basic allowance for housing authorized by subsection (a), the Secretary of Defense may exceed the limitation on the total amount paid during fiscal year 2000 and 2001 for the basic allowance for housing in the United States otherwise applicable under section 403(b)(3) of title 37, United States Code.

(c) **SENSE OF THE CONGRESS REGARDING MILITARY FAMILIES ON FOOD STAMPS.**—It is the sense of the Congress that members of the Armed Forces and their dependents should not have to rely on the food stamp program, and the President and the Congress should take action to ensure that the income level of members of the Armed Forces is sufficient so that no member meets the income standards of eligibility in effect under the food stamp program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$1,556,200,000 is hereby appropriated to the Department of Defense for the "Defense-Wide Working Capital Fund" and shall remain available until expended, for price increases resulting from worldwide increases in the price of petroleum: Provided, That the Secretary of Defense shall transfer \$1,556,200,000 in excess collections from the "Defense-Wide Working Capital Fund" not later than September 30, 2001 to the operation and maintenance; research, development, test and evaluation; and working capital funds: Provided further, That the transfer authority provided in this section is in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 103. In addition to the amounts provided elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$90,000,000 is hereby appropriated for "Aircraft Procurement, Air Force", only for F-15 aircraft or associated components, systems, or subsystems.

SEC. 104. In addition to the amounts provided elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$163,700,000 is hereby appropriated for "Procurement of Weapons and Tracked Combat Vehicles, Army", only for procurement, advance procurement, or economic order quantity procurement of Abrams M1A2 SEP Upgrades under multiyear contract authority provided under section 8008 of the Department of Defense Appropriations Act, 2000: Provided, That none of the funds under this section shall be obligated until the Secretary of the Army certifies to the congressional defense committees that these funds will be used to upgrade vehicles for an average unit cost (for 307 vehicles) that does not exceed \$5,900,000.

SEC. 105. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$615,600,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until September 30, 2001: Provided, That such funds shall be available only for the purposes described and in accordance with section 106 of this chapter: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 106. (a) Of the amounts provided in section 105 of this chapter for "Defense Health Program"—

(1) not to exceed \$90,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that (but for insufficient funds) would have been properly chargeable to the Defense Health Program account for fiscal year 1998 or fiscal year 1999; and

(2) not to exceed \$525,300,000 shall be available for obligations and adjustments to obligations required to cover unanticipated increases in TRICARE contract costs that are properly chargeable to the Defense Health Program account for fiscal year 2000 or fiscal year 2001.

(b) The Secretary of Defense shall notify the congressional defense committees before charging an obligation or an adjustment to obligations under this section.

(c) The Secretary of Defense shall submit to the congressional defense committees a report on obligations made under this section no later than 30 days after the end of fiscal year 2000.

SEC. 107. In addition to the amounts provided in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$695,900,000 is hereby appropriated for "Defense Health Program", to remain available for obligation until September 30, 2002: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 108. In addition to the amounts appropriated or otherwise made available in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$27,000,000 is hereby appropriated to the Department of Defense and is available only for the Basic Allowance for Housing Program: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 109. (a) MILITARY RECRUITING, ADVERTISING, AND RETENTION PROGRAMS.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, to remain available for obligation until September 30, 2001, and to be available only for military personnel (to include full-time manning), recruiting, advertising, and retention programs, \$357,288,000, as follows:

For military personnel accounts, \$204,226,000, as follows:

"Military Personnel, Army", \$99,900,000;
 "Military Personnel, Navy", \$23,500,000;
 "Military Personnel, Marine Corps", \$4,000,000;
 "Military Personnel, Air Force", \$7,500,000;
 "Reserve Personnel, Army", \$32,500,000; and
 "National Guard Personnel, Army", \$36,826,000.

For operation and maintenance accounts, \$153,062,000, as follows:

"Operation and Maintenance, Army", \$38,110,000;

"Operation and Maintenance, Navy", \$29,222,000;

"Operation and Maintenance, Marine Corps", \$8,100,000;

"Operation and Maintenance, Air Force", \$29,040,000;

"Operation and Maintenance, Army Reserve", \$18,890,000;

"Operation and Maintenance, Navy Reserve", \$6,700,000;

"Operation and Maintenance, Marine Corps Reserve", \$2,000,000;

"Operation and Maintenance, Air Force Reserve", \$4,000,000;

"Operation and Maintenance, Army National Guard", \$12,000,000; and

"Operation and Maintenance, Air National Guard", \$5,000,000.

(b) **EMERGENCY DESIGNATION.**—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 110. (a) DEPOT-LEVEL MAINTENANCE AND REPAIR.—In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$220,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to remain available for obligation until September 30, 2001, only for ship depot maintenance.

(b) **EMERGENCY DESIGNATION.**—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 111. (a) HIGH PRIORITY SUPPORT TO DEPLOYED FORCES.—In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, to support deployed United States forces, \$503,900,000, as follows:

(1) For operation and maintenance accounts, to remain available for obligation until September 30, 2001, \$96,000,000 as follows:

"Operation and Maintenance, Navy", \$20,000,000;

"Operation and Maintenance, Air Force", \$41,900,000;

"Operation and Maintenance, Defense-Wide", \$10,000,000; and

"Operation and Maintenance, Air National Guard", \$24,100,000.

(2) For procurement accounts, to remain available for obligation until September 30, 2003, \$344,900,000, as follows:

"Aircraft Procurement, Army", \$25,000,000 (for Apache helicopter safety and reliability modifications);

"Aircraft Procurement, Navy", \$52,800,000 (of which \$27,000,000 is for CH-46 helicopter engine safety procurement and \$25,800,000 for EP-3 sensor improvement modifications);

"Aircraft Procurement, Air Force", \$212,700,000 (of which \$111,600,000 is for U-2 reconnaissance aircraft sensor improvements and modifications, and \$101,100,000 is for flight and mission trainers and simulators);

"Other Procurement, Air Force", \$41,400,000; and

"Procurement, Defense-Wide", \$13,000,000.

(3) For research, development, test and evaluation accounts, to remain available for obligation until September 30, 2002, \$63,000,000, as follows:

"Research, Development, Test and Evaluation, Army", \$5,000,000 (for the WARSIMS program); and

“Research, Development, Test and Evaluation, Defense-Wide”, \$58,000,000.

(b) **EMERGENCY DESIGNATION.**—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 112. To ensure the availability of biometrics technologies in the Department of Defense, the Secretary of the Army shall be the Executive Agent to lead, consolidate, and coordinate all biometrics information assurance programs of the Department of Defense: Provided, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$5,000,000 for Operation and Maintenance, Army, for carrying out the biometrics assurance programs and for continuing the biometrics information assurance programs of the Information System Security Program: Provided further, That there is hereby appropriated for fiscal year 2000, in addition to other amounts appropriated for such fiscal year by other provisions of this Act, \$1,000,000 for Operation and Maintenance, Navy, and \$1,000,000 for Operation and Maintenance, Air Force, for carrying out the biometrics assurance programs with the Army, as Executive Agent, to lead, consolidate, and coordinate such programs.

SEC. 113. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), \$125,000,000 is hereby appropriated to the Department of Defense to remain available until September 30, 2002, to be available only for the Patriot missile program: Provided, That not later than 30 days after the enactment of this Act the Department shall submit a revised Patriot missile program plan to the congressional defense committees: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 114. In addition to amounts provided elsewhere in this Act for the Department of Defense, \$300,000 is hereby appropriated to be available only for Operation Walking Shield for technical assistance and transportation of excess housing to Indian tribes located in the States of North Dakota, South Dakota, Montana and Minnesota, in accordance with section 8155 of Public Law 106-79.

SEC. 115. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2000 (Public Law 106-79), there is hereby appropriated to the Department of Defense, for the cost of peacekeeping and humanitarian assistance operations in East Timor and Mozambique, \$61,500,000, to be distributed as follows:

“Operation and Maintenance, Navy”, \$6,400,000;

“Operation and Maintenance, Marine Corps”, \$8,100,000; and

“Operation and Maintenance, Air Force”, \$47,000,000:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(TRANSFER OF FUNDS)

SEC. 116. (a) **TRANSFER OF FUNDS.**—Notwithstanding any other provision of law, of the funds appropriated by title II of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) under the heading “Operation and Maintenance, Defense-Wide”, \$9,642,000 shall be

transferred to the Macalloy Special Account administered by the Administrator of the Environmental Protection Agency to pay for response actions by, or on behalf of, the Environmental Protection Agency under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the Macalloy site in Charleston, South Carolina.

(b) **TREATMENT OF FUNDS.**—Any of the funds transferred pursuant to subsection (a) that are used to pay for response actions at the Macalloy site shall be credited against any liability of the United States with respect to the site under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

SEC. 117. Notwithstanding any other provision of law, there is appropriated to the Department of Defense \$8,000,000 for communications, communications infrastructure, logistical support, resources and operational assistance required by the Salt Lake Organizing Committee to stage the 2002 Olympic and Paralympic Winter Games, such sums to remain available until expended.

SEC. 118. The Ballistic Missile Defense Organization and its subordinate offices and associated contractors, including the Lead Systems Integrator, shall notify the congressional defense committees 15 days prior to issuing any type of information or proposal solicitation under the NMD Program with a potential annual contract value greater than \$5,000,000 or a total contract value greater than \$30,000,000.

SEC. 119. (a) **REQUIREMENT FOR SALE OF NAVY DRYDOCK NO. 9.**—Notwithstanding any other provision of law, the Secretary of the Navy shall sell Navy Drydock No. 9 (AFDM-3), located in Mobile, Alabama, to the Bender Shipbuilding and Repair Company, Inc., which is the current lessee of the drydock from the Navy.

(b) **CONSIDERATION.**—As consideration for the sale of the drydock under subsection (a), the Secretary shall receive an amount equal to the fair market value of the drydock at the time of the sale, as determined by the Secretary.

SEC. 120. Subsection (b) of section 509 of title 32, United States Code, is amended by striking “Federal” and inserting “Department of Defense”.

SEC. 121. **USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.** (a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) **EFFECTIVE DATE.**—The prohibition under subsection (a) shall apply to any election occurring on or after the date of the enactment of this section and before December 31, 2000.

SEC. 122. Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2326), is amended—

(1) in the matter preceding the first proviso, by striking “\$20,000,000” and inserting “\$30,000,000”; and

(2) in the second proviso, by inserting after “property damages” the following: “, and for other claims under applicable Status-of-Forces Agreements.”.

(RESCISSIONS)

SEC. 123. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts in the specified amounts:

Under the heading “Shipbuilding and Conversion, Navy, 1989/1993”:

DDG-51 destroyer program, \$9,100,000;

T-AO fleet oiler program, \$6,645,000;

T-AGOS surveillance ship program, \$3,420,000;

Outfitting and post delivery, \$1,293,000;

“Research, Development, Test and Evaluation, Air Force, 1999/2000”, \$7,000,000;

“Military Personnel, Army, 2000”, \$98,700,000;

“Military Personnel, Navy, 2000”, \$49,127,000;

“Military Personnel, Air Force, 2000”, \$82,000,000;

“Reserve Personnel, Air Force, 2000”, \$4,500,000; and

“National Guard Personnel, Army, 2000”, \$24,826,000.

SEC. 124. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 125. The following provisions of law are repealed: sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A-297), as enacted into law by section 1000(a)(5) of Public Law 106-113.

SEC. 126. Any amount appropriated in this chapter that is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, shall not be available for obligation unless all such amounts are designated by the President, upon enactment of this Act, as emergency requirements pursuant to such section.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for “General Investigations”, \$3,500,000, to remain available until expended, of which \$1,500,000 shall be for a feasibility study and report of a project to provide flood damage reduction for the town of Princeville, North Carolina, and of which \$2,000,000 shall be for preconstruction engineering and design of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, GENERAL

For an additional amount for “Construction, General”, \$3,000,000, to remain available until expended, for the Johnson Creek, Arlington, Texas, project authorized by section 101(b)(14) of Public Law 106-53: Provided, That the entire amount shall be available only to the extent an official budget request for \$3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for “Operation and Maintenance, General”, \$200,000, to remain available until expended, for dredging of the authorized navigation project at Saxon Harbor, Wisconsin: Provided, That the entire amount shall be available only to the extent an official budget request for \$200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the

Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", \$600,000, to remain available until expended, to carry out the provisions of the Lewis and Clark Rural Water System Act of 2000: Provided, That the entire amount shall be available only to the extent an official budget request for \$600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

For an additional amount for "Weapons activities", \$96,500,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$96,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other defense activities", \$38,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$38,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the Department is authorized to initiate design of the Highly Enriched Uranium Blend Down Project.

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium enrichment decontamination and decommissioning fund", \$58,000,000, to be derived from the Fund, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$58,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 201. Funds appropriated in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to closure or post-clo-

sure care and monitoring of the Waste Isolation Pilot Plant. The State of New Mexico or any other entity may not enforce against the United States or a contractor or subcontractor of the United States, in this or any subsequent fiscal year, a requirement to post bond or any other financial responsibility requirement relating to closure or post-closure care and monitoring of the Waste Isolation Pilot Plant. Any financial responsibility requirement in a permit or license for the Waste Isolation Pilot Plant on the date of the enactment of this section may not be enforced against the United States or its contractors or subcontractors at the Plant.

SEC. 202. Notwithstanding any other provision of law, no funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until further Act of Congress authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

SEC. 203. Of the funds provided in Public Laws 106-60 and 105-245 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the design, planning and construction of the interdisciplinary science facility at the University of Alabama at Tuscaloosa.

SEC. 204. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Energy Supply", \$1,000,000 shall be made available for the NOME diesel upgrade.

SEC. 205. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Weapons Activities", \$5,000,000 shall be made available to move the Atlas pulsed power experimental facility to the Nevada Test Site.

SEC. 206. Of the funds provided in Public Law 106-60 and prior Energy and Water Development Appropriations Acts for the Department of Energy under the heading "Science", \$2,500,000 shall be made available for the Natural Energy Laboratory of Hawaii.

SEC. 207. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the Burbank Hospital Regional Center in Fitchburg, Massachusetts.

SEC. 208. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago, Illinois.

SEC. 209. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Science", \$1,000,000 shall be made available for the North Shore-Long Island Jewish Health System.

SEC. 210. Of the funds provided in Public Law 106-60 for the Department of Energy under the heading "Energy Supply", \$1,000,000 shall be made available for the Materials Science Center in Tempe, Arizona.

SEC. 211. No funds appropriated to the Nuclear Regulatory Commission for fiscal years 2000 and 2001 may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location at Chattanooga, Tennessee.

CHAPTER 3

MILITARY CONSTRUCTION

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. In addition to amounts appropriated or otherwise made available in the Military

Construction Appropriations Act, 2000, the following amounts are hereby appropriated as authorized by section 2854 of title 10, United States Code, as follows:

"Military Construction, Army Reserve", \$12,348,000;

"Family Housing, Army", \$2,000,000;

"Family Housing, Navy and Marine Corps", \$3,000,000; and

"Family Housing, Air Force", \$1,700,000.

Provided, That the funds in this section remain available until September 30, 2004: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$19,048,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 302. Notwithstanding any other provision of law, in addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2000, \$1,000,000 is hereby appropriated to the "Military Construction, Defense-Wide" account, to remain available until September 30, 2004: Provided, That such amount shall be available for study, planning, design, architect and engineer services, as authorized by law: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$1,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING RESCISSION)

SEC. 303. (a) In addition to the amounts provided in Public Law 106-52, \$35,000,000 is appropriated under the heading "Military Construction, Navy" to remain available until September 30, 2004: Provided, That such funds are authorized and shall be available for the acquisition of land at Blount Island, Florida.

(b) Of the funds provided in the Military Construction Appropriations Act, 1996 (Public Law 104-32), \$35,000,000 is hereby rescinded as of the date of the enactment of this Act.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", \$77,000,000, to remain available until September 30, 2001; of which \$5,000,000 shall be available for military basic pay; \$18,000,000 shall be available for costs related to the delivery of health care to Coast Guard personnel, retirees, and their dependents; \$15,000,000 shall be available for basic allowance for housing; \$2,000,000 shall be available for the military housing areas cost of living adjustment; \$15,000,000 shall be available for recruiting and retention bonuses; \$1,000,000 shall be available for fixed wing aviator retention bonuses; \$8,000,000 shall be available for the clean up and repair of shore facilities from hurricane damage; and, \$13,000,000 shall be available for operational fuel and unit level operational readiness: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

Provided further, That the entire amount provided shall be available only to the extent an official budget request for \$77,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, construction, and improvements", \$578,000,000, to remain available until expended; of which \$110,000,000 shall be available for the Great Lakes Icebreaker replacement; and of which \$468,000,000 shall be available for acquisition and conversion of six C-130J maritime patrol aircraft, as authorized under section 812(b)(1)(G) of the Western Hemisphere Drug Elimination Act: Provided, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request for \$578,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

SEC. 501. For an additional amount for the Agency for International Development, "International Disaster Assistance", \$25,000,000, for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 502. For an additional amount for "Assistance for Eastern Europe and the Baltic States", \$50,000,000, to remain available until September 30, 2001: Provided, That this amount shall only be available for assistance for Montenegro and Croatia, and not to exceed \$12,400,000 for assistance for Kosovo: Provided further, That the amount specified in the previous proviso for assistance for Kosovo may be made available only for police activities: Provided further, That funds made available in the preceding provisos shall be available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for necessary expenses to carry out title IX of Public Law 106-78, \$1,350,000: Provided, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for \$1,350,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$77,560,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$77,560,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949 for section 515 rental housing to be available from funds in the rural housing insurance fund to meet needs resulting from Hurricane Dennis, Floyd, or Irene, \$40,000,000.

For the additional cost of direct loans for section 515 rental housing, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, \$15,872,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RENTAL ASSISTANCE PROGRAM

For an additional amount for rental assistance agreements entered into or renewed pursuant to section 521(a)(2) of the Housing Act of 1949 for emergency needs resulting from Hurricane Dennis, Floyd, or Irene, \$13,600,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. With respect to any 1999 crop year loan made by the Commodity Credit Corporation to a cooperative marketing association established under the laws of North Carolina, and to any person or entity in North Carolina obtaining a 1999 crop upland cotton marketing assistance loan, the Corporation shall reduce the amount of such outstanding loan indebtedness in an amount up to 75 percent of the amount of the loan applicable to any collateral (in the case of cooperative marketing associations of upland cotton producers and upland cotton producers, not to exceed \$5,000,000 for benefits to such asso-

ciations and such producers for up to 75 percent of the loss incurred by such associations and such producers with respect to upland cotton that had been placed under loan) that was produced in a county in which either the Secretary of Agriculture or the President of the United States declared a major disaster or emergency due to the occurrence of Hurricane Dennis, Floyd, or Irene if the Corporation determines that such collateral suffered any quality loss as a result of said hurricane: Provided, That if a person or entity obtains a benefit under this section with respect to a quantity of a commodity, no marketing loan gain or loan deficiency payment shall be made available under the Federal Agricultural Improvement and Reform Act of 1996 with respect to such quantity: Provided further, That no more than \$81,000,000 of the funds of the Corporation shall be available to carry out this section: Provided further, That the entire amount shall be available only to the extent an official budget request for \$81,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 2102. In lieu of imposing, where applicable, the assessment for producers provided for in subsection (d)(8) of 7 U.S.C. 7271 (section 155 of the Agricultural Market Transition Act), the Secretary shall, as necessary to offset remaining loan losses for the 1999 crop of peanuts, borrow such amounts as would have been collected under 7 U.S.C. 7271(d)(8) from the Commodity Credit Corporation. Such borrowing shall be against all excess assessments to be collected under 7 U.S.C. 7271(g) for crop year 2000 and subsequent years. For purposes of the preceding sentence, an assessment shall be considered to be an "excess" assessment to the extent that it is not used, or will not be used, under the provisions of 7 U.S.C. 7271(d), to offset losses on peanuts for the crop year in which the assessment is collected. The Commodity Credit Corporation shall retain in its own account sums collected under 7 U.S.C. 7271(g) as needed to recover the borrowing provided for in this section to the extent that such collections are not used under 7 U.S.C. 7271(d) to cover losses on peanuts: Provided, That the entire amount necessary to carry out this section shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$12,000,000, to remain available until expended, to be divided equally between the States of Texas, New Mexico, Arizona, and California, to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. The use of these funds is limited to: court costs, courtroom technology, the building of holding spaces, administrative staff, and indigent defense costs: Provided, That the entire amount is designated by the Congress

as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$181,000,000, to remain available until expended, which shall be deposited in the Telecommunications Carrier Compliance Fund: Provided, That, hereafter, in the discretion of the Attorney General, any expenditures from the Fund to pay or reimburse pursuant to sections 104(e) and 109(a) of Public Law 103-414, may be made directly to any parties specified in section 401(a) thereof, and may be made either pursuant to the regulations promulgated under such section 109, or pursuant to firm fixed-price agreements, upon provision of such information as the Attorney General may require: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance" for grants to counties with populations of less than 150,000, and Indian reservations, in Arizona that are adjacent to the United States-Mexico border, \$2,000,000: Provided, That such grants shall be allocated in proportion to the population of each such county and Indian reservation: Provided further, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", \$55,800,000, to remain available until expended, for planning, public works grants and revolving loan funds for communities affected by Hurricane Floyd and other recent hurricanes and disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget

and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research and Facilities", \$30,700,000, to remain available until expended, to provide disaster assistance pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation Management Act, including compensation to fishermen for losses and equipment damage, resulting from Hurricane Floyd and other recent hurricanes and fishery disasters in the Long Island Sound lobster fishery and the west coast groundfish fishery, and for the repair of the National Oceanic and Atmospheric Administration hurricane reconnaissance aircraft: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of such amount, \$13,300,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

INTERNATIONAL COMMISSIONS

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission, as authorized by treaties between the United States and Canada or Great Britain, \$2,150,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$2,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, \$15,500,000, to remain available until expended to subsidize additional gross obligations for the principal amount of direct loans: Provided, That such costs, including the cost of

modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for direct administrative expenses to carry out the disaster loan program, an additional \$25,400,000, to remain available until expended, which may be transferred to and merged with appropriations for "Salaries and Expenses": Provided further, That no funds shall be transferred to and merged with appropriations for "Salaries and Expenses" for indirect administrative expenses: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. For an additional amount for "Operations, Research, and Facilities", for emergency expenses for fisheries disaster relief pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended, for the Pribilof Island and East Aleutian area of the Bering Sea, \$10,000,000 to remain available until expended: Provided, That in implementing this section, the Secretary of Commerce shall make \$7,000,000 available for disaster assistance and \$3,000,000 for Bering Sea ecosystem research including \$1,000,000 for the State of Alaska to develop a cooperative research plan to restore the crab fishery: Provided further, That the Secretary of Commerce declares a fisheries failure pursuant to section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2202. For an additional amount for "Operations, Research, and Facilities", \$10,000,000 to provide emergency disaster assistance for the commercial fishery failure determined under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to the Northeast multispecies fishery, which shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that permanently revokes multispecies, limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program: Provided, That the entire amount made available in this section is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2203. For an additional amount for the account entitled "Operations, Research, and Facilities", to remain available until expended, \$7,000,000, of which \$2,000,000 shall be for studies relating to long-line interactions with sea turtles in the North Pacific and commercial fishing activities in the Northwest Hawaiian Islands, and of which \$5,000,000 shall be for observer coverage for the Hawaiian long-line fishery: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$7,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2204. NORTH PACIFIC MARINE RESEARCH INSTITUTE.—Public Law 101-380, as amended, is further amended by—

(a) inserting after section 5007 the following new section:

"SEC. 5008. NORTH PACIFIC MARINE RESEARCH INSTITUTE.

"(a) INSTITUTE ESTABLISHED.—The Secretary of Commerce shall establish a North Pacific Marine Research Institute (hereafter in this section referred to as the 'Institute') to be administered at the Alaska SeaLife Center by the North Pacific Research Board.

"(b) FUNCTIONS.—The Institute shall—

"(1) conduct research and carry out education and demonstration projects on or relating to the North Pacific marine ecosystem with particular emphasis on marine mammal, sea bird, fish, and shellfish populations in the Bering Sea and Gulf of Alaska including populations located in or near Kenai Fjords National Park and the Alaska Maritime National Wildlife Refuge; and

"(2) lease, maintain, operate, and upgrade the necessary research equipment and related facilities necessary to conduct such research at the Alaska SeaLife Center.

"(c) EVALUATION AND AUDIT.—The Secretary of Commerce may periodically evaluate the activities of the Institute to ensure that funds received by the Institute are used in a manner consistent with this section. The Comptroller General of the United States, and any of his or her duly authorized representatives, shall have access, for purposes of audit and examination, to any books, documents, papers, and records of the Institute that are pertinent to the funds received and expended by the Institute.

"(d) STATUS OF EMPLOYEES.—Employees of the Institute shall not, by reason of such employment, be considered to be employees of the Federal Government for any purpose.

"(e) USE OF FUNDS.—No funds made available to carry out this section may be used to initiate litigation, or for the acquisition of real property (other than facilities leased at the Alaska SeaLife Center). No more than 10 percent of the funds made available to carry out subsection (b)(1) may be used to administer the Institute.

"(f) AVAILABILITY OF RESEARCH.—The Institute shall publish and make available to any person on request the results of all research, educational, and demonstration projects conducted by the Institute. The Institute shall provide a copy of all research, educational, and demonstration projects conducted by the Institute to the National Park Service, the United States Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration.";

(b) in section 5006 by inserting at the end the following new subsection:

"(c) SECTION 5008.—Amounts in the Fund shall be available, without further appropria-

tion and without fiscal year limitation, to carry out section 5008(b), in an amount not to exceed \$5,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress."

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", \$200,000,000, to remain available until expended, for emergency rehabilitation and wildfire suppression activities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That \$100,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

LAND ACQUISITION

For an additional amount for "Land Acquisition", \$2,000,000, to remain available until expended, for acquisition of additional lands known as the Douglas Tract on the Potomac River in the State of Maryland, to be derived from the Land and Water Conservation Fund: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That \$2,000,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For an additional amount for "Regulation and Technology", \$9,821,000, to remain available until expended for the regulatory program of the State of West Virginia, of which \$6,222,000, not subject to section 705(a) of the Surface Mining Control and Reclamation Act, shall be available for regulatory program enhancements for the surface mining regulatory program of the State of West Virginia: Provided, That the balance of the funds shall be made available to the State to augment staffing and provide relative support expenses for the State's regulatory program: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for \$9,821,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for emergency expenses resulting from damages from wind storms, \$2,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", \$150,000,000, to remain available until expended, for emergency rehabilitation, presuppression, and wildfire suppression: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. Notwithstanding any other provision of law, the Indian Health Service is authorized to improve municipal, private or tribal lands with respect to the new construction of the clinic for the community of King Cove, Alaska authorized under section 353 of Public Law 105-277 (112 Stat. 2681-303).

SEC. 2302. From funds previously appropriated in Public Law 105-277 or other Interior and Related Agencies Appropriations Acts under the heading "Department of Energy, Fossil Energy Research and Development", the Secretary of Energy shall make available within 30 days after enactment of this Act \$750,000 for the purpose of executing proposal No. FT40770.

SEC. 2303. (a) Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31), the Secretary shall provide interim compensation within 60 days of the date of the enactment of this Act to—

(1) Dungeness fishing vessel crew members eligible for interim compensation under the existing National Park Service program (64 Fed. Reg. 145);

(2) United States fish processors which have been negatively affected by restrictions on fishing for Dungeness crab in Glacier Bay National Park and which previously received interim compensation; and

(3) Buy N Pack Seafoods, a United States fish processor located in Hoonah, Alaska and which has been severely and negatively impacted by restrictions on fishing in Glacier Bay National Park, for estimated 1999 and 2000 losses based on an average net income derived from processing product harvested from Glacier Bay fisheries from 1995 through 1998.

Payments made to processors under paragraph (2) are intended to compensate recipients for losses incurred in 2000 and shall not exceed compensation provided for losses incurred in 1999. The Park Service shall not delay the scheduled public involvement process for the Glacier Bay compensation plan.

(b) The amount of final compensation paid to any entity shall be reduced by the total dollar

amount of any interim compensation payments received.

(c) Funds appropriated for the purpose of making payments authorized by section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277, as amended) shall also be available for making payments authorized in subsection (c) of that section.

CHAPTER 4

DEPARTMENT OF LABOR

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking "including not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy" and inserting "and, in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For "Health Resources and Services" for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, \$20,000,000, which shall become available on October 1, 2000, and shall remain available until September 30, 2001: Provided, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: Provided further, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grant: Provided further, That such grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 2.5 percent of such amount.

For an additional amount for "Health Resources and Services", \$3,000,000 to remain available until September 30, 2001, for renovation and construction of a children's psychiatric services facility in Wading River, New York: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disease Control, Research, and Training", \$12,000,000 for international HIV/AIDS programs, to remain available until September 30, 2001: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Disease Control, Research, and Training", \$460,000, to be derived by transfer from the amount made available for fiscal year 2000 for "Health Resources and Services Administration-Health Resources and Services" for construction and renovation of health care and other facilities.

ADMINISTRATION FOR CHILDREN AND FAMILIES PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For an additional amount for "Payments to States for Foster Care and Adoption Assistance" for payments for fiscal year 2000, \$35,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" for emergency assistance under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), \$600,000,000, to remain available until expended: Provided, That the entire amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That this amount shall be available only to the extent an official budget request for a specific dollar amount that includes designations of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

REFUGEE AND ENTRANT ASSISTANCE

Funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) for fiscal year 2000, pursuant to section 414(a) of the Immigration and Nationality Act, shall be available for the costs of assistance provided and other activities through September 30, 2002.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting after "\$934,285,000" the following: " , of which \$2,200,000 shall be for the Anchorage, Alaska Senior Center, and shall remain available until expended".

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT (RESCISSION)

Of the amounts appropriated under this heading in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of

Public Law 106-113), \$20,000,000 is rescinded: Provided, That the amount rescinded is from the amount designated to become available on October 1, 2000, and to remain available until September 30, 2001.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING RESCISSION)

For an additional amount for "Public Health and Social Services Emergency Fund", \$31,200,000, to remain available until expended for the National Pharmaceutical Stockpile: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, \$43,200,000 of the funds appropriated under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is hereby rescinded: Provided, That of such rescission, \$12,000,000 shall be derived from the amount specified under such heading for international HIV/AIDS programs; and \$31,200,000 shall be derived from the amount specified under such heading for activities related to countering potential biological, disease and chemical threats to civilian populations.

GENERAL PROVISION—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 2401. Section 206 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting before the period at the end the following: " : Provided further, That this section shall not apply to funds appropriated under the heading 'Centers for Disease Control and Prevention—Disease Control, Research, and Training', funds made available to the Centers for Disease Control and Prevention under the heading 'Public Health and Social Services Emergency Fund', or any other funds made available in this Act to the Centers for Disease Control and Prevention".

DEPARTMENT OF EDUCATION

SPECIAL EDUCATION

The matter under this heading in the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting after the words "Salt Lake City Organizing Committee" the words " , or a governmental agency or not-for-profit organization designated by the Salt Lake City Organizing Committee".

VOCATIONAL AND ADULT EDUCATION

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by striking "\$858,150,000" and inserting "\$882,650,000", and by striking the last proviso, and inserting "Provided further, That of the funds provided to become available on July 1, 2000, \$19,000,000 shall be for Youth Offender Grants, of which \$5,000,000 shall be used in accordance with section 601 of Public Law 102-73 as that section was in effect prior to the enactment of Public Law 105-220."

HIGHER EDUCATION

Funds appropriated under this heading in Public Law 105-78 to carry out title X-E of the Higher Education Act shall be available for obligation by the states through September 30, 2000, and funds appropriated under this heading in Public Law 105-277 to carry out title VIII-D of the Higher Education Amendments of 1998 shall be available for obligation by the states through September 30, 2001.

For an additional amount for "Higher Education" for carrying out part B of title VII of the Higher Education Act of 1965, \$750,000, to remain available until expended, which shall be awarded to the College of New Jersey, in Ewing, New Jersey, for creation of a center for inquiry and design-based learning in mathematics, science and technology education: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(INCLUDING TRANSFER OF FUNDS)

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—

(1) by striking "North Babylon Community Youth Services for an educational program" and inserting "Town of Babylon Youth Bureau for an educational program";

(2) by striking "to promote participation among youth in the United States democratic process" and inserting "to expand access to and improve advanced education";

(3) by striking "\$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary school students" and inserting "\$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education programs for local school students";

(4) by striking "Oakland Unified School District in California for an African American Literacy and Culture Project" and inserting "California State University, Hayward, for an African-American Literacy and Culture Project carried out in partnership with the Oakland Unified School District in California"; and

(5) by striking "\$900,000 shall be awarded to the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts" and inserting "\$462,000 shall be awarded to the Boston Symphony Orchestra for the teacher resource center and \$370,000 shall be awarded to the Boston Music Education Collaborative for an interdisciplinary music program, in Boston, Massachusetts".

For an additional amount for "Education Research, Statistics, and Improvement" to carry out part A of title X of the Elementary and Secondary Education Act of 1965, \$368,000, to be derived by transfer from the amount made available for fiscal year 2000 for "Health Resources and Services Administration—Health Resources and Services" for construction and renovation of health care and other facilities: Provided, That such amount shall be awarded to the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", \$35,000,000, to be available through September 30, 2001: Provided, That the entire amount is hereby designated by the Congress to be an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2402. Section 513 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended by inserting before the period at the end the following: "Provided further, That the provisions of this section shall not apply to any funds appropriated to the Centers for Disease Control and Prevention or to the Department of Education".

SEC. 2403. Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is amended—

(1) in subparagraph (F), by striking "\$1,500,000" and inserting "\$15,000,000";

(2) in subparagraph (G), by striking "\$900,000" and inserting "\$9,000,000"; and

(3) in subparagraph (H), by striking "\$300,000" and inserting "\$3,000,000".

SEC. 2404. (a) The Workforce Investment Act of 1998 (20 U.S.C. 2841) is amended—

(1) in section 503—

(A) by striking "under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.)" each place it appears and inserting "under Public Law 105-332 (20 U.S.C. 2301 et seq.); and

(B) by adding at the end the following:

"(d) Notwithstanding any other provision of this section, for fiscal year 2000, the Secretary shall not consider the expected levels of performance under Public Law 105-332 (20 U.S.C. 2301 et seq.) and shall not award a grant under subsection (a) based on the levels of performance for that Act."

(b) Section 111 (a)(1)(C) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2321) is amended by striking "fiscal years 2000" and inserting "fiscal years 2001".

SEC. 2405. Of the funds made available in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) for section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, \$2,250,000 of the amount appropriated shall be available October 1, 1999 for evaluation, technical assistance, and school networking activities, and up to 1 percent of the amount appropriated shall be available October 1, 1999, for peer review of applications.

SEC. 2406. Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2),"; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2)."

SEC. 2407. For an additional amount for "Health Resources and Services Administration, Health Resources and Services", \$3,500,000, for the Saint John's Lutheran Hospital in Libby, Montana, for construction and renovation of health care and other facilities and an additional amount for the "Economic Development Administration", \$8,000,000, only for a grant to the City of Libby, Montana, such amount to be transferred to the City upon its request, notwithstanding the provisions of any other law and without any local matching share or award conditions: Provided, That the entire amounts in this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amounts provided within this section shall be available only to the extent an official budget request that includes designation of the entire amounts of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

FIRE SAFETY

For an additional amount for the Architect of the Capitol for expenses for fire safety, \$17,480,000, to remain available until expended, of which \$7,039,000 shall be for "Capitol Buildings and Grounds—Capitol Buildings—Salaries and Expenses"; \$2,314,000 shall be for "Senate Office Buildings"; \$4,213,000 shall be for "House Office Buildings"; \$3,000 shall be for "Capitol Power Plant"; \$26,000 shall be for "Botanic Garden—Salaries and Expenses"; and \$3,885,000 shall be for "Architect of the Capitol—Library Buildings and Grounds—Structural and Mechanical Care": Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. Section 127(e)(1) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 19 U.S.C. 2213 note) is amended by striking "12 months" and insert "15 months".

CHAPTER 6

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Acquisition, construction, and improvements", \$45,000,000 shall be available until expended for acquisition of one C-37A command and control aircraft: Provided, That the Commandant of the Coast Guard shall sell the current VC-11A command and control aircraft and credit the proceeds from that sale as offsetting collections to the appropriation under this heading: Provided further, That such proceeds may not be obligated without further appropriation: Provided further, That of the available balances under this heading from previous appropriations Acts, \$11,400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Operations", \$75,000,000, to be derived from the Airport and Airway Trust Fund and to be available until September 30, 2001: Provided, That the entire amount under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$75,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$19,739,000, for emergency expenses associated with the investigation of the Egypt Air 990 and Alaska Air 261 accidents, to remain available until expended: Provided, That such funds shall be available for wreckage location and recovery facilities, technical support, testing, and wreckage mock-up: Provided further, That in the event the Arab Republic of Egypt reimburses the National Transportation Safety Board for wreckage location and recovery, family assistance, and interagency expenses, the Secretary of the Treasury shall reduce the appropriation under this heading by an amount equal to the reimbursement, less \$5,000,000: Provided further, That the Secretary of the Treasury shall not credit the appropriation under this heading with a reimbursement in excess of \$8,983,000: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. Notwithstanding any other provision of law, of the funds available under section 104(a) of title 23, United States Code, \$1,200,000 shall be available for the Paso Del Norte International Bridge in the state of Texas; \$9,000,000 shall be available for the US 82 Mississippi River Bridge in the state of Mississippi; \$2,000,000 shall be available for the Union Village/Cambridge Junction bridges in the state of Vermont; \$5,000,000 shall be available for the Naheola Bridge in the state of Alabama; \$3,000,000 shall be available for the Hoover Dam Bypass in the states of Arizona and Nevada; \$3,000,000 shall be available for the Witt-Penn Bridge in the state of New Jersey; and \$12,000,000 shall be available for the Florida Memorial Bridge in the state of Florida.

SEC. 2602. Of the funds transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses pursuant to Public Law 105-277, \$26,600,000 of the unobligated balance are hereby rescinded: Provided, That the Department of Transportation shall allocate this rescission among the appropriate accounts within the Department and report such allocation to the House and Senate Committees on Appropriations.

SEC. 2603. (a) The Administrator of the Environmental Protection Agency shall make a grant for the purpose of carrying out the first year of a 2-year program to implement in five metropolitan areas pilot design programs developed under section 365(a)(2) of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1028-1029).

(b) The Administrator shall ensure that each pilot design program is implemented in accord-

ance with recommendations developed by the National Telecommuting and Air Quality Steering Committee, in consultation with the local design teams.

(c) Grants received under subsection (a) may be used for—

(1) protocol development in the five metropolitan areas;

(2) marketing of the telecommute, emissions reduction, pollution credits strategy and recruitment of participating employers; and

(3) data gathering on emissions reductions.

(d) In addition to the grant under subsection (a), for the purpose of carrying out the second year of the 2-year program referred to in subsection (a), the Administrator shall—

(1) make a grant of \$750,000 to the National Environmental Policy Institute (a nonprofit private entity incorporated under the laws of and located in the District of Columbia); and

(2) make grants totaling \$1,250,000 to local agencies within the five metropolitan areas referred to in subsection (a).

(e) Not later than 360 days from first day of the second year of the 2-year program referred to in subsection (a), the Administrator shall transmit to Congress a report on the results of the program.

(f) The Administrator shall carry out this section in collaboration with the Secretary of Transportation.

(g) There is appropriated to the Department of Transportation, "Office of the Assistant Secretary for Policy", \$2,000,000 to carry out this section. Such amounts shall be transferred to and administered by the Environmental Protection Agency and shall remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2604. Notwithstanding any other provision of law, hereafter, funds apportioned under section 104(b)(3) of title 23 which are applied to projects involving the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may have a Federal share up to 100 percent of the cost of construction.

SEC. 2605. Notwithstanding any other provision of law, for necessary expenses for planning, preliminary engineering and design of the Metro-North Danbury to Norwalk commuter rail line re-electrification project, \$2,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2606. Notwithstanding any other provision of law, for necessary expenses for the Second Avenue Subway in New York City, New York, \$3,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Pro-

vided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2607. Notwithstanding any other provision of law, for necessary expenses relating to a study of improvements to Highway 8, from the Minnesota border to Highway 51 in the state of Wisconsin, \$500,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

SEC. 2608. Notwithstanding any other provision of law, for necessary expenses relating to construction of, and improvements to, Halls Mill Road in Monmouth County, New Jersey, \$1,000,000, to be derived from the Highway Account of the Highway Trust Fund and to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount, \$24,900,000 for the Secretary of the Treasury to establish and operate an in-service firearms training facility for the United States Customs Service and other agencies, to remain available until expended: Provided, That the Secretary is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and to conduct training: Provided further, That the land identified as the Sleepy Hollow Partnership and Marcus Enterprises tract (44,-R), Harpers Ferry Magisterial District, Jefferson County, West Virginia, together with a forty-five foot right-of-way over the lands of Valley Blox, Inc. as described in the deed from Joel T. Broyhill Enterprises, Inc. to Sleepy Hollow Partnership, et al., in a Deed dated March 29, 1989, and recorded in the Jefferson County Clerk's Office in Deed Book 627, Page 494, originally acquired by the United States Fish and Wildlife Service as a proposed site for a training center but not selected for that purpose and presently held by the United States Fish and Wildlife Service in an administrative capacity, shall be managed by the National Park Service pursuant to a cooperative management agreement between the United States Fish and Wildlife Service and the National Park Service, consistent with the laws (including regulations) generally applicable to the National Park Service: Provided further, That administrative jurisdiction of a suitable portion of said land that is

necessary for the creation of a Department of the Treasury training facility, to be identified by the National Park Service, shall be transferred under a lease-type arrangement at no cost within 120-days of the date of the enactment of this Act to the Department of the Treasury for such time as required by the Department of the Treasury: Provided further, That the training to be conducted at the facility shall be configured in a manner so that it does not duplicate or displace any Federal law enforcement program of the Federal Law Enforcement Training Center: Provided further, That training currently being conducted at a Federal Law Enforcement Training Center facility shall not be moved to the new training facility: Provided further, That at such time as the land is no longer required for training purposes, administrative jurisdiction shall be transferred back to the Department of the Interior in a manner and condition acceptable to the Department of the Interior: Provided further, That the total amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, \$4,000,000,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" related to planning, coordination and implementation of security for national special security and major protective events, \$10,000,000: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF ADMINISTRATION

INFORMATION TECHNOLOGY

For necessary expenses of the Office of Administration for restoration and reconstruction of certain electronic mail messages and for inclusion of such messages in the Automated Records Management System, \$8,400,000, which shall remain available until September 30, 2002: Provided, That such funds may not be obligated

until the Office of Administration submits to the Committees on Appropriations an independent verification and validation of the initial and projected costs of the tape restoration and reconstruction project: Provided further, That such submission shall include the final report prepared by the independent verification and validation contractor to the Office of Administration relating to the initial and projected cost estimates: Provided further, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

POLICY AND OPERATIONS

For an additional amount, \$3,300,000 to remain available until expended for the Salt Lake 2002 Winter Olympic and Paralympic Games doping control program: Provided, That the entire amount in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. Notwithstanding section 1345 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 113 Stat. 467), funds made available for fiscal year 2000 for any other department or agency of the Federal Government with authority to conduct counterdrug intelligence activities may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000, except that the total amount that may be used under this section for such purpose shall not exceed \$1,100,000.

SEC. 2702. (a) The unobligated balance as of September 30, 2000, of funds appropriated under the heading "Internal Revenue Service, Information Technology Investments" in the Treasury Department Appropriations Act, 1998, title I of Public Law 105-61, is rescinded.

(b) Subsection (a) shall be effective September 30, 2000.

(c) The amount rescinded pursuant to subsection (a) is appropriated for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109, which shall be available through September 30, 2001: Provided, That none of these funds shall be obligated until the Internal Revenue Service submits to Congress and Congress approves a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A-11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by

the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

SEC. 2703. RESTORATION OF MEDICARE TRUST FUNDS. (a) CORRECTION OF TRUST FUND HOLDINGS.—

(1) IN GENERAL.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall take the actions described in paragraph (2) with respect to each trust fund with the goal being that, after the actions are taken, the holdings of the trust fund will replicate, to the extent practicable in the judgement of the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, the obligations that would have been held by the trust fund if the clerical error had not occurred.

(2) OBLIGATIONS ISSUED AND REDEEMED.—The Secretary of the Treasury shall—

(A) issue to each trust fund obligations under chapter 31 of title 31, United States Code, that bear issue dates, interest rates, and maturity dates as the obligations that—

(i) would have been issued to the trust fund if the clerical error had not occurred; or

(ii) were issued to the trust fund and were redeemed by reason of the clerical error; and

(B) redeem from each trust fund obligations that—

(i) would not have been issued to the trust fund if the clerical error had not occurred; or

(ii) would have been redeemed from the trust fund if the clerical error had not occurred.

(b) CORRECTION OF INTEREST INCOME.—

(1) TRANSFER OF EXCESS INTEREST INCOME.—Within 120 days after the effective date of this Act, the Secretary of the Treasury shall transfer from the Federal Hospital Insurance Trust Fund to the Federal Supplementary Medical Insurance Trust Fund an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the amount of interest income that was credited to the Federal Hospital Insurance Trust Fund that would not have been credited if the clerical error had not occurred.

(2) CREDIT OF LOST INTEREST INCOME.—Within 120 days after the effective date of this Act, there is hereby appropriated to the Federal Supplementary Medical Insurance Trust Fund, out of any money in the Treasury not otherwise appropriated, an amount determined by the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, to be equal to the difference between—

(A) the interest income lost by that trust fund through the date of credit by reason of the clerical error; and

(B) the amount transferred to that trust fund under paragraph (1).

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CLERICAL ERROR.—The term "clerical error" means the erroneous transfers of moneys between the investment accounts and uninvested transfer accounts of the trust funds that occurred in the fiscal year ending September 30, 1999, as described in the Department of Health and Human Services' "Accountability Report for Fiscal Year 1999: Federal Managers Financial Integrity Act Report on Systems and Controls".

(2) TRUST FUND.—The term "trust fund" means either the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund.

SEC. 2704. (a) IN GENERAL.—Of the amounts provided to the Office of National Drug Control Policy for fiscal year 2000, pursuant to section

237 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, the Director of such Office shall make a direct payment of \$3,000,000 to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

(b) **DIRECT PAYMENTS.**—Effective on the date of the enactment of this Act, the Director of the Office of National Drug Control Policy is authorized and directed to make a direct payment to the United States Olympic Committee for the conduct of anti-doping activities through the United States Anti-Doping Agency.

SEC. 2705. (a) The unobligated balance as of September 30, 2000, of funds transferred to the United States Secret Service pursuant to the second sentence of section 240 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, is rescinded.

(b) Subsection (a) shall be effective September 30, 2000.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the United States Secret Service for salaries and expenses, to remain available until September 30, 2001.

SEC. 2706. Of the amounts provided in Public Law 106-58 in the Policy and Operations account, the General Services Administration is hereby authorized to provide \$225,000, to remain available until expended, for the Nebraska State Patrol Digital Distance Learning project.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANTS

The referenced statement of the managers in the sixth undesignated paragraph under this heading in title II of Public Law 106-74 is deemed to be amended by striking "Montgomery" in reference to the planning and construction of a regional learning center at Spring Hill College, and inserting "Mobile".

The referenced statement of the managers in the fourth undesignated paragraph under this heading in title II of Public Law 106-74 for neighborhood initiatives for specified grants to the City of Yankton, South Dakota, for the restoration of the downtown area and the development of the Fox Run Industrial Park is deemed to be amended by adding after the word "Park" the following: "and for activities to facilitate economic development, including infrastructure improvements".

For an additional amount for targeted economic development initiatives under the Community Development Block Grants program, \$27,500,000: Provided, That the statement of the managers accompanying Public Law 106-74 is deemed to be amended to include in the description of targeted economic development initiatives the following:

"—\$1,300,000 to the City of Park Falls, Wisconsin for economic development, including purchase of municipal equipment and infrastructure improvements in industrial parks and the City of Park Falls;

"—\$250,000 to the Lake Superior BTC cultural center in Washburn, Wisconsin for restoration of facilities and equipment destroyed by fire;

"—\$900,000 to the City of Hatley, Wisconsin for the cost of water, wastewater and sewer system improvements;

"—\$50,000 to the City of Hamlet, North Carolina for demolition and removal of buildings and equipment destroyed by fire; and

"—\$25,000,000 to the City of Youngstown, Ohio for site acquisition, planning, architectural design, and construction of a convocation and community center.";

Provided, That the entire amount under this paragraph shall be available only to the extent

that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$36,000,000: Provided, That of said amount, \$11,000,000 shall be provided to the New Jersey Department of Community Affairs and \$25,000,000 shall be provided to the North Carolina Housing Finance Agency for the purpose of providing temporary assistance in obtaining rental housing, and for construction of affordable replacement housing: Provided further, That assistance provided under this paragraph shall be for very low-income families displaced by flooding caused by Hurricane Floyd and surrounding events: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

HOMELESS ASSISTANCE GRANTS

Of the amounts made available under this heading in title II of Public Law 106-74, the Secretary of Housing and Urban Development shall, for each request described in the following proviso, make a 1-year grant to the entity making the request in the amount under the second proviso: Provided, That a request described in this proviso is a request for a grant under subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381 et seq.) for permanent housing for homeless persons with disabilities or subtitle F of such title (42 U.S.C. 11403 et seq.) that: (1) was submitted in accordance with the eligibility requirements established by the Secretary and pursuant to the notice of funding availability for fiscal year 1999 covering such programs, but was not approved; (2) was made by an entity that received such a grant pursuant to the notice of funding availability for a previous fiscal year; and (3) requested renewal of funding made under such previous grant for use for eligible activities because funding under such previous grant expires during calendar year 2000: Provided further, That the amount under this proviso is the amount necessary, as determined by the Secretary, to renew funding for the eligible activities under the grant request for a period of only 1 year, taking into consideration the amount of funding requested for the first year of funding under the grant request: Provided further, That in the third proviso under this heading in Public Law 106-74, insert "and management and information systems" after "technical assistance".

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

The Secretary of Housing and Urban Development is prohibited from using any funds in Public Law 106-74 or any other Act to employ more than 9,100 full-time equivalent employees at the Department of Housing and Urban Development in fiscal year 2000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING RESCISSION OF FUNDS)

Of the amounts made available under this heading in Public Law 106-74, \$6,000,000 provided for the "Office of Inspector General" is rescinded. For an additional amount for the "Office of Inspector General", \$6,000,000, to remain available until September 30, 2001: Provided, That these funds shall be made available under the same terms and conditions as authorized for the funds under this heading in Public Law 106-74.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(RESCISSION OF FUNDS)

Of the amounts available in the National Service Trust account from previous appropriations Acts, \$1,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General" for reviews and audits of the State Commissions on National and Community Service (including alternative administrative entities) established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), \$1,000,000, to remain available until September 30, 2001.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

Of the amount appropriated under this heading in title III of Public Law 106-74, \$2,374,900, in addition to amounts made available for the following in prior Acts, shall be and have been available to award grants for work on the Buffalo Creek and other New York watersheds and for aquifer protection work in and around Cortland County, New York, including work on the Upper Susquehanna watershed.

Of the amount appropriated under this heading in title III of Public Law 105-276 to establish a regional environmental data center and to develop an integrated, automated water quality monitoring and information system for watersheds impacting Chesapeake Bay, \$2,600,000 shall be transferred to the "State and tribal assistance grants" account to remain available until expended for grants for wastewater and sewer infrastructure improvements for Smithfield Township, Monroe County (\$800,000); the Municipal Authority of the Borough of Milford, Pike County (\$800,000); the City of Carbondale, Lackawanna County (\$200,000); Throop Borough, Lackawanna County (\$200,000); and Dickson City, Lackawanna County (\$600,000), Pennsylvania.

None of the funds made available for fiscal years 2000 and 2001 for the Environmental Protection Agency may be used to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Load, published in the Federal Register on August 23, 1999.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74), is deemed to be amended by striking "in the town of Waynesville" in reference to water and wastewater infrastructure improvements as identified in project number 102, and by inserting "Haywood County"; by adding the words

"for the Fourpole Pumping Station" after the word "improvements" in reference to water and wastewater infrastructure improvements as identified in project number 135; and by striking the words "at the West County Wastewater Treatment Plant" in reference to wastewater infrastructure improvements within the Metropolitan Sewer District at Louisville, Kentucky as identified in project number 50.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF

Of the unobligated balances made available under the second paragraph under this heading in Public Law 106-74, in addition to other amounts made available, up to \$50,000,000 may be used by the Director of the Federal Emergency Management Agency for the buyout or elevation of properties which are principal residences that have been made uninhabitable by floods in areas which were declared Federal disasters in fiscal years 1999 and 2000: Provided, That such properties are located in a 100-year floodplain: Provided further, That no homeowner may receive any assistance for buyouts in excess of the pre-flood fair market value of the residence (reduced by any proceeds from insurance or any other source paid or owed as a result of the flood damage to the residence): Provided further, That each state shall ensure that there is a contribution from non-Federal sources of not less than 25 percent in matching funds (other than administrative costs) for any funds allocated to the State for buyout assistance: Provided further, That all buyouts under this section shall be subject to the terms and conditions specified under 42 U.S.C. 5170c(b)(2)(B): Provided further, That none of the funds made available for buyouts under this paragraph may be used in any calculation of a State's section 404 allocation: Provided further, That the Director shall report quarterly to the House and Senate Committees on Appropriations on the use of all funds allocated under this paragraph and certify that the use of all funds are consistent with all applicable laws and requirements: Provided further, That no funds shall be allocated for buyouts under this paragraph except in accordance with regulations promulgated by the Director: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

For an additional amount for "Science, aeronautics and technology", \$1,500,000, to remain available until September 30, 2001: Provided, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2801. Title V, subtitle C, section 538 of Public Law 106-74, is amended by striking "during any period that the assisted family con-

tinues residing in the same project in which the family was residing on the date of the eligibility event for the project, if" and inserting the following: "the assisted family may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project, and if, during any period the family makes such an election and continues to so reside,".

SEC. 2802. Section 175 of Public Law 106-113 is amended by striking "as a grant for Special Olympics in Anchorage, Alaska to develop the Ben Boeke Arena and Hilltop Ski Area," and inserting the following "to the Organizing Committee for the 2001 Special Olympics World Winter games to be used in support of related activities in Alaska,".

SEC. 2803. (a) TECHNICAL REVISION TO PUBLIC LAW 106-74.—Title II of Public Law 106-74 is amended—

(1) under the heading "Urban Empowerment Zones", by striking "\$3,666,000" and inserting "\$3,666,666"; and

(2) under the heading "Community Development Block Grants" under the fourth undesignated paragraph, by striking "\$23,000,000" and inserting "\$22,750,000".

(b) TECHNICAL REVISION TO PUBLIC LAW 106-113.—Section 242(a) of Appendix E of Public Law 106-113 is amended—

(1) by striking "seventh" and inserting "sixth"; and

(2) by striking "\$250,175,000" and inserting "\$250,900,000".

(c) EFFECTIVE DATES.—The amendments made by—

(1) subsection (a) shall be construed to have taken effect on October 20, 1999; and

(2) subsection (b) shall be construed to have taken effect on November 29, 1999.

SEC. 2804. SECTION 235 RESCISSION. Section 208(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is amended—

(1) by striking "235(r)" and inserting "235";

(2) by inserting after "104 Stat. 2305)" the following: "for payments under section 235(r) of the National Housing Act"; and

(3) by striking "for such purposes".

CHAPTER 9

GENERAL PROVISION—THIS TITLE

SEC. 2901. For an additional amount for the District of Columbia Metropolitan Police Department, \$4,485,000 for the reimbursement of certain costs incurred by the District of Columbia as host of the International Monetary Fund and World Bank Organization Spring Conference in April 2000: Provided, That the entire amount shall be available only to the extent an official budget request for \$4,485,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TITLE III—COUNTERNARCOTICS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$30,000,000, to remain available for obligation until September 30, 2002: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the

entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$154,059,000, to remain available for obligation until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That no funds made available under this heading may be obligated or expended for training, logistics support, planning or assistance contracts for any overseas activity until 15 days after the Assistant Secretary of Defense, Special Operations and Low-Intensity Conflict reports to the congressional defense committees on the value, duration and purpose of such contracts.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3101. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated in this Act for the Department of Defense, not to exceed \$45,000,000 shall be available for the provision of support for counter-drug activities of the Government of Colombia. The support provided under this section shall be in addition to support provided for counter-drug activities of the Government of Colombia under any other provision of law.

(b) TYPES OF SUPPORT.—The support that may be provided using this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1882). In addition, using unobligated balances from the Department of Defense Appropriations Act, 1999 (Public Law 105-262), the Secretary of Defense may transfer one light observation aircraft to Colombia for counter-drug activities.

(c) CONDITIONS ON PROVISION OF SUPPORT.—(1) The Secretary of Defense may not obligate or expend funds appropriated in this Act to provide support under this section for counter-drug activities of the Government of Colombia until the end of the 15-day period beginning on the date on which the Secretary submits the written certification for fiscal year 2000 pursuant to section 1033(f)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1882).

(2) The elements of the written certification submitted for fiscal year 2000 described in section 1033(g) of that Act shall apply to, and the written certification shall address, the support provided under this section for counter-drug activities of the Government of Colombia.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT
DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support Central and South America and Caribbean counternarcotics activities, \$1,018,500,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than \$110,000,000 shall be made available for assistance for Bolivia, of which not less than \$85,000,000 may be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than \$20,000,000 may be made available for assistance for Ecuador, of which not less than \$8,000,000 may be made available for alternative development and other economic activities: Provided further, That of the funds appropriated under this heading, not less than \$18,000,000 shall be made available for assistance for other countries in South and Central America and the Caribbean which are cooperating with United States counternarcotics objectives: Provided further, That of the funds appropriated under this heading, not less than \$60,000,000 shall be made available for the procurement, refurbishing, and support for UH-1H Huey II helicopters for the Colombian Army: Provided further, That of the funds appropriated under this heading, not less than \$234,000,000 shall be made available for the procurement of and support for UH-60 Blackhawk helicopters for use by the Colombian Army and the Colombian National Police: Provided further, That procurement of UH-60 Blackhawk helicopters from funds made available under this heading shall be managed by the United States Defense Security Cooperation Agency: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or illegal security cooperative, then such helicopter shall be immediately returned to the United States: Provided further, That of the amount appropriated under this heading, \$2,500,000 shall be available for a program for the demobilization and rehabilitation of child soldiers in Colombia: Provided further, That funds made available under this heading shall be in addition to amounts otherwise available for such purposes: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 30 days after the date of the enactment of this Act and prior to the initial obligation of any funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity: Provided further, That at least 20 days prior to the obligation of funds made available under this heading the Secretary of State shall inform the Committees on Appropriations: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as

amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS—THIS CHAPTER
SEC. 3201. CONDITIONS ON ASSISTANCE FOR COLOMBIA. (a) CONDITIONS.—

(1) CERTIFICATION REQUIRED.—Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that—

(A)(i) the President of Colombia has directed in writing that Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

(C) the Government of Colombia is vigorously prosecuting in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

(D) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory;

(E) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

(2) CONSULTATIVE PROCESS.—The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) APPLICATION OF EXISTING LAWS.—The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106-113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) shall apply to the availability of funds under this heading.

(4) WAIVER.—Assistance may be furnished without regard to this section if the President determines and certifies to the appropriate Committees that to do so is in the national security interest.

(b) DEFINITIONS.—In this section:

(1) AIDING OR ABETTING.—The term "aiding or abetting" means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropria-

tions and the Committee on International Relations of the House of Representatives.

(3) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

(4) ASSISTANCE.—The term "assistance" means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510); relating to counter-drug assistance.

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85); relating to counter-drug assistance to Colombia and Peru.

(C) Section 23 of the Arms Export Control Act (Public Law 90-629); relating to credit sales.

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195); relating to international narcotics control.

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195); relating to emergency drawdown authority.

SEC. 3202. REGIONAL STRATEGY. (a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, the Committee on International Relations and the Committee on Appropriations of the House of Representatives, a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and neighboring countries.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The key objectives of the United States' counternarcotics strategy in Colombia and neighboring countries and a detailed description of benchmarks by which to measure progress toward those objectives.

(2) The actions required of the United States to support and achieve these objectives, and a schedule and cost estimates for implementing such actions.

(3) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(4) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency and paramilitary forces in Colombia.

(5) How the strategy with respect to Colombia relates to and affects the United States' strategy in the neighboring countries.

(6) How the strategy with respect to Colombia relates to and affects the United States' strategy for fulfilling global counternarcotics goals.

(7) A strategy and schedule for providing material, technical, and logistical support to Colombia and neighboring countries in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

(8) A schedule for making Forward Operating Locations (FOL) fully operational, including cost estimates and a description of the potential capabilities for each proposed location and an explanation of how the FOL architecture fits into the overall the Strategy.

SEC. 3203. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS. (a) Not later than 6 months after the date of the enactment of this title, and every 6 months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from any country receiving

counter narcotics assistance from the United States, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by the authorities and who are being processed for extradition;

(C) have been detained by the authorities and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.

SEC. 3204. LIMITATIONS ON SUPPORT FOR PLAN COLOMBIA AND ON THE ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA. (a) LIMITATION ON SUPPORT FOR PLAN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by any Act shall be available for support of Plan Colombia unless and until—

(A) the President submits a report to Congress requesting the availability of such funds; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(2) EXCEPTIONS.—The limitation in paragraph (1) does not apply to—

(A) appropriations made by this Act, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, the Military Construction Appropriations Act, 2001, the Commerce, Justice, State and the Judiciary Appropriations Act, 2001, the Treasury and General Government Appropriations Act, 2001, or the Department of Defense Appropriations Act, 2001, for the purpose of support of Plan Colombia; or

(B) the unobligated balances from any other program used for their originally appropriated purpose to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform in the countries covered by Plan Colombia.

(3) WAIVER.—The limitations in subsection (a) may be waived by an Act of Congress.

(b) LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL IN COLOMBIA.—

(1) LIMITATION.—Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this or any other Act (including funds described in subsection (c)) may be available for—

(A) the assignment of any United States military personnel for temporary or permanent duty in Colombia in connection with support of Plan Colombia if that assignment would cause the number of United States military personnel so assigned in Colombia to exceed 500; or

(B) the employment of any United States individual civilian retained as a contractor in Colombia if that employment would cause the total number of United States individual civilian contractors employed in Colombia in support of Plan Colombia who are funded by Federal funds to exceed 300.

(2) EXCEPTION.—The limitation contained in paragraph (1) shall not apply if—

(A) the President submits a report to Congress requesting that the limitation not apply; and

(B) Congress enacts a joint resolution approving the request of the President under subparagraph (A).

(c) WAIVER.—The President may waive the limitation in subsection (b)(1) for a single period of up to 90 days in the event that the Armed Forces of the United States are involved in hostilities or that imminent involvement by the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the President to carry out any emergency evacuation of United States citizens or any search or rescue operation for United States military personnel or other United States citizens.

(e) REPORT ON SUPPORT FOR PLAN COLOMBIA.—Not later than June 1, 2001, and not later than June 1 and December 1 of each of the succeeding four fiscal years, the President shall submit a report to Congress setting forth any costs (including incremental costs incurred by the Department of Defense) incurred by any department, agency, or other entity of the Executive branch of Government during the two previous fiscal quarters in support of Plan Colombia. Each such report shall provide an itemization of expenditures by each such department, agency, or entity.

(f) BIMONTHLY REPORTS.—Beginning within 90 days of the date of the enactment of this joint resolution, and every 60 days thereafter, the President shall submit a report to Congress that shall include the aggregate number, locations, activities, and lengths of assignment for all temporary and permanent United States military personnel and United States individual civilians retained as contractors involved in the antinarcotics campaign in Colombia.

(g) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTIONS DEFINED.—

(A) For purposes of subsection (a)(1)(B), the term “joint resolution” means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the request of the President for additional funds for Plan Colombia contained in the report submitted by the President under section 3204(a)(1) of the 2000 Emergency Supplemental Appropriations Act.”

(B) For purposes of subsection (b)(2)(B), the term “joint resolution” means only a joint resolution introduced not later than 10 days of the date on which the report of the President under subsection (a)(1)(A) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the request of the President for exemption from the limitation applicable to the assignment of personnel in Colombia contained in the report submitted by the President under section 3204(b)(2)(B) of the 2000 Emergency Supplemental Appropriations Act.”

(2) PROCEDURES.—Except as provided in subparagraph (B), a joint resolution described in paragraph (1)(A) or (1)(B) shall be considered in a House of Congress in accordance with the procedures applicable to joint resolutions under paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473; 98 Stat. 1936).

(h) PLAN COLOMBIA DEFINED.—In this section, the term “Plan Colombia” means the plan of the Government of Colombia instituted by the administration of President Pastrana to combat drug production and trafficking, foster peace, increase the rule of law, improve human rights, expand economic development, and institute justice reform.

SEC. 3205. (a) DENIAL OF VISAS FOR PERSONS CREDIBLY ALLEGED TO HAVE AIDED AND ABET-

TED COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—None of the funds appropriated or otherwise made available in this Act for any fiscal year for the Department of State may be used to issue visas to any person who has been credibly alleged to have provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC), including conspiracy to allow, facilitate, or promote the illegal activities of such groups.

(b) EXEMPTION.—Subsection (a) shall not apply if the Secretary of State finds, on a case-by-case basis, that the entry into the United States of a person who would otherwise be excluded under this section is necessary for medical reasons, or to permit the prosecution of such person in the United States, or the person has cooperated fully with the investigation of crimes committed by individuals associated with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Colombian Self Defense organization (AUC).

(c) WAIVER.—The President may waive the limitation in subsection (a) if the President determines that the waiver is in the national interest.

SEC. 3206. LIMITATION ON SUPPLEMENTAL FUNDS FOR POPULATION PLANNING.—Amounts appropriated under this division or under any other provision of law for fiscal year 2000 that are in addition to the funds made available under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106-113) shall be deemed to have been appropriated under title II of such Act and shall be subject to all limitations and restrictions contained in section 599D of such Act, notwithstanding section 543 of such Act.

SEC. 3207. DECLARATION OF SUPPORT. (a) CERTIFICATION REQUIRED.—Assistance may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees, before the initial obligation of such assistance in each such fiscal year, that the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights conditions in section 3101, necessary to effectively resolve the conflicts with the guerrillas and paramilitaries that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means the following:

(A) The Committees on Appropriations and Foreign Relations of the Senate.

(B) The Committees on Appropriations and International Relations of the House of Representatives.

(2) ASSISTANCE.—The term “assistance” means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629; relating to credit sales).

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

CHAPTER 3

MILITARY CONSTRUCTION, DEFENSE-WIDE

Notwithstanding any other provision of law, for an additional amount for "Military Construction, Defense-Wide", \$116,523,000, to remain available until September 30, 2004: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$116,523,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE IV—LEWIS AND CLARK RURAL WATER SYSTEM

SEC. 4101. SHORT TITLE.

This title may be cited as the "Lewis and Clark Rural Water System Act of 2000".

SEC. 4102. DEFINITIONS.

In this title:

(1) **FEASIBILITY STUDY.**—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(2) **INCREMENTAL COST.**—The term "incremental cost" means the cost of the savings to the project were the City of Sioux Falls not to participate in the water supply system.

(3) **MEMBER ENTITY.**—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) **PROJECT CONSTRUCTION BUDGET.**—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(5) **PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.**—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **WATER SUPPLY PROJECT.**—

(A) **IN GENERAL.**—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(B) **INCLUSIONS.**—The term "water supply project" includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(8) **WATER SUPPLY SYSTEM.**—The term "water supply system" means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

SEC. 4103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.

(a) **IN GENERAL.**—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) **SERVICE AREA.**—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) **AMOUNT OF GRANTS.**—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 4108.

(d) **LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.**—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

SEC. 4104. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

SEC. 4105. USE OF PICK-SLOAN POWER.

(a) **IN GENERAL.**—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) **QUALIFICATION TO USE PICK-SLOAN POWER.**—For operation during the period beginning May 1 and ending October 31 of each year, for as long as the water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

SEC. 4106. NO LIMITATION ON WATER PROJECTS IN STATES.

This title does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of the enactment of this Act.

SEC. 4107. WATER RIGHTS.

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

SEC. 4108. COST SHARING.

(a) **FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 4103; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) **SIOUX FALLS.**—The Secretary shall provide funds for the City of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) **NON-FEDERAL COST SHARE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) **SIOUX FALLS.**—The non-Federal cost-share for the City of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

SEC. 4109. BUREAU OF RECLAMATION.

(a) **AUTHORIZATION.**—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project for the service area of the water supply system described in section 4103(b).

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

SEC. 4110. PROJECT OWNERSHIP AND RESPONSIBILITY.

The water supply system shall retain title to all project facilities during and after construction, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

SEC. 4111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$213,887,700, to remain available until expended.

TITLE V—GENERAL PROVISIONS THIS DIVISION

SEC. 5101. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 5102. Sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106-113, are hereby repealed.

REPEAL OF UNOBLIGATED BALANCE RESTRICTIONS

SEC. 5103. The final proviso under the heading "Foreign Military Financing Program" in title VI of the Foreign Operations, Export Financing, and Related Programs as enacted into law by section 1000(a)(2) of division B of Public Law 106-113 (113 Stat. 1501A-133), is null and void.

SEC. 5104. Section 216 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106-113) is repealed.

SEC. 5105. Section 5527 of Public Law 105-33, The Balanced Budget Act of 1997, is repealed.

SEC. 5106. Section 9305 of Public Law 105-33 (111 Stat. 677) is repealed.

SEC. 5107. Notwithstanding section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, there shall be no sequestration under that section to eliminate a fiscal year

2000 breach or no reductions in discretionary spending limits for fiscal year 2001 that might be caused by the appropriations or other provisions in this Act.

SEC. 5108. (a) The enactment of this Act shall be deemed to fulfill the requirements for enactment of a law for purposes of section 206(b) of H. Con. Res. 290 (106th Congress).

(b) Section 312(b) of the Congressional Budget Act of 1974 shall not apply in the Senate with respect to fiscal year 2001.

SEC. 5109. Section 207 of H. Con. Res. 290 (106th Congress) is amended as follows:

(a) by reducing the limit on outlays set forth in subsection (a)(1) by \$2,000,000,000; and

(b) by increasing the limit on outlays set forth in subsection (a)(2) by \$2,000,000,000.

This division may be cited as the "Emergency Supplemental Act, 2000".

DIVISION C

CERRO GRANDE FIRE

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—CERRO GRANDE FIRE ASSISTANCE ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Cerro Grande Fire Assistance Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the fire season in the Southwest;

(2) on May 5, 2000, the prescribed burn, which became known as the "Cerro Grande Prescribed Fire", exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to other Federal and non-Federal land, quickly becoming characterized as a wildfire;

(3) by May 7, 2000, the fire had grown in size and caused evacuations in and around Los Alamos, New Mexico, including the Los Alamos National Laboratory, one of the leading national research laboratories in the United States and the birthplace of the atomic bomb;

(4) on May 13, 2000, the President issued a major disaster declaration for the counties of Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance, New Mexico;

(5) the fire resulted in the loss of Federal, State, local, tribal, and private property;

(6) the Secretary of the Interior and the National Park Service have assumed responsibility for the fire and subsequent losses of property; and

(7) the United States should compensate the victims of the Cerro Grande fire.

(b) PURPOSES.—The purposes of this title are—

(1) to compensate victims of the fire at Cerro Grande, New Mexico, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

SEC. 103. DEFINITIONS.

In this title:

(1) CERRO GRANDE FIRE.—The term "Cerro Grande fire" means the fire resulting from the initiation by the National Park Service of a prescribed burn at Bandelier National Monument, New Mexico, on May 4, 2000.

(2) DIRECTOR.—The term "Director" means—

(A) the Director of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 104(a)(3), the Manager.

(3) INJURED PERSON.—The term "injured person" means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian tribe, corporation, tribal corporation, partnership, company, association, insurer, county, township, city, State, school district, or other non-Federal entity (including a legal representative);

that suffered injury resulting from the Cerro Grande fire.

(4) INJURY.—The term "injury" has the same meaning as the term "injury or loss of property, or personal injury or death" as used in section 1346(b)(1) of title 28, United States Code.

(5) MANAGER.—The term "Manager" means an Independent Claims Manager appointed under section 104(a)(3).

(6) OFFICE.—The term "Office" means the Office of Cerro Grande Fire Claims established by section 104(a)(2).

SEC. 104. COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE.

(a) IN GENERAL.—

(1) COMPENSATION.—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of the Cerro Grande fire; and

(B) damages described in subsection (d)(4), as determined by the Director.

(2) OFFICE OF CERRO GRANDE FIRE CLAIMS.—

(A) IN GENERAL.—There is established within the Federal Emergency Management Agency an Office of Cerro Grande Fire Claims.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this title.

(C) FUNDING.—The Office—

(i) shall be funded from funds made available to the Director under this title;

(ii) may reimburse other Federal agencies for claims processing support and assistance;

(iii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service;

(iv) upon the request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Federal Emergency Management Agency to assist it in carrying out its duties under this title; and

(v) shall not diminish the ability of the Director to carry out the responsibilities of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the timely provision of disaster assistance to a State or territory, an area of which is the subject of a major disaster or emergency declaration made by the President during the period in which the Director carries out this Act.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Director may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Director under this title.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Director a written claim for one or more injuries suffered by the injured person in accordance with such requirements as the Director determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—The Director shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) APPLICABILITY OF STATE LAW.—Except as otherwise provided in this title, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) EXTENT OF DAMAGES.—Any payment under this title—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—

(i) PAYMENT.—Not later than 180 days after the date on which a claim is submitted under this title, the Director shall determine and fix the amount, if any, to be paid for the claim.

(ii) PRIORITY.—The Director, to the maximum extent practicable, shall pay subrogation claims submitted under this title only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) PARAMETERS OF DETERMINATION.—In determining and settling a claim under this title, the Director shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the fire;

(iii) the amount, if any, to be allowed and paid under this title; and

(iv) the person or persons entitled to receive the amount.

(C) INSURANCE AND OTHER BENEFITS.—

(i) IN GENERAL.—In determining the amount of, and paying, a claim under this title, to prevent recovery by a claimant in excess of actual compensatory damages, the Director shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) GOVERNMENT LOANS.—This subparagraph shall not apply to the receipt by a claimant of any government loan that is required to be repaid by the claimant.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Director may make one or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this title, but further payment on the claim is subsequently denied by the Director, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Director determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) RIGHTS OF INSURER OR OTHER THIRD PARTY.—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this title or any other law.

(4) ALLOWABLE DAMAGES.—

(A) LOSS OF PROPERTY.—A claim that is paid for loss of property under this title may include otherwise uncompensated damages resulting from the Cerro Grande fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;
 (iii) damage to physical infrastructure;
 (iv) a cost resulting from lost tribal subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Cerro Grande fire;

(v) a cost of reforestation or revegetation on tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Director determines to be appropriate for inclusion as loss of property.

(B) **BUSINESS LOSS.**—A claim that is paid for injury under this title may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Any other loss that the Director determines to be appropriate for inclusion as business loss.

(C) **FINANCIAL LOSS.**—A claim that is paid for injury under this title may include damages resulting from the Cerro Grande fire for the following types of otherwise uncompensated financial loss:

(i) Increased mortgage interest costs.

(ii) An insurance deductible.

(iii) A temporary living or relocation expense.

(iv) Lost wages or personal income.

(v) Emergency staffing expenses.

(vi) Debris removal and other cleanup costs.

(vii) Costs of reasonable efforts, as determined by the Director, to reduce the risk of wildfire, flood, or other natural disaster in the counties specified in section 102(a)(4), to risk levels prevailing in those counties before the Cerro Grande fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.

(viii) A premium for flood insurance that is required to be paid on or before May 12, 2002, if, as a result of the Cerro Grande fire, a person that was not required to purchase flood insurance before the Cerro Grande fire is required to purchase flood insurance.

(ix) Any other loss that the Director determines to be appropriate for inclusion as financial loss.

(e) **ACCEPTANCE OF AWARD.**—The acceptance by a claimant of any payment under this title, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant (but not on any subrogee of the claimant), with respect to all claims arising out of or relating to the same subject matter;

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), or any other Federal or State law, arising out of or relating to the same subject matter; and

(3) shall include a certification by the claimant, made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code, that such claim is true and correct.

(f) **REGULATIONS AND PUBLIC INFORMATION.**—

(1) **REGULATIONS.**—Notwithstanding any other provision of law, not later than 45 days after the date of the enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this title.

(2) **PUBLIC INFORMATION.**—

(A) **IN GENERAL.**—At the time at which the Director promulgates regulations under paragraph

(1), the Director shall publish, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(i) the rights conferred under this title; and
 (ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) **DISSEMINATION THROUGH OTHER MEDIA.**—The Director shall disseminate the explanation published under subparagraph (A) through brochures, pamphlets, radio, television, and other media that the Director determines are likely to reach prospective claimants.

(g) **CONSULTATION.**—In administering this title, the Director shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and tribal authorities, as determined to be necessary by the Director to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) **ELECTION OF REMEDY.**—

(1) **IN GENERAL.**—An injured person may elect to seek compensation from the United States for one or more injuries resulting from the Cerro Grande fire by—

(A) submitting a claim under this title;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) **EFFECT OF ELECTION.**—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Cerro Grande fire that are suffered by the claimant.

(3) **ARBITRATION.**—

(A) **IN GENERAL.**—Not later than 45 days after the date of the enactment of this Act, the Director shall establish by regulation procedures under which a dispute regarding a claim submitted under this title may be settled by arbitration.

(B) **ARBITRATION AS REMEDY.**—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this title may elect to settle the claim through arbitration.

(C) **BINDING EFFECT.**—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(4) **NO EFFECT ON ENTITLEMENTS.**—Nothing in this title affects any right of a claimant to file a claim for benefits under any Federal entitlement program.

(i) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—Any claimant aggrieved by a final decision of the Director under this title may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) **RECORD.**—The court shall hear a civil action under paragraph (1) on the record made before the Director.

(3) **STANDARD.**—The decision of the Director incorporating the findings of the Director shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) **ATTORNEY’S AND AGENT’S FEES.**—

(1) **IN GENERAL.**—No attorney or agent, acting alone or in combination with any other attorney

or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this title, fees in excess of 10 percent of the amount of any payment on the claim.

(2) **VIOLATION.**—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) **WAIVER OF REQUIREMENT FOR MATCHING FUNDS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a State or local project that is determined by the Director to be carried out in response to the Cerro Grande fire under any Federal program that applies to an area affected by the Cerro Grande fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(2) **FEDERAL SHARE.**—The Federal share of the costs of a project described in paragraph (1) shall be 100 percent.

(l) **APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.**—Section 3716 of title 31, United States Code, shall not apply to any payment under this title.

(m) **INDIAN COMPENSATION.**—Notwithstanding any other provision of law, in the case of an Indian tribe, a tribal entity, or a member of an Indian tribe that submits a claim under this title—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian tribe, tribal entity, or member of an Indian tribe shall be entitled to proceed under this title in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Cerro Grande fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Cerro Grande fire.

(n) **REPORT.**—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Director shall submit to Congress a report that describes the claims submitted under this title during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim;

(3) the status or disposition of the claim, including the amount of any payment under this title; and

(4) the Comptroller General shall conduct an annual audit on the payment of all claims made under this title and shall report to the Congress on the results of this audit beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This report shall include a review of all subrogation claims for which insurance companies have been paid or are seeking payment as subrogees under this title.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, there are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(2) **FEMA FUNDS.**—None of the funds provided to the Federal Emergency Management Agency for the administration of disaster relief shall be used to carry out this Act.

SEC. 105. APPROPRIATION OF FUNDS.

(a) **CERRO GRANDE FIRE ASSISTANCE CLAIMS OFFICE.**—

(1) **IN GENERAL.**—There is appropriated for the Office for administration of the compensation process under this title up to \$45,000,000, to remain available until expended.

(2) **EMERGENCY REQUIREMENT.**—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to \$45,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) CERRO GRANDE FIRE ASSISTANCE.—

(1) IN GENERAL.—There is appropriated for the payment of claims in accordance with this title up to \$455,000,000, to remain available until expended.

(2) EMERGENCY REQUIREMENT.—The entire amount made available under subparagraph (A)—

(A) shall be available only to the extent that the President submits to Congress an official budget request for up to \$455,000,000 that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.); and

(B) is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

SEC. 106. PERIOD OF EFFECTIVENESS.

This title shall apply on and after the date of the enactment of this Act, without regard to any fiscal year.

TITLE II—CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for “Emergency Conservation Program”, \$10,000,000: Provided, That notwithstanding any other provision of law, these funds shall be available to rehabilitate farmland damaged from fires which resulted from prescribed burnings conducted by the Federal Government which subsequently resulted in unintended damage to farmlands and other lands: Provided further, That requirements for cost-sharing by landowners shall not apply to funds provided pursuant to this section: Provided further, That the entire amount shall be available only to the extent that an official budget request for \$10,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations”, for the Emergency Watershed Protection Program, to repair damages to the waterways and watersheds resulting from fires which resulted from prescribed burnings conducted by the Federal Government, and other natural occurrences, \$4,000,000, to remain available until expended: Provided, That requirements for cost-sharing by project sponsors shall not apply to funds provided under this provision: Provided further, That the entire amount shall be available only to the extent an official budget request for \$4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit

Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

CERRO GRANDE FIRE ACTIVITIES

For necessary expenses to remediate damaged Department of Energy facilities and for other expenses associated with the Cerro Grande fire, \$138,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for \$138,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for “Operation of Indian Programs”, \$8,982,000, to remain available until expended, for emergency restoration, rehabilitation, and reforestation of tribal lands and facilities of the Pueblo of Santa Clara and the Pueblo of San Ildefonso damaged by the Cerro Grande Fire in New Mexico: Provided, That the entire amount shall be available only to the extent an official budget request for \$8,982,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISION—THIS TITLE

SEC. 2101. The Secretary of the Interior shall allow enrolled members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants, including the parts or products thereof, and mineral resources within the Banderier National Monument for traditional and cultural uses. All collection activity, except quantity limitations in current regulations of the National Park Service, shall be consistent with applicable laws, and shall be subject to such conditions as the Secretary deems necessary to protect the resources and values of the Monument.

This division may be cited as the “Cerro Grande Fire Supplemental”.

And the Senate agree to the same. For the consideration of the House bill and Division A of the Senate amendment, and modifications committed to conference:

DAVID L. HOBSON,
JOHN EDWARD PORTER,
TODD TIAHRT,
JAMES T. WALSH,
DAN MILLER,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE, JR.,
C.W. BILL YOUNG,
JOHN W. OLVER,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
NORMAN D. DICKS,
DAVID OBEY,

For the consideration of Division B of the Senate amendment and modifications committed to conference:

C.W. BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
SONNY CALLAHAN,
DAVID OBEY,
JOHN MURTHA,

Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHISON,
LARRY CRAIG,
JON KYL,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUE,
ROBERT C. BYRD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference report includes fiscal year 2000 supplemental appropriations, as included in the Senate amendment, in addition to military construction appropriations for fiscal year 2001. The conference report is organized with Division A containing fiscal year 2001 military construction appropriations, Division B containing fiscal year 2000 supplemental appropriations, and Division C containing fiscal year 2000 supplemental appropriations and authorization for Cerro Grande Fire recovery activities necessitated by this devastating fire that occurred recently near Los Alamos, New Mexico.

This conference agreement addresses some activities that were not technically in conference. The House had passed H.R. 3908 that included its version of supplemental appropriations. The Senate reported S. 2536, which included several other supplemental appropriations in addition to the ones included in the amendment to this bill. The Senate also has taken action on S. 2522, which includes additional supplemental appropriations. The conferees have attempted to address many of the fiscal year 2000 supplemental appropriations in this conference.

DIVISION A—FISCAL YEAR 2001 MILITARY CONSTRUCTION APPROPRIATIONS

ITEMS OF GENERAL INTEREST

Matters Addressed by Only One Committee.—The language and allocations set forth in House Report 106-614 and Senate Report 106-290 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for

emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or the Senate has directed the submission of a report from the Department of Defense, such report is to be submitted to both House and Senate Committees on Appropriations.

Contingency Funding.—The Department of Defense requested no contingency funding for military construction and family housing projects in the fiscal year 2001 budget request. The conferees believe that some level of contingency funding is essential for the efficient and cost-effective completion of these projects. If the Department loses this funding flexibility, it will be incapable of supporting requirements generated by unforeseen needs, such as environmental and regulatory requirements, unanticipated subsurface conditions and changes in bid climate. As a result, the conferees direct the Department to include 5 percent contingency funding when requesting construction funds in the fiscal year 2002 budget submission and for future year projects.

Financial Management.—The conferees agree that the rescission of funds included in the conference agreement are based on large prior year unobligated balances and such factors as savings through favorable bids, reduced overhead costs, downsizing or cancellation due to force structure changes (if any), other administrative cost reduction

initiatives, revised economic assumptions, and inflation re-estimates. The conferees direct that no project for which funds were previously appropriated, or for which funds are appropriated in this bill, may be canceled as a result of the reductions included in the conference agreement.

Foreign Currency Fluctuations, Construction, Defense.—Due to the U.S. dollar significantly improving over prior fiscal years and for other reasons, the amounts available in the “Foreign Currency Fluctuations, Construction, Defense” account exceed those necessary to eliminate losses due to unfavorable fluctuations in foreign currency exchange rates. Accordingly, the conferees include a provision (Section 132) which rescinds \$83,000,000 from this account. The conferees also include a total reduction of \$43,852,000 to the following appropriations because the U.S. dollar has significantly improved against most foreign currencies than the Department of Defense predicted when it submitted its fiscal year 2001 budget:

Account	Amount
Military Construction, Army	-\$635,000
Military Construction, Navy	-2,889,000
Military Construction, Defense-Wide	-7,115,000
Family Housing, Army	-19,911,000

Account	Amount
Family Housing, Navy and Marine Corps	-1,071,000
Family Housing, Air Force	-12,231,000
Total	-43,852,000

Joint Use Facilities.—The conferees support joint use of facilities between the various components of the Defense Department. Joint use facilities can optimize military construction and operation and maintenance funds while enhancing joint training and the total force concept. Beginning with the fiscal year 2003 budget submission, the conferees direct that any Form 1390/1391, which is presented as justification material, shall include certification by the originating installation commander. The certification will include information that the project has been considered and reviewed for joint use potential, a recommendation for either joint use or unilateral construction, and the reasons(s) for that recommendation if joint use is not recommended. This certification is to be reviewed by the Under Secretary of Defense (Comptroller) during the budget review to ensure impartial review.

Proposed Financing of Current Year Programs Via Prior Year Savings.—The budget request for fiscal year 2001 proposed partial financing of current year programs via prior year savings, as follows:

Account/Location	Project description	Authorization	Appropriation
Military Construction, Navy:			
District of Columbia: Naval Research Lab	Nano-Science Research Facility	\$12,390,000	0
Texas: Kingsville Naval Air Station	Aircraft Parking Apron	2,670,000	0
North Carolina: Camp Lejeune MCB	Armories	14,000,000	\$10,000,000
Italy: Sigonella Naval Air Station	Community Facilities	32,969,000	32,029,000
Total		62,029,000	42,029,000

If program execution has resulted in identifiable prior year savings within individual projects, the correct financing method is to detail such savings and to request rescissions of funds by account and by fiscal year. The conferees direct the Under Secretary of Defense (Comptroller) to follow the conventional rescission procedure in future budget submissions.

Quadrennial Defense Review.—The conferees are concerned with the Defense Department’s declining investments in the construction, replacement, and revitalization of facilities. Therefore, the conferees strongly support the language included in House Report 106-614 on the Quadrennial Defense Review. The conferees expect the Congressionally mandated Quadrennial Defense Review to include a thorough review of the Defense Department’s basing capacity, outsourcing strategy, and military construction requirements and related facilities restoration and modernization programs.

Real Property Maintenance: Reporting Requirement.—The conferees agree to the following general rules for repairing a facility under Operation and Maintenance funding:

Components of the facility may be repaired by replacement, and such replacement can be up to current standards or code.

Interior arrangements and restorations may be included as repair, but additions, new facilities, and functional conversions must be performed as military construction projects.

Such projects may be done concurrent with repair projects, as long as the final conjunctively funded project is a complete and usable facility.

The appropriate Service Secretary shall submit a 21-day notification prior to carrying out any repair project with an estimated cost in excess of \$7,500,000.

Reprogramming Criteria.—The conferees believe there is a need to clarify the rules for military construction and family housing reprogrammings. A project or account (including the sub-elements of an account) which has been specifically reduced by the Congress in acting on the appropriation request is considered to be a congressional interest item. A prior approval reprogramming is required for any increase to an item that has been specifically reduced by the Congress. Consequently, there can be no below threshold reprogrammings to an item specifically reduced by the Congress.

Furthermore, in instances here a prior approval reprogramming request for a project or account has been approved becomes the new base for any future increase or decrease via a below threshold reprogramming (provided that the project or account is not a congressional interest item).

Alkali Silica Reactivity.—The conferees continue to be concerned about the effects of Alkali Silica Reactivity (ASR) on Department of Defense concrete facilities including aprons, taxiways, runways and tarmacs. The conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to assess the overall condition of Department of Defense facilities and infrastructure with respect to ASR. This review should also address the Department’s long-term strategy and recommendations to manage this issue. These findings should be provided to the congressional defense committees not later than May 1, 2001.

MILITARY CONSTRUCTION, ARMY

The conference agreement appropriates \$909,245,000 for Military Construction, Army, instead of \$869,950,000 as proposed by the House, and \$823,503,000 as proposed by the Senate. Within this amount, the conference

agreement earmarks \$109,306,000 for study, planning, design, architect and engineer services, and host nation support instead of \$99,961,000 as proposed by the House and \$84,706,000 as proposed by the Senate.

Kansas—Fort Leavenworth: Bell Hall.—The conferees note the deteriorating condition of Bell Hall, the central academic and instructional facility of the Army’s Command and General Staff College. The cost to maintain the current physical plant is no longer cost effective and its communications capabilities are significantly constrained. The conferees encourage the Army to include this replacement in the fiscal year 2002 budget submission.

New York—U.S. Military Academy: Multimedia Learning Centers.—Within funds provided for unspecified minor construction, the conferees direct the Army to execute a project in the amount of \$500,000 to provide Multimedia Learning Centers at the United States Military Academy in New York.

Pennsylvania—Letterkenny Army Depot: Missile Igloo Modifications.—Of the additional funding provided for planning and design, the conferees direct that not less than \$112,000 be made available for the design of this facility.

Virginia—Fort Belvoir: Potomac Heritage National Scenic Trail.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army to provide not less than \$500,000 for the multi-use trail system at Fort Belvoir in Virginia.

Washington—Fort Lewis: Vancouver Barracks.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army to provide not less than \$1,500,000 for the protection of historic facilities at the Vancouver Barracks at Fort Lewis in Washington.

MILITARY CONSTRUCTION, NAVY

The conference agreement appropriates \$928,273,000 for Military Construction, Navy, instead of \$891,380,000 as proposed by the House, and \$828,278,000 as proposed by the Senate. Within this amount, the conference agreement earmarks \$73,335,000 for study, planning, design, architect and engineer services instead of \$67,502,000 as proposed by the House and \$71,000,000 as proposed by the Senate.

California—North Island Naval Air Station: Transportation Infrastructure.—The conferees do not expect the Navy to begin design of a project to alleviate traffic flow problems at North Island Naval Air Station. The scope of the project is far reaching and involves traffic considerations that fall beyond the Navy mission. Therefore, planning and design funds are not the proper source of funds to determine the project requirements (10 U.S.C. 2807).

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement appropriates \$870,208,000 for Military Construction, Air Force, instead of \$703,903,000 as proposed by the House, and \$777,793,000 as proposed by the Senate. Within this amount, the conference agreement earmarks \$74,628,000 for study, planning, design, architect and engineer services instead of \$56,949,000 as proposed by the House and \$69,337,000 as proposed by the Senate.

Air Force Electronic Warfare Evaluation Simulator.—The conferees are aware of an Air Force effort to develop a plan to relocate the Air Force Electronic Warfare Evaluation Simulator (AFEWES) from Air Force Plant 4 to the Air Force Flight Test Center. Government studies, including the 1995 Base Re-

alignment and Closure Commission and a 1997 GAO report, all highlight the absence of cost/capability rationale to justify such a relocation. For these reasons, and to ensure that prudent future expenditure of military construction funds, the conferees encourage the Air Force to include a comprehensive cost/benefit analysis and standard return on investment criteria in the relocation study now being performed. Because AFEWES specialized test capabilities are a vital element of our national defense posture, study findings should also demonstrate the technical and cost merits of relocation to the Air Force Flight Test Center. The Secretary of the Air Force is to review this matter and report to the House and Senate Appropriations Committees no later than February 28, 2001.

Delaware—Dover AFB: Control Tower.—The conferees note that the control tower at Dover AFB is antiquated, inadequately sited, and lacks modern air traffic control equipment. Given the activity level and mission critical nature of this base, the project appears to be an excellent candidate for the President's fiscal year 2002 budget. Accordingly, the conferees urge the Secretary of the Air Force to review this project, and to expedite its advancement into the fiscal year 2002 budget.

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conference agreement appropriates \$814,647,000 for Military Construction, Defense-wide, instead of \$800,314,000 as proposed by the House, and \$801,098,000 as proposed by the Senate. Within this amount, the conference agreement earmarks \$77,505,000 for study, planning, design, architect and engineer services as proposed by the House in-

stead of \$163,700,000 as proposed by the Senate.

Chemical Demilitarization Program.—The budget request proposes funding the construction of chemical weapon demilitarization facilities under the "Military Construction, Army" account. As in prior years, the conferees recommend that this funding be appropriated under the "Military Construction, Defense-wide" account, in order to facilitate the tracking of expenses for the Chemical Demilitarization Program, and to avoid distorting the size of the Army's military construction program.

The conference agreement provides \$175,400,000 for the chemical demilitarization program to fully fund all requested projects for fiscal year 2001. However, the conferees continue to be concerned over the extremely slow obligation and expenditures rates for the program due to significant delays at most of the sites that are currently being constructed. Therefore, the conferees include a general reduction of \$20,000,000 against the entire program.

Department of Defense Education Activity (DODEA).—The conferees strongly support DODEA initiatives to increase the half-day kindergarten program to full day in overseas schools and reduce class size in grades 1-3 to an average of 18 students to 1 teacher. These educational initiatives are valued and supported by the military community as a critical element of its quality of life and readiness. Because these initiatives require substantial funding to modernize school facilities, the conference agreement provides an additional \$11,852,000 for the DODEA military construction program. Additional funding is provided for the following projects:

Location	Project title	Request	Recommendation
Germany: Hanau	Elementary School Classroom Addition	\$1,026,000	\$2,030,000
Germany: Schweinfurt	Elementary School Classroom Addition	1,444,000	1,750,000
Germany: Wuerzburg	Elementary School Classroom Addition	1,798,000	2,635,000
Italy: Signonella	Elementary/High School Classroom Addition	971,000	3,450,000
Korea: Osan	Elementary School Classroom Addition		892,000
Korea: Seoul	Elementary School Classroom Addition		2,451,000
Korea: Taegu	Elementary School Classroom Addition		806,000
United Kingdom: RAF Feltwell	Elementary School Classroom Addition	1,287,000	1,800,000
United Kingdom: RAF Lakenheath	Elementary School Classroom Addition	3,086,000	5,650,000
Total		9,612,000	21,464,000

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The conference agreement appropriates \$281,717,000 for military Construction, Army National Guard, instead of \$137,603,000 as proposed by the House, and \$233,675,000 as proposed by the Senate.

California—Bakersfield: Readiness Center.—Of the additional funding provided for planning and design, the conferees direct that not less than \$500,000 be made available for the design of this facility.

California—Los Alamitos: Joint Headquarters Building.—House Report 106-614 included language directing the Army Reserve to accelerate the design of this facility and include the required construction funding in its fiscal year 2002 budget request. The Army National Guard should be the lead proponent for the facility. Therefore, the conferees direct the Army National Guard to accelerate the design of the Joint Headquarters Building in Los Alamitos, California and to include the required construction funding in its fiscal year 2002 budget request.

California—National Guard Facilities.—The Army National Guard requested nine location changes to the budget submission for the state of California. The changes will provide a more centralized vehicle maintenance

management system. After design of the budgeted projects began, the Army National Guard realized the existing locations were unsuitable and further facility investment would prove unwise. Accordingly, the conferees recommend the following location changes:

(1) The project titles budgeted for Bakersfield, Escondido, Richmond, San Jose, San Mateo, and Santa Barbara are moved to Camp Parks.

(2) The project titles budgeted for Colton, Fresno, and Los Alamitos are moved to Fresno.

Iowa—Fairfield: Readiness Center Addition.—Within the additional funds provided for unspecified minor construction, the conferees direct the Army National Guard to provide not less than \$1,066,000 for an addition to the readiness center at Fairfield, Iowa.

Missouri—Fort Leonard Wood: Army Aviation Support Center.—In the Senate report 106-290, the Army Aviation Support Center at Fort Leonard Wood was incorrectly identified as an unspecified minor construction project. This project should be executed with funds made available for planning and design.

Nevada—Carson City: Readiness Center.—The conferees are concerned that the cost of the Readiness Center in Carson City, Nevada has increased due to changes in criteria di-

rected by the National Guard Bureau. Funding for this project was appropriated in fiscal year 1999. The conferees direct the National Guard Bureau to ensure that adequate additional funding is provided to the Nevada National Guard to complete this project.

Oregon—Eugene: Armed Forces Reserve Center Complex.—The number one priority for the Oregon National Guard is to replace a 66-year-old facility in Eugene which is considered undersized by Naval Reserve/Marine Corps standards. The buildings have deteriorated extensively and are substandard with respect to size and level of serviceability of the building. The consolidation will provide savings of about \$1,400,000 in direct construction costs and will reduce the operations and maintenance burden by at least 20 percent annually. The conferees encourage the National Guard to complete the design and to include this project in its fiscal year 2002 budget request.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement appropriates \$203,829,000 for Military Construction, Air National Guard, instead of \$110,585,000 as proposed by the House, and \$183,029,000 as proposed by the Senate.

Connecticut—Orange Air National Guard Station: Air Control Squadron Complex.—Although the conferees were unable to fund this project due to funding constraints, the conferees strongly urge the Air National Guard to include this project in its fiscal year 2002 budget submission.

MILITARY CONSTRUCTION, ARMY RESERVE

The conference agreement appropriates \$108,738,000 for Military Construction, Army Reserve, instead of \$115,854,000 as proposed by the House, and \$99,888,000 as proposed by the Senate.

New Jersey—Fort Dix: Barracks.—Of the \$11,900,000 provided for planning and design within the "Army Reserve" amount, the conferees direct that not less than \$900,000 be made available for the design of this facility.

Utah—S.A. Douglas Armed Forces Reserve Center: Parking and Site Improvements.—The conferees direct the Army Reserve to execute a project to provide parking and site improvements at the S.A. Douglas Armed Forces Reserve Center in Utah using funds available for unspecified minor construction. The estimated cost of this project is \$700,000.

MILITARY CONSTRUCTION, NAVAL RESERVE

The conference agreement appropriates \$64,473,000 for Military Construction, Naval Reserve, instead of \$53,004,000 as proposed by the House, and \$38,532,000 as proposed by the Senate.

Rescission of Funds.—The conferees rescind \$2,400,000 appropriated under the "Military Construction, Naval Reserve" account in the fiscal year 1998 Military Construction Appropriations Act (Public Law 105-45). These are funds which remain unobligated from the renovation of Building 1900 at the Westover Air Force Reserve Base in Massachusetts. The project was halted due to escalating costs in connection with asbestos and other environmental problems.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

The conference agreement appropriates \$36,591,000 for Military Construction, Air Force Reserve, instead of \$43,748,000 as proposed by the House, and \$25,533,000 as proposed by the Senate.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement appropriates \$172,000,000 for the North Atlantic Treaty Organization Security Investment Program (NSIP), instead of \$177,500,000 as proposed by the House, and \$175,000,000 as proposed by the Senate.

FAMILY HOUSING, ARMY

The conference agreement appropriates \$235,956,000 for Construction, Family Housing Army, instead of \$198,505,000 as proposed by the House and \$221,106,000 as proposed by the Senate.

The conference agreement appropriates \$951,793,000 for Operation and Maintenance, Family Housing, Army, instead of \$953,744,000 as proposed by the House and \$958,364,000 as proposed by the Senate.

The conference agreement appropriates a total of \$1,187,749,000 for Family Housing, Army, instead of \$1,152,249,000 as proposed by the House and \$1,179,470,000 as proposed by the Senate.

FAMILY HOUSING, NAVY AND MARINE CORPS

The conference agreement appropriates \$418,155,000 for Construction, Family Housing, Navy and Marine Corps, instead of \$419,584,000 as proposed by the House and \$392,765,000 as proposed by the Senate.

The conferees direct that the following projects are to be accomplished within the

increased amount provided for construction improvements:

California—Camp Pendelton (98 units)	\$9,030,000
District of Columbia: 8th and I Marine Barracks (1 unit)	500,000

The conference agreement appropriates \$881,567,000 for Operation and Maintenance, Family Housing, Navy and Marine Corps, as proposed by the Senate instead of \$879,208,000 as proposed by the House.

The conference agreement appropriates a total of \$1,299,722,000 for Family Housing, Navy and Marine Corps, instead of \$1,298,792,000 as proposed by the House and \$1,274,332,000 as proposed by the Senate.

California—Mission Trails Regional Park.—The conferees include a new provision (Section 133) which amends Section 131 of the fiscal year 1988 Military Construction Appropriations Act (Public Law 100-202). The new provision allows the Secretary of the Navy to use proceeds from the conveyance of real property in the Mission Trails Regional Park area, for the acquisition of military family housing in the San Diego area through the use of privatization authorities contained in subchapter IV of chapter 169 of title 10. In addition, the new provision permits the transfer of proceeds into the Department of Defense Family Housing Improvement Fund.

FAMILY HOUSING, AIR FORCE

The conference agreement appropriates \$251,982,000 for Construction, Family Housing, Air Force, instead of \$241,384,000 as proposed by the House and \$227,242,000 as proposed by the Senate.

The conference agreement appropriates \$820,879,000 for Operation and Maintenance, Family Housing, Air Force, as proposed by the House and Senate.

The conference agreement appropriates a total of \$1,072,861,000 for Family Housing, Air Force, instead of \$1,062,263,000 as proposed by the House and \$1,048,121,000 as proposed by the Senate.

FAMILY HOUSING, DEFENSE-WIDE

The conference agreement appropriates \$44,886,000 for Construction, Family Housing, Defense-wide, as proposed by the House and Senate.

DEPARTMENT OF DEFENSE FAMILY IMPROVEMENT FUND

The conference agreement provides no appropriation for the Department of Defense Family Housing Improvement Fund, as proposed by the House and Senate. Transfer authority is provided for the execution of any qualifying project under privatization authority, which resides in the Fund.

Contractor Support for Family Housing Privatization.—The conferees are concerned about the Army spending excessive amounts on contractor support to evaluate and develop family housing privatization proposals. Therefore, the Deputy Under Secretary of Defense (Installations) is to review quarterly, and report to the appropriate Committees of Congress, the expenses of each component to ensure excessive amounts are not being spent on contractor support.

In the future, amounts appropriated into the Family Housing Improvement Fund will be the sole source of funds to finance the operation of the former Housing Revitalization Support Office. It is the conferees' intent that Family Housing funds will be the sole source of funds to develop, evaluate, and oversee privatization deals. The conferees direct the Under Secretary of Defense (Comptroller) to determine if these funds are best

appropriated out of Family Housing Operation and Maintenance or Family Housing Planning and Design and to provide consistency among the Services in the fiscal year 2002 budget submission. In addition, these funds will be separately identified and justified as a sub-element account. This sub-element is considered a congressional interest item and may not be increased from the amount enacted without the prior approval of the Committees on Appropriations.

Reporting Requirements.—The conferees are concerned that the 21-day period of review prior to entering a privatization contract is too limited, and is extending this review period to a 45-day period. The Service Secretary concerned may not enter into any contract until after the end of the 45-day period beginning on the date the Secretary concerned submits written notice of the nature and terms of the contract to the appropriate committees of Congress.

To clarify existing reporting requirements, this 45-day notification requirement applies to any project, regardless of whether it is financed entirely by transfer of funds into the Family Housing Improvement Fund, or it is fully financed within funds available in the Family Housing Improvement Fund, or it is funded by combining transferred funds with funds available in the Family Housing Improvement Fund.

In addition, no transfer of appropriated funds into the account may take place until after the end of the 45-day period beginning on the date the Secretary of Defense submits written notice and justification for the transfer to the appropriate committees of Congress. The House and Senate Appropriations Committees expect to receive prior notification of all such transfers of funds.

The Department is to continue its quarterly reports on the status of privatization projects.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

The conference agreement appropriates \$1,024,369,000 for the Base Realignment and Closure Account, Part IV, instead of \$1,174,369,000 as proposed by the House and Senate.

Unliquidated Obligations.—The conferees recommend a reduction of \$150,000,000 to the Base Realignment and Closure Account, Part IV. This reduction is based on slow budget execution and large amounts of unliquidated obligations. At the time the fiscal year 2001 budget estimate was being developed, the department had \$1,600,000,000 in reported unliquidated obligations in the Base Realignment and Closure account. Of this amount, \$115,000,000 was appropriated prior to fiscal year 1995. The majority of the unliquidated funds resulted from environmental cleanup activities that were carried out more slowly than planned or determined not to be necessary.

California—Fort Ord: Thermochemical Conversion.—The conferees are concerned about the environmental challenges associated with the base closure re-use issues at Fort Ord in California and the disposal of asbestos, PCB, impregnated asbestos, lead-based paint and other hazardous construction material. The conferees are aware of a cost-competitive environmentally safe process that offers great potential for addressing the unique problems at Fort Ord. This thermochemical conversion process, which changes asbestos and other construction material to a non-hazardous mineral, has been demonstrated by the Department of Energy, validated by the Navy at the Puget Sound Naval Shipyard in Washington and approved

by the Environmental Protection Agency. Accordingly, the conferees direct the Department of the Army to develop and operate a thermochemical conversion pilot plant at Fort Ord for remediation of hazardous material generated by the activities of the Fort Ord Re-use Authority.

Construction Projects: Administrative Provision.—The conferees agree that any transfer of funds which exceeds reprogramming thresholds for any construction project financed by any Base Realignment and Closure Account shall be subject to a 21-day notification to the Committees, and shall not be subject to reprogramming procedure.

GENERAL PROVISIONS

The conference agreement includes general provisions that were not amended by either the House or Senate in their versions of the bill.

The conference agreement includes a provision, Section 121, as proposed by the House, which prohibits the expenditure of funds except in compliance with the Buy American Act. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 122, as proposed by the House, which states the Sense of the Congress that recipients of equipment or products authorized to be purchased with financial assistance provided in this Division are to be notified that they must purchase American-made equipment and products. The Senate bill contained no similar provision.

The conference agreement includes a provision, Section 123, as proposed by the House, permitting the transfer of funds from Family Housing, Construction accounts to the DOD Family Housing Improvement Fund. The Senate bill contained no similar provision.

The conference agreement includes a provision renumbered Section 124, as proposed by the House and the Senate, to prohibit the use of funds in this Division to be obligated for Partnership for Peace programs in the New Independent States of the former Soviet Union.

The conference agreement includes a provision renumbered Section 125, as proposed

by the House and the Senate, which requires the Secretary of Defense to notify Congressional Committees sixty days prior to issuing a solicitation for a contract with the private sector for military family housing.

The conference agreement includes a provision renumbered Section 126, as proposed by the House and the Senate, which provides transfer authority to the Homeowners Assistance Program.

The conference agreement includes a provision, Section 127, as proposed by the House, regarding funding for general officers quarters and maintenance. The Senate bill contained a similar provision.

The conference agreement includes a provision, Section 128, as proposed by the House, regarding family housing master plans. The Senate bill contained no similar provision.

The conference agreement includes a provision, renumbered Section 129, as proposed by the Senate amended to reduce previous Acts by \$100,000,000. The House bill contained no similar provision.

The conference agreement includes a provision, renumbered Section 130, as proposed by the House which allows the transfer of funds appropriated in Public Law 106-52 under the heading "Military Construction, Naval Reserve" or "Military Construction, Navy." The Senate bill contained a similar provision.

The conference agreement includes a provision, renumbered Section 131, as proposed by the Senate, which allows the Army to accept funds from the Federal Highway Administration for a military construction project involving a rail connector at Fort Campbell in Kentucky. The House bill contained no similar provision.

The conference agreement includes a provision, Section 132 which rescinds \$83,000,000 from the "Foreign Currency Fluctuations, Construction, Defense" account. The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 133, which amends Section 131 of the Military Construction Appropriations Act, 1988 (Public Law 100-202). The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 134, amending the Woodrow Wilson Memorial Bridge Authority Act of 1995 (112 Stat. 160). The House and Senate bill contained no similar provision.

The conference agreement includes a provision, Section 135, authorizing the use of private donations for the purpose of renovating the Marine Corps' historic residences. This provision requires a thirty-day notification to the appropriate committees of the Congress prior to the use of such funds.

The conference agreement includes a provision, Section 136, revising Section 8168 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) to clarify reporting requirements placed on the Department of the Air Force. This provision was included in Division B of the Senate bill. The House bill contained no similar provision.

The conference agreement includes a provision, Section 137, providing further guidance to the Department of Defense concerning planning and design impacting the Naval Submarine Base, Bangor, Washington. This provision was included in Division B of the Senate Bill. The House bill contained no similar provision.

The conference agreement includes a provision, Section 138, limiting appropriations for the Cadet Physical Development Center at the Military Academy, West Point, New York to \$77,500,000. The conferees direct that any further requirements be funded through private donations. The Secretary of the Army is directed to notify the appropriate committees of Congress thirty days prior to the use of private donations for this project. The House and Senate bills contained no similar provision.

The conference agreement includes a provision, Section 139, requiring the Secretary of Defense to report on the construction, security and operations of the Forward Operating Locations (FOL's) in Manta, Ecuador, Aruba, Curacao and El Salvador. The Senate bill contained a similar provision in Division B. The House bill contained no similar provision.

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ALABAMA		
ARMY		
REDSTONE ARSENAL		
SPACE AND MISSILE DEFENSE COMMAND BUILDING.....	23,400	39,000
AIR FORCE		
MAXWELL AFB		
OFFICER TRAINING SCHOOL ACADEMIC FACILITY.....	3,825	3,825
TOTAL, ALABAMA.....	27,225	42,825
ALASKA		
ARMY		
FORT RICHARDSON		
CENTRAL VEHICLE WASH FACILITY.....	3,000	3,000
AIR FORCE		
CAPE ROMANZOV LONG RANGE RADAR SITE		
GENERATOR FUEL STORAGE.....	3,900	3,900
EIELSON AFB		
DORMITORY.....	14,540	14,540
HAZARDOUS MATERIAL STORAGE.....	1,450	1,450
JOINT MOBILITY COMPLEX.....	---	25,000
ELMENDORF AFB		
CHILD DEVELOPMENT CENTER.....	---	7,666
DORMITORY.....	15,920	15,920
UPGRADE HANGAR COMPLEX.....	11,600	11,600
AIR NATIONAL GUARD		
KULIS ANGB		
CORRISION CONTROL FACILITY.....	---	12,000
DEFENSE-WIDE		
FORT WAINWRIGHT		
HOSPITAL REPLACEMENT (PHASE II).....	44,000	44,000
NAVY RESERVE		
ELMENDORF AFB		
MARINE CORPS RESERVE TRAINING CENTER.....	6,403	6,403
TOTAL, ALASKA.....	100,813	145,479
ARIZONA		
ARMY		
FORT HUACHUCA		
CHILD DEVELOPMENT CENTER.....	---	3,350
FIELD OPERATIONS FACILITY.....	1,250	1,250
NAVY		
CAMP NAVAJO NAVY DETACHMENT		
MAGAZINE MODERNIZATION.....	2,940	2,940

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
YUMA MARINE CORPS AIR STATION COMBAT AIRCRAFT LOADING APRON.....	8,200	8,200
AIR FORCE DAVIS MONTHAN AFB FITNESS CENTER.....	7,900	7,900
ARMY NATIONAL GUARD PAPAGO MILITARY RESERVATION ADD/ALTER READINESS CENTER.....	---	2,265
YUMA READINESS CENTER.....	---	1,598
TOTAL, ARIZONA.....	20,290	27,503
ARKANSAS		
ARMY PINE BLUFF ARSENAL AMMUNITION DEMILITARIZATION FACILITY (PHASE V)....	43,600	---
CHEMICAL DEFENSE QUALIFICATION FACILITY.....	15,500	18,000
CHILD DEVELOPMENT CENTER.....	---	2,750
AIR FORCE LITTLE ROCK AFB ADD TO C-130 DROP ZONE.....	---	1,259
C-130 SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT.....	7,960	7,960
FITNESS CENTER.....	9,100	9,100
DEFENSE-WIDE PINE BLUFF ARSENAL AMMUNITION DEMILITARIZATION FACILITY (PHASE V)....	---	43,600
AIR NATIONAL GUARD FORT SMITH MUNICIPAL AIRPORT REGIONAL FIRE TRAINING FACILITY.....	1,760	1,760
TOTAL, ARKANSAS.....	77,920	84,429
CALIFORNIA		
ARMY FORT IRWIN BARRACKS COMPLEX - NORTH.....	31,000	31,000
PRESIDIO OF MONTEREY BARRACKS ADDITION.....	---	2,600
NAVY BARSTOW MARINE CORPS LOGISTICS BASE PAINT AND UNDERCOAT FACILITY.....	---	6,660
CAMP PENDLETON MARINE CORPS BASE ARMOR/ANTI-ARMOR TRACKING RANGE.....	4,100	4,100
INFANTRY SQUADRON BATTLE COURSE.....	4,000	4,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LEMOORE NAVAL AIR STATION		
BACHELOR ENLISTED QUARTERS.....	8,260	8,260
CHILD DEVELOPMENT CENTER EXPANSION.....	---	3,790
MIRAMAR MARINE CORPS AIR STATION		
GROUND COMBAT TRAINING RANGE.....	7,350	7,350
PHYSICAL FITNESS CENTER.....	---	6,390
MONTEREY NAVAL POSTGRADUATE SCHOOL		
BUILDING 245 EXTENSION (PHASE I).....	---	5,280
NORTH ISLAND NAVAL AIR STATION		
BERTHING WHARF (PHASE II).....	12,800	12,800
NORTH ISLAND NAVAL AVIATION DEPOT		
COMPONENT REPAIR CLEAN ROOM FACILITY.....	4,340	4,340
PORT HUENEME NAVAL SURFACE WARFARE CENTER		
WEAPON/COMBAT SYSTEM INTEG LAB.....	10,200	10,200
POINT MUGU NAVAL AIR WARFARE CTR WPNS DIV		
ADD/ALTER RANGE OPERATIONS CENTER.....	11,400	11,400
SAN CLEMENTE ISLAND NAVAL FACILITY		
AIRCRAFT OPERATIONS BUILDING.....	8,860	8,860
SAN DIEGO NAVAL STATION		
BERTHING PIER (PHASE I).....	35,700	35,700
TWENTYNINE PALMS		
BACHELOR ENLISTED QUARTERS.....	---	21,770
URBAN ASSAULT COURSE.....	2,100	2,100
AIR FORCE		
BEALE AFB		
CONTROL TOWER.....	---	6,299
WATER TREATMENT PLANT AND DISTRIBUTION LINE.....	3,800	3,800
LOS ANGELES AFB		
FITNESS CENTER.....	6,580	6,580
VANDENBERG AFB		
UPGRADE WATER DISTRIBUTION SYSTEM.....	4,650	4,650
DEFENSE-WIDE		
CAMP PENDLETON MARINE CORPS BASE		
FLEET HOSPITAL OPS/TRAINING COMMAND SUPPORT FAC...	2,900	2,900
MEDICAL/DENTAL CLINIC REPLACEMENT (HORNO).....	3,950	3,950
MEDICAL/DENTAL CLINIC REPLACEMENT (LAS FLORES)....	3,550	3,550
MEDICAL/DENTAL CLINIC REPLACEMENT (LAS PULGAS)....	3,750	3,750
CORONADO NAVAL AMPHIBIOUS BASE		
APPLIED INSTRUCTION FACILITY.....	4,300	4,300
NORTH ISLAND NAVAL AIR STATION		
REPLACE FUEL STORAGE TANKS.....	5,900	5,900
SMALL CRAFT BERTHING FACILITY.....	1,350	1,350
TWENTYNINE PALMS MARINE CORPS AIR STATION		
FUEL STORAGE FACILITY.....	2,200	2,200
EDWARDS AFB		
MEDICAL CLINIC ADDITION/DENTAL CLINIC ALTERATION..	17,900	17,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
ARMY NATIONAL GUARD		
BAKERSFIELD		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,380	---
COLTON		
ORGANIZATIONAL MAINTENANCE SHOP.....	489	---
ESCONDIDO		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,380	---
FRESNO		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,869	2,847
LOS ALAMITOS		
ORGANIZATIONAL MAINTENANCE SHOP.....	489	---
PARKS		
ORGANIZATIONAL MAINTENANCE SHOP.....	---	6,062
RICHMOND		
ORGANIZATIONAL MAINTENANCE SHOP.....	489	---
SAN JOSE		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,869	---
SAN MATEO		
ORGANIZATIONAL MAINTENANCE SHOP.....	461	---
SANTA BARBARA		
ORGANIZATIONAL MAINTENANCE SHOP.....	483	---
NAVY RESERVE		
ALAMEDA NAVAL AIR STATION		
SEAWALL.....	950	950
TOTAL, CALIFORNIA.....	210,799	263,568
COLORADO		
ARMY		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	10,700	---
AIR FORCE		
BUCKLEY ANGB		
SPACE BASED INFRARED SYSTEM POWER CONNECTION.....	2,750	2,750
PETERSON AFB		
COMPUTER NETWORK DEFENSE FACILITY.....	---	6,826
DORMITORY.....	11,000	11,000
OPERATIONS SUPPORT FACILITY.....	2,260	2,260
MAINTAIN MAIN ACCESS GATE.....	---	2,310
SCHRIEVER AFB		
ADD TO OPERATIONAL SUPPORT FACILITY.....	8,450	8,450
US AIR FORCE ACADEMY		
ADD TO ATHLETIC FACILITY.....	18,960	18,960
ARMY NATIONAL GUARD		
FORT CARSON		
MOBILIZATION AND TRAINING EQUIPMENT SITE (PHASE I)	---	15,100

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

AIR NATIONAL GUARD		
BUCKLEY ANGB		
REPLACE JOINT MUNITIONS MAINT AND STORAGE COMPLEX.	---	6,000
DEFENSE-WIDE		
PUEBLO DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	---	10,700
TOTAL, COLORADO.....	54,120	84,356
CONNECTICUT		
NAVY		
NEW LONDON NAVAL SUBMARINE BASE		
DRYDOCK SUPPORT FACILITY.....	3,100	3,100
DELAWARE		
ARMY NATIONAL GUARD		
SMYRNA		
READINESS CENTER.....	---	7,020
DISTRICT OF COLUMBIA		
NAVY		
WASHINGTON COMMANDANT NAVAL DISTRICT		
NAVY MUSEUM ANNEX.....	2,450	2,450
WASHINGTON MARINE BARRACKS, 8TH & I		
BACHELOR ENLISTED QUARTERS.....	17,197	17,197
SITE IMPROVEMENTS.....	---	7,400
WASHINGTON NAVAL RESEARCH LABORATORY		
NANO-SCIENCE RESEARCH FACILITY.....	---	12,390
AIR FORCE		
BOLLING AFB		
CHILD DEVELOPMENT CENTER.....	4,520	4,520
TOTAL, DISTRICT OF COLUMBIA.....	24,167	43,957
FLORIDA		
NAVY		
FORT LAUDERDALE NAVAL SURFACE WARFARE CTR DETACHMENT		
SEAWALL AND SHIP BERTHING FACILITY.....	3,570	3,570
MAYPORT NAVAL STATION		
AIRCRAFT CARRIER WHARF IMPROVEMENTS.....	---	6,830
PANAMA CITY NAVAL COASTAL SYSTEM CENTER		
AMPHIBIOUS WARFARE INTEGRATION FACILITY.....	---	9,960
WHITING FIELD NAVAL AIR STATION		
JPATS T-6A GSE SUPPORT/PAINT FACILITY.....	3,900	3,900
JPATS T-6A OPERATIONS/MAINTENANCE FACILITY.....	1,230	1,230

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
AIR FORCE		
EGLIN AFB		
PRECISION GUIDED MUNITIONS MAINTENANCE FACILITY...	3,340	3,340
UPGRADE DORMITORY.....	5,600	5,600
EGLIN AUXILIARY FIELD 9		
DEFENSE ACCESS ROAD.....	2,360	2,360
UPGRADE ACCESS ROADS.....	5,600	5,600
PATRICK AFB		
DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE FAC	12,970	12,970
TYNDALL AFB		
F-22 ADD/ALTER MAINTENANCE FACILITY.....	18,500	18,500
F-22 OPERATIONS FACILITY.....	6,800	6,800
WEAPONS CONTROLLER TRAINING SCHOOL.....	---	6,195
DEFENSE-WIDE		
EGLIN AFB		
ADD/ALTER HOSPITAL/LIFE SAFETY UPGRADE.....	37,600	37,600
EGLIN AUXILIARY FIELD 9		
AGE MAINTENANCE DISPATCH COMPLEX.....	4,750	4,750
AIRFIELD READINESS IMPROVEMENTS.....	3,000	3,000
CORROSION CONTROL FACILITY.....	8,100	8,100
HOT CARGO PAD.....	7,354	7,354
MACDILL AFB		
REPLACE HYDRANT FUEL SYSTEM.....	16,956	16,956
PATRICK AFB		
MEDICAL CLINIC.....	2,700	2,700
TYNDALL AFB		
ADD/ALTER MEDICAL CLINIC.....	7,700	7,700
ARMY RESERVE		
CLEARWATER		
ARMY AVIATION SUPPORT FACILITY.....	---	17,800
ORLANDO		
ADD/ALTER RESERVE CENTER/ORGANIZATIONAL MAINT SHOP	17,953	17,953
ST PETERSBURG		
ARMED FORCES RESERVE CENTER (PHASE I).....	---	10,000
AIR FORCE RESERVE		
HOMESTEAD AFRB		
ADD/ALTER FIRE STATION (PHASE II).....	---	2,000
TOTAL, FLORIDA.....	169,983	222,768
GEORGIA		
ARMY		
FORT BENNING		
BARRACKS COMPLEX (KELLEY HILL) (PHASE III-B).....	24,000	24,000
FIXED WING AIRCRAFT PARKING APRON.....	15,800	15,800

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FORT GORDON CONSOLIDATED FIRE STATION.....	---	2,600
FORT STEWART BARRACKS COMPLEX (HUNTER AAF) (PHASE I-C).....	26,000	26,000
NAVY		
ALBANY MARINE CORPS LOGISTICS BASE RENOVATE VEHICLE STORAGE FACILITY.....	1,100	1,100
ATHENS NAVAL SUPPLY CORPS SCHOOL FITNESS CENTER.....	---	2,950
KINGS BAY TRIDENT REFIT FACILITY CONSOLIDATED SANDBLAST/PAINT FACILITY.....	5,200	5,200
AIR FORCE		
FORT STEWART AIR SUPPORT OPERATIONS SQUADRON FACILITY.....	4,920	4,920
MOODY AFB DORMITORY.....	---	8,818
WATER TREATMENT PLANT.....	2,500	2,500
ROBINS AFB ADD/ALTER STORM DRAINAGE SYSTEM.....	---	11,762
AIRMEN DINING FACILITY.....	---	4,095
AIR NATIONAL GUARD		
ROBINS AFB B-1 MUNITIONS MAINTENANCE AND TRAINING COMPLEX....	8,500	8,500
NAVY RESERVE		
ATLANTA NAVAL AIR STATION FITNESS CENTER ADDITION.....	2,650	2,650
RESERVE TRAINING BUILDING ADDITION.....	1,769	1,769
AIR FORCE RESERVE		
DOBBINS AFB C-130 ASSAULT STRIP.....	6,032	6,032
TOTAL, GEORGIA.....	98,471	128,696
HAWAII		
ARMY		
POHAKULOA TRAINING RANGE SADDLE ACCESS ROAD.....	---	12,000
SCHOFIELD BARRACKS BARRACKS COMPLEX (WILSON STREET) (PHASE I-B).....	46,400	46,400
WHEELER ARMY AIR FIELD BARRACKS COMPLEX.....	43,800	43,800
NAVY		
CAMP SMITH CINCPAC HEADQUARTERS (PHASE II).....	35,600	35,600
FORD ISLAND SEWER FORCE MAIN.....	---	6,900

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KANEOHE BAY MARINE CORPS BASE BACHELOR ENLISTED QUARTERS.....	18,400	18,400
LUALUALEI NAVAL UNDERSEA WARFARE DETACHMENT CONSOLIDATED FLEET TEST SUPPORT FACILITY.....	2,100	2,100
PEARL HARBOR FLEET AND INDUSTRIAL SUPPLY CENTER WHARF UPGRADE.....	12,000	12,000
PEARL HARBOR NAVAL STATION BACHELOR ENLISTED QUARTERS.....	16,500	16,500
RELOCATE SEAL DELIVERY VEHICLE TEAM.....	14,200	14,200
AIR FORCE		
HICKAM AFB UPGRADE HANGAR COMPLEX.....	4,620	4,620
DEFENSE-WIDE		
PEARL HARBOR SPECIAL DELIVERY DRYDECK FACILITY.....	---	9,900
ARMY NATIONAL GUARD		
MAUI READINESS CENTER.....	---	11,592
TOTAL, HAWAII.....	193,620	234,012
IDAHO		
AIR FORCE		
MOUNTAIN HOME AFB ENHANCED TRAINING RANGE (PHASE III).....	10,125	10,125
AIR NATIONAL GUARD		
GOWEN FIELD C-130 ASSAULT STRIP.....	---	9,000
TOTAL, IDAHO.....	10,125	19,125
ILLINOIS		
NAVY		
GREAT LAKES NAVAL TRAINING CENTER PHYSICAL TRAINING FACILITY.....	35,000	35,000
RECRUIT BARRACKS.....	37,000	37,000
RECRUIT BARRACKS.....	37,700	37,700
REPLACE TRAINING DRILL HALL.....	11,700	11,700
AIR FORCE		
SCOTT AFB MUNITIONS STORAGE/LAND ACQUISITION.....	3,830	3,830
ARMY NATIONAL GUARD		
AURORA READINESS CENTER.....	---	2,871
DANVILLE READINESS CENTER.....	---	2,435

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

AIR NATIONAL GUARD		
SCOTT AFB		
KC-135E FLIGHT TRAINING FACILITY.....	1,500	1,500
TOTAL, ILLINOIS.....	126,730	132,036
INDIANA		
ARMY		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)..	54,400	---
DEFENSE-WIDE		
NEWPORT ARMY AMMUNITION PLANT		
AMMUNITION DEMILITARIZATION FACILITY (PHASE III)..	---	54,400
ARMY NATIONAL GUARD		
DELPHI		
ORGANIZATIONAL MAINTENANCE SHOP.....	1,563	1,563
ELKHART		
ORGANIZATIONAL MAINTENANCE SHOP.....	2,322	2,322
LOGANSPORT		
ORGANIZATIONAL MAINTENANCE SHOP.....	739	739
PLYMOUTH		
ORGANIZATIONAL MAINTENANCE SHOP.....	951	951
SOUTH BEND		
ORGANIZATIONAL MAINTENANCE SHOP.....	951	951
AIR NATIONAL GUARD		
FORT WAYNE INTERNATIONAL AIRPORT		
REPLACE FUEL CELL AND CORROSION CONTROL FACILITY..	---	7,000
AIR FORCE RESERVE		
GRISSOM AFRB		
SERVICES COMPLEX (PHASE II).....	---	11,290
NAVY RESERVE		
GRISSOM AFRB		
RESERVE TRAINING FACILITY.....	---	4,730
TOTAL, INDIANA.....	60,926	83,946
KANSAS		
ARMY		
FORT RILEY		
ADVANCE WASTE WATER TREATMENT FACILITY.....	---	22,000
BARRACKS COMPLEX (INFANTRY DRIVE) (PHASE I-C).....	15,000	15,000
AIR FORCE		
MCCONNELL AFB		
APPROACH LIGHTING SYSTEM.....	---	2,100
KC-135 SQUAD OPS/AIRCRAFT MAINTENANCE UNIT.....	---	9,764

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DEFENSE-WIDE		
MCCONNELL AFB HYDRANT FUEL SYSTEM.....	11,000	11,000
ARMY NATIONAL GUARD		
KANSAS CITY ORGANIZATIONAL MAINTENANCE SHOP.....	641	641
AIR NATIONAL GUARD		
MCCONNELL AFB B-1 POWER CHECK PAD WITH SOUND SUPPRESSOR.....	---	1,550
TOTAL, KANSAS.....	26,641	62,055
KENTUCKY		
ARMY		
BLUEGRASS ARMY DEPOT AMMUNITION DEMILITARIZATION SUPPORT (PHASE II)....	8,500	---
FORT CAMPBELL BARRACKS COMPLEX (MARKET GARDEN RD) (PHASE II-C)..	9,400	9,400
FORT KNOX MULTI-PURPOSE DIGITAL TRAINING RANGE (PHASE III)..	8,450	9,000
DEFENSE-WIDE		
BLUEGRASS ARMY DEPOT AMMUNITION DEMILITARIZATION SUPPORT (PHASE II)....	---	8,500
FORT CAMPBELL EQUIPMENT MAINTENANCE COMPLEX.....	4,500	4,500
FLIGHT SIMULATOR FACILITY.....	5,400	5,400
TACTICAL EQUIPMENT COMPLEX.....	6,400	6,400
ARMY NATIONAL GUARD		
FORT KNOX PARKING AT MATES.....	---	3,929
TOTAL, KENTUCKY.....	42,650	47,129
LOUISIANA		
AIR FORCE		
BARKSDALE AFB B-52H FUEL CELL MAINTENANCE DOCK.....	---	14,074
DORMITORY.....	6,390	6,390
ARMY RESERVE		
FORT POLK ADD/ALTER RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/EQUIPMENT CONCENTRATION SITE...	9,912	9,912
NEW ORLEANS		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ UNHEATED STORAGE.....	10,375	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
NAVY RESERVE		
NEW ORLEANS NAVAL SUPPORT ACTIVITY PHYSICAL FITNESS/RECREATION AREA.....	---	1,670
NEW ORLEANS NAVAL AIR STATION AIR PASSENGER TERMINAL.....	590	590
JOINT RESERVE CENTER (PHASE I).....	---	7,000
WAREHOUSE ADDITION.....	800	800
TOTAL, LOUISIANA.....	28,067	40,436
MAINE		
NAVY		
BRUNSWICK NAVAL AIR STATION AIRCRAFT DE-ICING/RINSE FACILITY.....	2,450	2,450
PORTSMOUTH NAVAL SHIPYARD WATERFRONT CRANE RAIL SYSTEM.....	---	4,960
TOTAL, MAINE.....	2,450	7,410
MARYLAND		
ARMY		
ABERDEEN PROVING GROUND AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	45,700	---
MUNITIONS ASSESSMENT/PROCESSING SYSTEMS FACILITY..	3,100	---
FORT MEADE BARRACKS.....	---	19,000
NAVY		
INDIAN HEAD NAVAL EXPLOSIVE ORDNANCE CENTER JOINT SERVICE EOD EQUIPMENT SUPPORT FACILITY.....	6,430	6,430
PATUXENT RIVER NAVAL AIR STATION ENVIRONMENTAL NOISE REDUCTION WALL.....	---	1,670
RESEARCH AND TEST EVALUATION SUPPORT FACILITY.....	---	6,570
DEFENSE-WIDE		
ABERDEEN PROVING GROUND AMMUNITION DEMILITARIZATION FACILITY (PHASE II)...	---	45,700
MUNITIONS ASSESSMENT/PROCESSING SYSTEMS FACILITY..	---	3,100
PATUXENT RIVER NAVAL AIR STATION REPLACE OPERATING FUEL TANKS.....	8,300	8,300
FORT MEADE CRITICAL UTILITY CONTROL (PHASE II).....	769	769
ROUTE 32.....	3,459	3,459
TOTAL, MARYLAND.....	67,758	94,998
MASSACHUSETTS		
AIR FORCE		
HANSCOM AFB RENOVATE ACQUISITION MGMT FACILITY (PHASE II).....	---	12,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

AIR NATIONAL GUARD		
BARNES MUNICIPAL AIRPORT		
RELOCATE TAXIWAY.....	---	4,000
OTIS ANGB		
UPGRADE AIRFIELD STORM WATER SYSTEM.....	---	2,000
NAVY RESERVE		
WESTOVER AFRB		
MARINE RESERVE TRAINING FACILITY.....	---	9,100
RESCISSION, FISCAL YEAR 1998.....	---	-2,400
AIR FORCE RESERVE		
WESTOVER AFRB		
REPAIR/ALTER AIRMEN QUARTERS.....	---	7,450
TOTAL, MASSACHUSETTS.....	---	32,150
MICHIGAN		
ARMY NATIONAL GUARD		
LANSING		
COMBINED MAINTENANCE SHOP (PHASE I).....	---	17,000
AUGUSTA		
ORGANIZATIONAL MAINTENANCE SHOP.....	---	3,600
MIDLAND		
ORGANIZATIONAL MAINTENANCE SHOP.....	3,600	---
AIR NATIONAL GUARD		
ALPENA COUNTY REGIONAL AIRPORT		
REPLACE OPERATIONS AND TRAINING COMPLEX.....	4,500	4,500
SELFRIDGE ANGB		
UPGRADE RUNWAY.....	---	18,000
TOTAL, MICHIGAN.....	8,100	43,100
MINNESOTA		
ARMY NATIONAL GUARD		
CAMP RIPLEY		
COMBINED SUPPORT MAINTENANCE SHOP (PHASE II).....	---	10,368
MANKATO		
READINESS CENTER.....	4,681	4,681
TOTAL, MINNESOTA.....	4,681	15,049
MISSISSIPPI		
NAVY		
MERIDIAN NAVAL AIR STATION		
T-45 AIRCRAFT SUPPORT FACILITIES.....	4,700	4,700
STENNIS SPACE CENTER		
WARFIGHTING CENTER.....	---	6,950

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

AIR FORCE		
COLUMBUS AFB		
CORROSION CONTROL FACILITY.....	---	4,828
KEESLER AFB		
TECHNICAL TRAINING FACILITY.....	15,040	15,040
ARMY NATIONAL GUARD		
CAMP MCCAIN		
MODIFIED RECORD FIRE RANGE.....	---	2,000
OXFORD		
READINESS CENTER.....	---	3,348
AIR NATIONAL GUARD		
JACKSON INTERNATIONAL AIRPORT		
C-17 CORROSION CONTROL/MAINTENANCE HANGAR.....	10,500	12,200
TOTAL, MISSISSIPPI.....	30,240	49,066

MISSOURI		
ARMY		
FORT LEONARD WOOD		
AIRFIELD IMPROVEMENTS.....	---	4,200
BASIC TRAINING COMPLEX (PHASE I-A).....	38,600	38,600
AIR FORCE		
WHITEMAN AFB		
B-2 CONVENTIONAL MUNITIONS IGLOOS.....	4,150	4,150
B-2 MUNITIONS ASSEMBLY AREA.....	7,900	7,900
ARMY NATIONAL GUARD		
MARYVILLE		
READINESS CENTER.....	---	4,225
NAVY RESERVE		
WHITEMAN AFB		
LITTORAL SURVEILLANCE SYSTEM.....	---	3,570
TOTAL, MISSOURI.....	50,650	62,645

MONTANA		
AIR FORCE		
MALMSTROM AFB		
CONVERT COMMERCIAL GATE.....	---	3,517
HELICOPTER OPERATIONS FACILITY.....	---	2,362
MINUTEMAN III MISSILE SERVICE FACILITY.....	5,300	5,300
ARMY NATIONAL GUARD		
BOZEMAN		
READINESS CENTER.....	---	4,916
HAVRE		
ORGANIZATIONAL MAINTENANCE SHOP.....	461	461

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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KALISPELL		
ORGANIZATIONAL MAINTENANCE SHOP.....	493	493
LIBBY		
ORGANIZATIONAL MAINTENANCE SHOP.....	463	463
TOTAL, MONTANA.....	6,717	17,512
NEBRASKA		
ARMY NATIONAL GUARD		
GERING		
ORGANIZATIONAL MAINTENANCE SHOP.....	657	657
MEAD		
ORGANIZATIONAL MAINTENANCE SHOP.....	714	714
NORTH PLATTE		
ORGANIZATIONAL MAINTENANCE SHOP.....	508	508
TOTAL, NEBRASKA.....	1,879	1,879
NEVADA		
NAVY		
FALLON NAVAL AIR STATION		
CORROSION CONTROL HANGAR.....	---	6,280
ARMY NATIONAL GUARD		
CARSON CITY USP&FO		
ADMINISTRATION BUILDING.....	---	4,472
AIR NATIONAL GUARD		
RENO-TAHOE INTERNATIONAL AIRPORT		
FUEL STORAGE COMPLEX.....	---	5,000
DEFENSE-WIDE		
FALLON NAVAL AIR STATION		
REPLACE OPERATING FUEL TANKS.....	5,000	5,000
TOTAL, NEVADA.....	5,000	20,752
NEW HAMPSHIRE		
AIR NATIONAL GUARD		
PEASE INTERNATIONAL TRADE PORT		
MEDICAL TRAINING FACILITY.....	---	4,000
ARMY RESERVE		
ROCHESTER		
LAND ACQUISITION.....	980	980
TOTAL, NEW HAMPSHIRE.....	980	4,980
NEW JERSEY		
ARMY		
PICATINNY ARSENAL		
ARMAMENT SOFTWARE ENGINEERING CENTER (PHASE II)...	---	5,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

NAVY		
EARLE NAVAL WEAPONS STATION RECREATION CENTER.....	2,420	2,420
AIR FORCE		
MCGUIRE AFB AIR FREIGHT TERMINAL/BASE SUPPLY COMPLEX (PHASE I) FITNESS CENTER.....	---	10,600
	9,772	9,772
TOTAL, NEW JERSEY.....	12,192	28,392

NEW MEXICO		
AIR FORCE		
CANNON AFB CONTROL TOWER.....	---	4,934
HOLLOMAN AFB REPAIR BONITO PIPELINE.....	---	18,380
KIRTLAND AFB FIRE/CRASH RESCUE STATION.....	---	7,350
TOTAL, NEW MEXICO.....	---	30,664

NEW YORK		
ARMY		
FORT DRUM BATTLE SIMULATION CENTER (PHASE I).....	---	12,000
CONSOLIDATED SOLDIER SUPPORT CENTER (PHASE II)....	10,300	10,300
U S MILITARY ACADEMY CADET PHYSICAL DEVELOPMENT CENTER (PHASE II-A)....	13,600	13,600
DEFENSE-WIDE		
FORT DRUM VETERINARY TREATMENT FACILITY.....	1,400	1,400
ARMY NATIONAL GUARD		
HANCOCK FIELD READINESS CENTER.....	5,376	5,376
AIR NATIONAL GUARD		
HANCOCK FIELD SMALL ARMS RANGE TRAINING FACILITY.....	---	1,250
UPGRADE AIRCRAFT MAINTENANCE SHOPS.....	---	9,100
NIAGRA FALLS INTERNATIONAL AIRPORT UPGRADE OVERRUN AND RUNWAY.....	---	4,100
TOTAL, NEW YORK.....	30,676	57,126

NORTH CAROLINA		
ARMY		
FORT BRAGG AMMUNITION HOLDING AREA.....	12,600	12,600

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
BARRACKS COMPLEX (BUTNER ROAD) (PHASE I).....	26,000	26,000
BARRACKS COMPLEX (LONGSTREET ROAD) (PHASE I).....	45,600	45,600
BARRACKS COMPLEX (TAGAYTAY STREET) (PHASE II-B)....	38,600	38,600
SUNNY POINT MILITARY OCEAN TERMINAL RAILROAD EQUIPMENT MAINTENANCE FACILITY.....	2,300	2,300
NAVY		
CAMP LEJEUNE MARINE CORPS BASE		
AMPHIB OPERATION/MAINTENANCE STORAGE COMPLEX.....	9,500	9,500
ARMORIES.....	10,000	14,000
BACHELOR ENLISTED QUARTERS.....	14,300	14,300
CHILD DEVELOPMENT CENTER.....	4,420	4,420
OPERATIONS/MAINTENANCE/STORAGE FACILITY.....	3,650	3,650
CHERRY POINT MARINE CORPS AIR STATION		
AIRCRAFT HANGAR IMPROVEMENTS.....	8,480	8,480
CHERRY POINT NAVAL AVIATION DEPOT		
AIRCRAFT STRIPPING FACILITY ADDITION.....	7,540	7,540
NEW RIVER MARINE CORPS AIR STATION		
AIRCRAFT RINSE FACILITY.....	800	800
AIR TRAFFIC CONTROL TOWER.....	2,600	2,600
AIR FORCE		
POPE AFB		
DANGEROUS CARGO PADS.....	24,570	24,570
SEYMOUR JOHNSON AFB		
REPAIR AIRFIELD PAVEMENTS.....	---	7,141
DEFENSE-WIDE		
CAMP LEJEUNE MARINE CORPS BASE		
RUSSELL ELEMENTARY SCHOOL.....	5,914	5,914
CHERRY POINT MARINE CORPS AIR STATION		
REPLACE FUEL STORAGE TANKS.....	5,700	5,700
FORT BRAGG		
MEDIA OPERATIONS COMPLEX.....	8,600	8,600
ARMY NATIONAL GUARD		
FORT BRAGG		
MILITARY EDUCATION FACILITY (PHASE I).....	8,709	8,709
AIR NATIONAL GUARD		
CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT		
REPLACE SUPPLY WAREHOUSE.....	---	6,300
TOTAL, NORTH CAROLINA.....	239,883	257,324
NORTH DAKOTA		
ARMY NATIONAL GUARD		
WAHPETON		
ARMED FORCES READINESS CENTER.....	---	10,960
OHIO		
ARMY		
COLUMBUS DEFENSE SUPPLY CENTER		
MILITARY ENTRANCE PROCESSING STATION.....	1,832	1,832

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

AIR FORCE		
WRIGHT-PATTERSON AFB		
CONSOLIDATED TOXICS HAZARDS LAB.....	---	14,908
REPLACE WEST RAMP (PHASE I).....	22,600	22,600
AIR NATIONAL GUARD		
MANSFIELD-LAHM AIRPORT		
REPLACE SQUADRON OPERATIONS AND COMMUNICATIONS....	---	7,700
SPRINGFIELD-BUCKLEY MUNICIPAL AIRPORT		
RELOCATE POWER CHK PAD AND ARM/DEARM PAD (PHASE I)	---	4,000
NAVY RESERVE		
COLUMBUS NAVAL AND MARINE CORPS RESERVE CENTER		
CONSOLIDATED NAVY AND MARINE CORPS AIR RESERVE CTR	---	7,080
TOTAL, OHIO.....	-----	-----
	24,432	58,120
OKLAHOMA		
ARMY		
FORT SILL		
TACTICAL EQUIPMENT SHOP (PHASE II).....	---	10,100
AIR FORCE		
ALTUS AFB		
C-17 CARGO COMPARTMENT TRAINER.....	---	2,939
TINKER AFB		
DEPOT CORROSION CONTROL STRIP FACILITY.....	12,380	12,380
DORMITORY.....	---	8,715
DORMITORY.....	5,800	5,800
VANCE AFB		
MAINTENANCE HANGAR.....	---	10,504
ARMY NATIONAL GUARD		
SAND SPRINGS		
ARMED FORCES RESERVE CENTER.....	---	13,530
TOTAL, OKLAHOMA.....	-----	-----
	18,180	63,968
OREGON		
ARMY		
UMATILLA DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)...	9,400	---
DEFENSE-WIDE		
UMATILLA DEPOT ACTIVITY		
AMMUNITION DEMILITARIZATION FACILITY (PHASE VI)...	---	9,400
ARMY NATIONAL GUARD		
BAKER CITY		
READINESS CENTER.....	3,122	3,122
CAMP RILEA		
TRAINING SIMULATION CENTER.....	---	1,470

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

NAVY RESERVE		
PORTLAND INTERNATIONAL AIRPORT		
ALTER RESERVE CENTER/VEHICLE MAINTENANCE FACILITY.	1,420	1,420
TOTAL, OREGON.....	13,942	15,412
PENNSYLVANIA		
ARMY		
CARLISLE BARRACKS		
ACADEMIC RESEARCH FACILITY.....	10,500	10,500
NEW CUMBERLAND DEFENSE DISTRIBUTION CENTER		
MILITARY ENTRANCE PROCESSING STATION.....	3,700	3,700
NAVY		
PHILADELPHIA NAVAL SURFACE WARFARE CENTER		
GAS TURBINE TEST FACILITY.....	---	10,680
DEFENSE-WIDE		
SUSQUEHANNA DEFENSE DISTRIBUTION DEPOT		
REPLACE CHILD DEVELOPMENT CENTER.....	4,700	4,700
REPLACE CONTROLLED HUMIDITY WAREHOUSE.....	13,000	13,000
ARMY NATIONAL GUARD		
FORT INDIANTOWN GAP		
REPAIR WASTE TREATMENT PLANT/SEWAGE LINE		
REPLACEMENT (PHASE I).....	---	8,518
JOHNSTOWN		
REGIONAL MAINTENANCE SHOP.....	---	4,500
MANSFIELD		
READINESS CENTER.....	---	3,100
NEW MILFORD		
READINESS CENTER.....	---	2,675
AIR FORCE RESERVE		
WILLOW GROVE ARS		
ALTER HANGAR AND FIRE SUPPRESSION.....	2,400	2,400
TOTAL, PENNSYLVANIA.....	34,300	63,773
RHODE ISLAND		
NAVY		
NEWPORT NAVAL UNDERSEA WARFARE CENTER		
SHORE BASED LAUNCH FACILITY.....	4,150	4,150
AIR NATIONAL GUARD		
QUONSET STATE AIRPORT		
MAINTENANCE HANGAR AND SHOPS (PHASE I).....	---	8,900
TOTAL, RHODE ISLAND.....	4,150	13,050
SOUTH CAROLINA		
NAVY		
BEAUFORT MARINE CORPS AIR STATION		
FLIGHTLINE FIRE SAFETY IMPROVEMENTS.....	3,140	3,140

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
PARRIS ISLAND MARINE CORPS RECRUIT DEPOT FIELD TRAINING COMPLEX.....	2,660	2,660
AIR FORCE		
CHARLESTON AFB		
BASE MOBILITY WAREHOUSE.....	---	9,449
C-17 ADD TO FLIGHT SIMULATOR FACILITY.....	2,500	2,500
RUNWAY REPAIR.....	---	10,289
SHAW AFB		
DINING FACILITY.....	---	5,252
USCENTAF OPERATIONS WEATHER SQUADRON FACILITY.....	2,850	2,850
DEFENSE-WIDE		
BEAUFORT MARINE CORPS AIR STATION		
LAUREL BAY PRIMARY SCHOOL CLASSROOM ADDITION.....	804	804
ARMY NATIONAL GUARD		
BEAUFORT MARINE CORPS AIR STATION		
READINESS CENTER.....	---	4,870
LEESBURG TRAINING CENTER		
INFRASTRUCTURE UPGRADES.....	---	5,682
NAVY RESERVE		
FORT JACKSON		
NAVAL RESERVE ARMORY.....	---	5,200
TOTAL, SOUTH CAROLINA.....	11,954	52,696
SOUTH DAKOTA		
AIR FORCE		
ELLSWORTH AFB		
BASE CIVIL ENGINEER COMPLEX (PHASE I).....	---	10,290
ARMY NATIONAL GUARD		
SIOUX FALLS		
CONSOLIDATED BARRACKS/EDUCATION FACILITY.....	---	4,955
TOTAL, SOUTH DAKOTA.....	---	15,245
TENNESSEE		
ARMY NATIONAL GUARD		
HENDERSON		
READINESS CENTER.....	---	5,165
NEW TAZWELL		
READINESS CENTER.....	---	3,510
TOTAL, TENNESSEE.....	---	8,675
TEXAS		
ARMY		
FORT BLISS		
RAILYARD INFRASTRUCTURE.....	26,000	26,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
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FORT HOOD		
COMMAND AND CONTROL FACILITIES (PHASE I).....	---	4,000
FIRE STATION/TRANSPORTATION MOTOR POOL.....	---	6,492
MULTI-PURPOSE DIGITAL TRAINING RANGE (PHASE I)....	16,000	16,000
RAILHEAD FACILITY (PHASE III).....	9,800	9,800
RED RIVER ARMY DEPOT		
AMMUNITION CONTAINER COMPLEX.....	800	800
NAVY		
CORPUS CHRISTI NAVAL AIR STATION		
PARKING APRON EXPANSION.....	---	4,850
INGLESIDE NAVAL STATION		
MOBILE MINE ASSEMBLY UNIT FACILITY.....	---	2,420
KINGSVILLE NAVAL AIR STATION		
AIRCRAFT PARKING APRON.....	---	2,670
AIR FORCE		
DYESS AFB		
FITNESS CENTER.....	---	12,813
REALISTIC BOMBER TRAINING INITIATIVE.....	12,175	12,175
LACKLAND AFB		
CHILD DEVELOPMENT CENTER.....	---	4,830
DORMITORY.....	5,500	5,500
SHEPPARD AFB		
DINING FACILITY.....	---	6,450
LAUGHLIN AFB		
VISITORS QUARTERS.....	---	11,973
DEFENSE-WIDE		
FORT BLISS		
LABORATORY RENOVATION.....	---	4,200
ARMY RESERVE		
CAMP BULLIS		
RESERVE CENTER/UNHEATED STORAGE.....	1,464	1,464
FORT SAM HOUSTON		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ EQUIPMENT CONCENTRATION SITE.....	13,678	13,678
AIR NATIONAL GUARD		
ELLINGTON FIELD		
REPLACE BASE SUPPLY AND CIVIL ENGINEER COMPLEX....	---	10,000
NAVY RESERVE		
FORT WORTH NAVAL AIR STATION		
INDOOR RIFLE RANGE.....	---	3,490
RELIGIOUS MINISTRY FACILITY.....	---	1,830
TOTAL, TEXAS.....	85,417	164,945
UTAH		
AIR FORCE		
HILL AFB		
C-130 CORROSION CONTROL FACILITY.....	16,500	16,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
DORMITORY.....	---	11,550
AIR NATIONAL GUARD		
SALT LAKE CITY INTERNATIONAL AIRPORT		
UPGRADE AIRCRAFT MAINTENANCE COMPLEX.....	10,300	10,300
TOTAL, UTAH.....	26,800	38,350
VERMONT		
AIR NATIONAL GUARD		
BURLINGTON INTERNATIONAL AIRPORT		
AIRCRAFT MAINTENANCE COMPLEX.....	---	9,300
VIRGINIA		
ARMY		
FORT EUSTIS		
AIRCRAFT MAINTENANCE INSTRUCTION BUILDING.....	---	4,450
NAVY		
DAHLGREN NAVAL SURFACE WARFARE CENTER		
INNOVATIVE TECHNOLOGY AND INFRASTRUCTURE.....	11,300	11,300
JOINT WARFARE ANALYSIS CENTER.....	---	19,400
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
WATERFRONT OPERATIONS BUILDING.....	2,830	2,830
NORFOLK NAVAL AIR STATION		
AIRCRAFT MAINTENANCE HANGAR.....	13,300	13,300
AIRCRAFT MAINTENANCE HANGAR.....	11,800	11,800
TAXIWAY EXTENSION AND LIGHTS.....	6,350	6,350
NORFOLK NAVAL STATION		
PIER ENHANCEMENTS.....	4,700	4,700
NORFOLK NAVAL SHIPYARD		
BACHELOR ENLISTED QUARTERS.....	16,100	16,100
OCEANA NAVAL AIR STATION		
AIRFIELD IMPROVEMENTS.....	5,250	5,250
QUANTICO MARINE CORPS COMBAT DEV COMMAND		
PHYSICAL TRAINING FACILITY.....	8,590	8,590
WALLOPS ISLAND AEGIS COMBAT SYSTEMS CENTER		
SPY-1D TEST AND EVALUATION FACILITY ADDITION.....	3,300	3,300
AIR FORCE		
LANGLEY AFB		
DORMITORY.....	7,470	7,470
FITNESS CENTER.....	---	12,180
DEFENSE-WIDE		
DAM NECK FLEET COMBAT TRAINING CENTER		
OPERATIONAL SUPPORT FACILITY.....	5,500	5,500
RICHMOND DEFENSE SUPPLY CENTER		
EMERGENCY SERVICES FACILITY.....	4,500	4,500

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
LITTLE CREEK NAVAL AMPHIBIOUS BASE		
AIR OPERATIONS FACILITY.....	5,400	5,400
OCEANA NAVAL AIR STATION		
OPERATIONS SUPPORT FACILITY.....	3,400	3,400
REPLACE FUEL STORAGE TANK.....	2,000	2,000
ARMY RESERVE		
FORT A P HILL		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ AREA MAINTENANCE SUPPORT ACTIVITY.....	4,275	4,275
ARMY NATIONAL GUARD		
RICHLANDS		
ORGANIZATIONAL MAINTENANCE SHOP.....	---	1,175
TOTAL, VIRGINIA.....	116,065	153,270
WASHINGTON		
NAVY		
BANGOR NAVAL SUBMARINE BASE		
EXPLOSIVE HANDLING WHARF MODIFICATIONS.....	1,400	1,400
STRATEGIC SECURITY SUPPORT FACILITY.....	---	4,600
BREMERTON NAVAL STATION		
FLEET RECREATION FACILITY.....	---	1,930
PIER REPLACEMENT (PHASE I).....	38,000	38,000
EVERETT NAVAL STATION		
AQUATIC COMBAT TRAINING FACILITY.....	---	5,500
PUGET SOUND NAVAL SHIPYARD		
CHEMICAL METALLURGICAL LABORATORY.....	9,400	9,400
INDUSTRIAL SKILLS CENTER (PHASE I).....	---	10,000
OILY WASTEWATER COLLECTION.....	6,600	6,600
AIR FORCE		
FAIRCHILD AFB		
JOINT PERSONNEL RECOVERY TRAINING FACILITY.....	---	5,880
RUNWAY CENTERLINE LIGHTING.....	---	2,046
MCCHORD AFB		
C-17 ADD/ALTER NOSE DOCKS.....	3,750	3,750
C-17 SQUADRON OPERATIONS/AIRCRAFT MAINTENANCE UNIT	6,500	6,500
ARMY NATIONAL GUARD		
BREMERTON		
READINESS CENTER.....	2,639	4,341
YAKIMA		
READINESS CENTER.....	5,104	6,713
ARMY RESERVE		
FORT LAWTON		
SITE IMPROVEMENTS.....	---	3,400
TACOMA		
RESERVE CENTER/ORGANIZATIONAL MAINTENANCE SHOP/ AREA MAINTENANCE SUPPORT ACTIVITY MARINE.....	14,759	14,759

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TOTAL, WASHINGTON.....	88,152	124,819
WEST VIRGINIA		
AIR NATIONAL GUARD		
YEAGER ANGB		
UPGRADE PARKING APRON/TAXIWAY.....	---	6,000
NAVY RESERVE		
ELEANOR		
RESERVE CENTER.....	---	2,500
TOTAL, WEST VIRGINIA.....	---	8,500
WYOMING		
AIR FORCE		
FE WARREN AFB		
COMMAND AND CONTROL SUPPORT FACILITY.....	10,200	10,200
MINUTEMAN III MISSILE SERVICE COMPLEX.....	15,520	15,520
AIR NATIONAL GUARD		
CHEYENNE INTERNATIONAL AIRPORT		
CONTROL TOWER.....	---	1,450
TOTAL, WYOMING.....	25,720	27,170
CONUS CLASSIFIED		
AIR FORCE		
CLASSIFIED LOCATION		
SPECIAL TACTICAL UNIT DETACHMENT FACILITY.....	1,810	1,810
CONUS VARIOUS		
NAVY		
CONUS VARIOUS		
BACHELOR ENLISTED QUARTERS/DINING FACILITY.....	11,500	11,500
BAHRAIN ISLAND		
NAVY		
SOUTHWEST NAVAL ADMINISTRATIVE SUPPORT UNIT		
OPERATIONS CENTER.....	19,400	19,400
CURACAO/ARUBA		
DEFENSE-WIDE		
REINA BEATRIX INTERNATIONAL AIRPORT (ARUBA)		
AIRFIELD PAVEMENT/RINSE FACILITY.....	8,800	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE...	860	---
SMALL AIRCRAFT MAINTENANCE HANGAR/APRON.....	590	---

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

HATO INTERNATIONAL AIRPORT (CURACAO)		
AIRCRAFT MAINTENANCE HANGAR/NOSE/DOCK/APRON.....	9,200	---
AIRFIELD PAVEMENT/RINSE FACILITY.....	29,500	---
MAINTENANCE FACILITIES.....	3,000	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE...	2,200	---
	-----	-----
TOTAL, CURACAO/ARUBA.....	54,150	---
DIEGO GARCIA		
AIR FORCE		
DIEGO GARCIA		
MUNITIONS STORAGE IGLOOS.....	5,475	5,475
ECUADOR		
DEFENSE-WIDE		
MANTA AIR BASE		
AIRCRAFT MAINTENANCE HANGAR/NOSE/DOCK/APRON.....	6,723	---
MAINTENANCE FACILITIES.....	4,900	---
RESCUE STATION.....	2,200	---
SQUADRON OPERATIONS/AIRCRAFT MAINT UNIT/STORAGE...	2,600	---
VISITING AIRMEN QUARTERS/DINING FACILITY.....	4,650	---
VISITING OFFICER QUARTERS.....	1,600	---
	-----	-----
TOTAL, ECUADOR.....	22,673	---
GERMANY		
ARMY		
BAMBERG		
BARRACKS COMPLEX.....	7,800	7,800
BARRACKS COMPLEX.....	3,850	3,850
DARMSTADT		
BARRACKS COMPLEX.....	5,700	5,700
BARRACKS COMPLEX.....	5,600	5,600
KAISERSLAUTERN		
CHILD DEVELOPMENT CENTER.....	3,400	3,400
MANNHEIM		
BARRACKS COMPLEX.....	4,050	4,050
DEFENSE-WIDE		
DARMSTADT		
RENOVATE ADMINISTRATIVE FACILITY.....	2,450	2,450
HANAU		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,026	2,030
HOHENFELS		
CONSTRUCT MIDDLE SCHOOL/HIGH SCHOOL.....	13,774	13,774
KITZINGEN		
HEALTH/DENTAL CLINIC LIFE SAFETY UPGRADE.....	1,400	1,400

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
KLEBER KASERNE REGIONAL FINANCE CENTER.....	7,500	7,500
SCHWEINFURT ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,444	1,750
WIESBADEN ADD/ALTER HEALTH/DENTAL CLINIC.....	7,187	7,187
WUERZBURG ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,798	2,635
TOTAL, GERMANY.....	66,979	69,126
GUAM		
DEFENSE-WIDE ANDERSEN AFB REPLACE FUEL STORAGE TANKS.....	16,000	16,000
REPLACE HYDRANT FUEL SYSTEM.....	20,000	20,000
TOTAL, GUAM.....	36,000	36,000
ITALY		
NAVY NAPLES NAVAL SUPPORT ACTIVITY BACHELOR ENLISTED QUARTERS.....	15,000	15,000
SIGONELLA NAVAL AIR STATION COMMUNITY FACILITIES.....	32,029	32,969
AIR FORCE AVIANO AIR BASE DORMITORY.....	8,000	8,000
DEFENSE-WIDE SIGONELLA NAVAL AIR STATION REPLACE BULK FUEL STORAGE FACILITY.....	16,300	16,300
NAPLES NAVAL SUPPORT ACTIVITY MEDICAL/DENTAL FACILITY REPLACEMENT.....	43,850	---
SIGONELLA ELEMENTARY/HIGH SCHOOL CLASSROOM ADDITION.....	971	3,450
TOTAL, ITALY.....	116,150	75,719
JAPAN		
DEFENSE-WIDE IWAKUNI MARINE CORPS AIR STATION BULK FUEL STORAGE TANKS.....	22,400	22,400
MISAWA AIR BASE BULK FUEL STORAGE TANKS.....	26,400	26,400
TOTAL, JAPAN.....	48,800	48,800
KOREA		
ARMY CAMP CARROLL WHOLE BARRACKS RENEWAL.....	---	10,000

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
CAMP HOVEY		
DINING FACILITY.....	---	4,200
WHOLE BARRACKS RENEWAL.....	---	26,000
CAMP HUMPHREYS		
BARRACKS COMPLEX.....	14,200	14,200
CAMP PAGE		
BARRACKS COMPLEX.....	19,500	19,500
YONGPYONG		
MOUT COLLECTIVE TRAINING FACILITY.....	---	11,850
AIR FORCE		
KUNSAN AIR BASE		
UPGRADE WATER DISTRIBUTION SYSTEM.....	6,400	6,400
OSAN AIR BASE		
DORMITORY.....	11,348	11,348
UPGRADE WATER DISTRIBUTION SYSTEM.....	10,600	10,600
DEFENSE-WIDE		
OSAN		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	---	892
SEOUL		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	---	2,451
TAEGU AB		
ELEMENTARY SCHOOL/HIGH SCHOOL CLASSROOM ADDITION..	---	806
TACTICAL EQUIPMENT MAINTENANCE COMPLEX.....	1,450	1,450
TOTAL, KOREA.....	63,498	119,697
KWAJALEIN		
ARMY		
KWAJALEIN ATOLL		
UNACCOMPANIED PERSONNEL HOUSING RENOVATION.....	18,000	---
PUERTO RICO		
ARMY		
FORT BUCHANAN		
CHILD DEVELOPMENT CENTER.....	---	3,700
DEFENSE-WIDE		
ROOSEVELT ROADS NAVAL STATION		
BOAT MAINTENANCE FACILITY.....	1,241	1,241
TOTAL, PUERTO RICO.....	1,241	4,941
SPAIN		
AIR FORCE		
ROTA		
ENHANCE ROTA, VARIOUS FACILITIES.....	5,052	5,052

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
TURKEY		
AIR FORCE		
INCIRLIK AIR BASE		
FIRE TRAINING FACILITY.....	1,000	1,000
UNITED KINGDOM		
DEFENSE-WIDE		
ROYAL AIR FORCE MILDENHALL		
REPLACE HYDRANT FUEL SYSTEM.....	10,000	10,000
ROYAL AIR FORCE FELTWELL		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	1,287	1,800
ROYAL AIR FORCE LAKENHEATH		
ELEMENTARY SCHOOL CLASSROOM ADDITION.....	3,086	5,650
TOTAL, UNITED KINGDOM.....	14,373	17,450
NATO		
NATO SECURITY INVESTMENT PROGRAM.....	190,000	172,000
WORLDWIDE UNSPECIFIED		
ARMY		
UNSPECIFIED WORLDWIDE LOCATIONS		
HOST NATION.....	22,600	22,600
UNSPECIFIED MINOR CONSTRUCTION.....	15,000	20,700
PLANNING AND DESIGN.....	72,106	86,706
CLASSIFIED PROJECT.....	11,500	11,000
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-635
NAVY		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	63,335	73,335
UNSPECIFIED MINOR CONSTRUCTION.....	7,659	11,659
GENERAL REDUCTION.....	---	-20,000
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-2,889
AIR FORCE		
UNSPECIFIED WORLDWIDE LOCATIONS		
UNSPECIFIED MINOR CONSTRUCTION.....	9,850	11,350
PLANNING AND DESIGN.....	54,237	74,628
DEFENSE-WIDE		
UNSPECIFIED WORLDWIDE LOCATIONS		
ENERGY CONSERVATION IMPROVEMENT PROGRAM.....	33,570	15,000
CONTINGENCY CONSTRUCTION.....	10,000	6,000
GENERAL REDUCTION (CHEMICAL DEMILITARIZATION).....	---	-20,000
NMD INITIAL DEPLOYMENT FACILITIES (PHASE I).....	85,095	85,095

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, ARMY		
ALASKA		
FORT WAINWRIGHT (75 UNITS).....	---	24,000
ARIZONA		
FORT HUACHUCA (110 UNITS).....	16,224	16,224
CALIFORNIA		
FORT IRWIN (24 UNITS).....	---	4,700
HAWAII		
SCHOFIELD BARRACKS (72 UNITS).....	15,500	15,500
KENTUCKY		
FORT CAMPBELL (56 UNITS).....	7,800	7,800
FORT CAMPBELL (128 UNITS).....	---	20,000
MARYLAND		
FORT DETRICK (48 UNITS).....	5,600	5,600
MISSOURI		
FORT LEONARD WOOD (24 UNITS).....	---	4,150
NORTH CAROLINA		
FORT BRAGG (112 UNITS).....	14,600	14,600
FORT BRAGG (48 UNITS).....	---	7,400
SOUTH CAROLINA		
FORT JACKSON (1 UNIT).....	250	250
TEXAS		
FORT BLISS (64 UNITS).....	10,200	10,200
VIRGINIA		
FORT LEE (52 UNITS).....	---	8,600
KOREA		
CAMP HUMPHREYS (60 UNITS).....	21,800	21,800
PUERTO RICO		
FORT BUCHANAN (31 UNITS).....	---	5,000
CONSTRUCTION IMPROVEMENTS.....	63,590	63,590
PLANNING AND DESIGN.....	6,542	6,542
SUBTOTAL, CONSTRUCTION.....	162,106	235,956
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	44,374	44,374
MANAGEMENT ACCOUNT.....	90,286	83,715
SERVICES ACCOUNT.....	44,855	44,855
UTILITIES.....	198,101	198,101
MISCELLANEOUS.....	855	855
LEASING.....	202,011	202,011
MAINTENANCE.....	397,792	397,792
INTEREST PAYMENT.....	1	1
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-19,911
SUBTOTAL, OPERATION AND MAINTENANCE.....	978,275	951,793
TOTAL, FAMILY HOUSING, ARMY.....	1,140,381	1,187,749

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-7,115
PLANNING AND DESIGN		
TRI-CARE MANAGEMENT ACTIVITY.....	22,000	22,000
DEFENSE INTELLIGENCE AGENCY.....	6,786	6,786
DEFENSE LEVEL ACTIVITIES.....	24,000	24,000
OFFICE OF SECRETARY OF DEFENSE.....	2,900	1,800
SPECIAL OPERATIONS COMMAND.....	3,790	3,790
BALLISTIC MISSILE DEFENSE ORGANIZATION.....	14,729	14,729
DEFENSE THREAT REDUCTION AGENCY.....	2,600	2,600
DEFENSE LOGISTICS AGENCY.....	1,800	1,800
SUBTOTAL, PLANNING AND DESIGN.....	78,605	77,505
UNSPECIFIED MINOR CONSTRUCTION		
TRI-CARE MANAGEMENT ACTIVITY.....	3,000	3,000
BALLISTIC MISSILE DEFENSE ORGANIZATION.....	3,694	3,694
DEFENSE FINANCE AND ACCOUNTING SERVICE.....	1,500	1,500
JOINT CHIEFS OF STAFF.....	6,196	6,196
DEFENSE LEVEL ACTIVITIES.....	3,000	3,000
SUBTOTAL, UNSPECIFIED MINOR CONSTRUCTION....	17,390	17,390
ARMY NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	4,232	24,779
UNSPECIFIED MINOR CONSTRUCTION.....	2,295	12,775
UNSPECIFIED MINOR-WMDCST.....	---	25,000
AIR NATIONAL GUARD		
UNSPECIFIED WORLDWIDE LOCATIONS		
UNSPECIFIED MINOR CONSTRUCTION.....	4,000	8,000
PLANNING AND DESIGN.....	9,119	20,419
ARMY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	6,400	11,900
UNSPECIFIED MINOR CONSTRUCTION.....	1,917	2,617
NAVY RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	1,521	3,721
AIR FORCE RESERVE		
UNSPECIFIED WORLDWIDE LOCATIONS		
PLANNING AND DESIGN.....	2,304	3,304
UNSPECIFIED MINOR CONSTRUCTION.....	4,115	4,115
TOTAL, WORLDWIDE UNSPECIFIED.....	516,850	578,959
WORLDWIDE VARIOUS		
NAVY		
VARIOUS LOCATIONS		
HOST NATION INFRASTRUCTURE SUPPORT.....	142	142

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, NAVY AND MARINE CORPS		
CALIFORNIA		
LEMOORE NAVAL AIR STATION (160 UNITS).....	27,768	27,768
LEMOORE NAVAL AIR STATION (100 UNITS).....	---	20,103
TWENTYNINE PALMS (79 UNITS).....	13,923	13,923
HAWAII		
PEARL HARBOR NAVAL COMPLEX (98 UNITS).....	22,230	22,230
PEARL HARBOR NAVAL COMPLEX (62 UNITS).....	14,237	14,237
PEARL HARBOR NAVAL COMPLEX (112 UNITS).....	23,654	23,654
KANEHOE BAY MARINE CORPS BASE (84 UNITS).....	21,910	21,910
LOUISIANA		
NEW ORLEANS NAVAL COMPLEX (100 UNITS).....	---	5,000
MAINE		
BRUNSWICK NAVAL AIR STATION (168 UNITS).....	18,722	18,722
MISSISSIPPI		
GULFPORT NAVAL CONSTR BATTALION CENTER (157 UNITS)..	---	20,700
WASHINGTON		
WHIDBEY ISLAND NAVAL AIR STATION (98 UNITS).....	16,873	16,873
CONSTRUCTION IMPROVEMENTS.....	183,547	193,077
PLANNING AND DESIGN.....	19,958	19,958
SUBTOTAL, CONSTRUCTION.....	362,822	418,155
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	30,884	30,884
MANAGEMENT ACCOUNT.....	84,914	84,914
SERVICES ACCOUNT.....	63,953	63,953
UTILITIES.....	165,057	165,057
MISCELLANEOUS.....	1,239	1,239
LEASING.....	142,690	142,690
MAINTENANCE.....	393,830	393,830
MORTGAGE INSURANCE PREMIUMS.....	71	71
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-1,071
SUBTOTAL, OPERATION AND MAINTENANCE.....	882,638	881,567
TOTAL, FAMILY HOUSING, NAVY AND MARINE CORPS....	1,245,460	1,299,722

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT
FAMILY HOUSING, AIR FORCE		
CALIFORNIA		
EDWARDS AFB (57 UNITS).....	---	9,870
TRAVIS AFB (64 UNITS).....	---	9,870
DISTRICT OF COLUMBIA		
BOLLING AFB (136 UNITS).....	17,137	17,137
IDAHO		
MOUNTAIN HOME AFB (46 UNITS).....	---	10,598
NEVADA		
NELLIS AFB (26 UNITS).....	---	5,000
NORTH DAKOTA		
CAVALIER (2 UNITS).....	443	443
MINOT AFB (134 UNITS).....	19,097	19,097
CONSTRUCTION IMPROVEMENTS.....	174,046	174,046
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-6,839
PLANNING AND DESIGN.....	12,760	12,760
SUBTOTAL, CONSTRUCTION.....	223,483	251,982
OPERATION AND MAINTENANCE		
FURNISHINGS ACCOUNT.....	38,180	38,180
MANAGEMENT ACCOUNT.....	55,685	55,685
SERVICES ACCOUNT.....	27,997	27,997
UTILITIES.....	158,959	158,959
MISCELLANEOUS.....	2,332	2,332
LEASING.....	114,628	114,628
MAINTENANCE.....	428,456	428,456
MORTGAGE INSURANCE PREMIUMS.....	34	34
FOREIGN CURRENCY FLUCTUATION ADJUSTMENT.....	---	-5,392
SUBTOTAL, OPERATION AND MAINTENANCE.....	826,271	820,879
TOTAL, FAMILY HOUSING, AIR FORCE.....	1,049,754	1,072,861

MILITARY CONSTRUCTION (IN THOUSANDS OF DOLLARS)

INSTALLATION & PROJECT	BUDGET REQUEST	CONFERENCE AGREEMENT

FAMILY HOUSING, DEFENSE-WIDE		
OPERATION AND MAINTENANCE		
SERVICES ACCOUNT (NSA).....	415	415
SERVICES ACCOUNT (DLA).....	77	77
LEASING (NSA).....	12,554	12,554
LEASING (DLA).....	25,924	25,924
MAINTENANCE OF REAL PROPERTY (NSA).....	653	653
MAINTENANCE OF REAL PROPERTY (DLA).....	316	316
FURNISHINGS ACCOUNT (NSA).....	146	146
FURNISHINGS ACCOUNT (DLA).....	3,564	3,564
FURNISHINGS ACCOUNT (DLA).....	22	22
UTILITIES ACCOUNT (NSA).....	444	444
UTILITIES ACCOUNT (DLA).....	421	421
MANAGEMENT ACCOUNT (NSA).....	15	15
MANAGEMENT ACCOUNT (DLA).....	271	271
MISCELLANEOUS (NSA).....	64	64
TOTAL, FAMILY HOUSING, DEFENSE-WIDE.....	44,886	44,886
	=====	=====
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV		
BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV.....	1,174,369	1,024,369
GENERAL PROVISIONS		
GENERAL PROVISION (SEC. 125).....	---	-100,000
GENERAL PROVISION (SEC. 132).....	---	-83,000
	=====	=====
GRAND TOTAL.....	8,033,908	8,833,908
	=====	=====

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]	
New budget (obligational) authority, fiscal year 2000	\$8,374,000
Budget estimates of new (obligational) authority, fiscal year 2001	8,033,908
House bill, fiscal year 2001	8,634,000
Senate bill, fiscal year 2001	8,634,000
Conference agreement, fiscal year 2001	8,833,908
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+459,908

Budget estimates of new (obligational) authority, fiscal year 2001	+800,000
House bill, fiscal year 2001	+199,908
Senate bill, fiscal year 2001	+199,908

DIVISION B—FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

Report language included by the House in the report accompanying H.R. 3908 (H. Rept. 106-521) which is not changed by the Senate in the report accompanying S. 2522 (S. Rept. 106-291), and the report accompanying S. 2536 (S. Rept. 106-288), and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

[In thousands of dollars]

TITLE I—KOSOVO AND OTHER NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

CONTINGENCY OPERATIONS AND OTHER REQUESTED FUNDING

The President requested \$2,190,800,000 in emergency supplemental appropriations for the unfunded fiscal year 2000 costs of overseas contingency operations, damages sustained at Department of Defense facilities resulting from natural disasters, and other requirements. The conferees recommend \$2,291,626,000 in emergency supplemental appropriations to meet these needs, as detailed by category and the applicable appropriations accounts in the following table.

	Request	House	Senate	Conference
Natural Disaster Damage:				
Operation and Maintenance, Army	0	19,532	23,883	23,883
Operation and Maintenance, Navy	0	20,565	20,565	20,565
Operation and Maintenance, Marine Corps	0	37,155	37,155	37,155
Operation and Maintenance, Air Force	0	30,065	38,065	38,065
Operation and Maintenance, Defense-Wide	27,400	0	0	0
Operation and Maintenance, Army Reserve	0	2,174	2,174	2,174
Operation and Maintenance, Army National Guard	0	2,851	2,851	2,851
Defense Health Program	0	3,533	3,533	3,533
Total	27,400	115,875	128,226	128,226
Overseas Contingency Operations and other requirements:				
Operation and Maintenance, Defense-Wide	40,000	40,000	40,000	40,000
Overseas Contingency Operations Transfer Fund	2,050,400	2,050,400	1,850,400	2,050,400
Aircraft Procurement, Air Force	73,000	73,000	73,000	73,000
Total	2,163,400	2,163,400	1,963,400	2,163,400
Grand Total	2,190,800	2,279,275	2,091,626	2,291,626

CLASSIFIED PROGRAMS

In conjunction with the submission of the fiscal year 2001 budget request, the President requested fiscal year 2000 emergency supplemental appropriations for a number of classified activities. In addition, on May 18, 2000, the Director of the Office of Management and Budget forwarded to the Congress a classified request regarding proposed fiscal year 2000 funding adjustments in support of counter-terrorism activities. The conferees' recommendations regarding these requests are summarized in a classified annex to this statement of managers.

SHARED RECONNAISSANCE POD (SHARP)

The conferees agree with the House language concerning the synthetic aperture radar (SAR) project within the SHARP program. The conferees do not agree to the House language regarding enhancements to the TARPS-CD system to meet future fleet operational requirements.

GENERAL PROVISIONS, THIS CHAPTER

The conferees agree to retain section 101, as proposed by the House, which provides the Department of Defense authority to pay service members Basic Allowance for Housing at the rates in effect on December 31, 1999 during fiscal year 2000.

The conferees agree to retain section 102, as proposed by the House, which provides \$1,556,200,000 in emergency appropriations for the "Defense-Wide Working Capital Fund" due to increases in the price of bulk fuel.

The conferees agree to retain and amend section 103, as proposed by the House, and provide \$90,000,000 in new appropriations for tactical aviation shortfalls identified by the Air Force during execution of the fiscal year 2000 budget. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 104, as proposed by the House, and provide \$163,700,000 in new appropriations for

procurement of M1A2 tank upgrades. This amount includes \$125,000,000 as recommended in the House-passed bill and an additional \$38,700,000 as proposed in DoD reprogramming request FY 00-21PA. The reprogramming request is hereby denied as it has been obviated by this Act. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 105 and 106, as proposed by the House, and recommend \$615,600,000 in emergency appropriations and requisite legal authority to cover unfunded requirements of the Defense Health Program, including TRICARE claims for fiscal years 1998, 1999, and 2000. The conferees also agree to retain section 107, as proposed by the Senate, which provides \$695,900,000 in emergency appropriations for additional unfunded requirements of the Defense Health Program.

[In thousands of dollars]

	DHP funding	House	Senate	Conference
TRICARE:				
Claims		854.5		615.6
FY 98		(34.6)		(34.6)
FY 99		(55.7)		(55.7)
FY 00		(297.3)		(297.3)
FY 01		(238.9)		(238.9)
Other Requirements		(228.0)		(228.0)
Additional DHP Requirements		750.0	695.9	695.9
Total, Defense Health Program		1,604.5	695.9	1,311.5

The conferees continue to be concerned about violations of the Department's financial regulations and potential violations of the Anti-Deficiency Act in the administration and execution of the TRICARE program. Therefore, the conferees direct the DoD In-

spector General, in coordination with the General Accounting Office (GAO), to conduct an investigation into the execution and administration of DHP funds. The investigation should examine: possible violations of the Anti-Deficiency Act; evasion of DoD fi-

ancial regulations; and the overall management of the TRICARE program. The conferees further direct the Department to provide a report to the congressional defense committees within sixty days after the enactment of this Act regarding the extent and

scope of any violations of fiscal law or departmental regulations.

The conferees agree to retain and amend section 108, as proposed by the House, which provides \$27,000,000 in emergency appropriations for the Basic Allowance for Housing program.

The conferees agree to retain and amend section 109, as proposed by the House, which provides \$357,288,000 in emergency appropriations to address shortfalls in military personnel, recruiting, advertising, and retention programs. The conferees direct that of the amount provided in this section, \$73,826,000 in the military personnel accounts and \$80,062,000 in the operation and maintenance accounts shall be immediately available for obligation to meet requirements identified by the Under Secretary of Defense (Comptroller) in his June 12, 2000 submission of DD Form 1415-1 to the congressional defense committees. The remaining funds, shown below by appropriations account, shall be withheld from obligation until 30 days following written notification to the Committees on Appropriations regarding the proposed specific distribution of funds by the Department:

Military Personnel, Army	\$71,000,000
Military Personnel, Navy ..	23,500,000
Military Personnel, Marine Corps	4,000,000
Military Personnel, Air Force	7,500,000
Reserve Personnel, Army ..	12,400,000
National Guard Personnel, Army	12,000,000
Operation and Maintenance, Army	15,000,000
Operation and Maintenance, Marine Corps	8,100,000
Operation and Maintenance, Air Force	8,200,000
Operation and Maintenance, Army Reserve	12,000,000
Operation and Maintenance, Navy Reserve	6,700,000
Operation and Maintenance, Marine Corps Reserve	2,000,000
Operation and Maintenance, Air Force Reserve	4,000,000
Operation and Maintenance, Army National Guard	12,000,000
Operation and Maintenance, Air National Guard	5,000,000

The conferees agree to retain and amend section 110, as proposed by the House (and by the Senate in an appropriations paragraph), which provides \$220,000,000 in emergency appropriations for "Operation and Maintenance, Navy", only for the unfunded backlog of ship depot maintenance that has emerged

in execution of the fiscal year 2000 ship depot maintenance program.

The conferees agree to retain and amend section 111, as proposed by the House, which provides \$503,900,000 in emergency appropriations to meet urgent, unfunded requirements in support of deployed forces, as follows:

[In thousands of dollars]

Operation and Maintenance, Navy (emergent costs in aircraft operations and maintenance	20,000
Operation and Maintenance, Air Force (emergent logistics support shortfalls)	41,900
Operation and Maintenance, Defense-Wide (classified)	10,000
Operation and Maintenance, Air National Guard (emergent DLR shortage-Model Fly)	24,100
Aircraft Procurement, Army (Apache safety modifications) ..	25,000
Aircraft Procurement, Navy	52,800
(CH-46 engine safety modifications: \$27,000)	
(EP-3 sensor improvements and modifications: 25,800)	
Aircraft Procurement, Air Force (U-2 aircraft sensor improvements and modifications: \$111,600)	212,700
(U-2 trainer: 14,000)	
(RC-135 Rivet Joint flight aircrew and mission trainers: 37,500)	
(Compass Call mission crew trainer: 23,700)	
(C-17 weapon system trainer: 14,900)	
(C-17 maintenance system trainer: 11,000)	
Other Procurement, Air Force (classified)	41,400
Procurement, Defense-Wide (classified)	13,000
Research, Development, Test and Evaluation, Army (WARSIMS)	5,000
Research, Development, Test and Evaluation, Defense-Wide (classified)	58,000

The conferees agree to retain and amend section 112, as proposed by the Senate, which provides \$7,000,000 in new appropriations for biometrics information assurance programs. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 113, as proposed by the Senate, which provides \$125,000,000 in emergency appropriations to meet unfunded requirements for the Patriot missile program. Of this amount, not less than \$50,000,000 shall be available for the Patriot Reliability Enhancement Program and \$75,000,000 shall be made available only

for the Patriot Advanced Capability-3 (PAC-3) program. The conferees believe that completing the full qualification of the PAC-3 missile against air breathing targets is essential. The conferees direct that the \$75,000,000 provided for the PAC-3 program may be transferred to the appropriate account to complete testing against aircraft and cruise missile targets, to maintain a robust countermeasure capability, to improve the producibility of the missile, and to purchase additional missiles.

The conferees agree to retain and amend section 114, as proposed by the Senate, which appropriates \$300,000 only for the Walking Shield program. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 115, as proposed by the Senate, which provides \$61,500,000 in emergency appropriations for operations in East Timor and Mozambique.

The conferees agree to retain section 116, as proposed by the Senate, which transfers previously-appropriated "Operation and Maintenance, Defense-Wide" funds for environmental response actions.

The conferees agree to retain and amend section 117, as proposed by the Senate, which provides \$8,000,000 in new appropriations in support of the 2002 Olympic and Paralympic Winter Games. These funds are fully offset by rescissions in section 123 of this chapter.

The conferees agree to retain and amend section 118, as proposed by the Senate, which directs the Ballistic Missile Defense Organization to notify the congressional defense committees prior to issuing certain types of information or proposal solicitation under the National Missile Defense program.

The conferees agree to retain section 119, as proposed by the Senate, regarding the disposition of a Navy drydock.

The conferees agree to retain section 120, as proposed by the Senate, which amends United States Code concerning the Challenge Youth Program.

The conferees to retain section 121, as proposed by the Senate, regarding the use of DoD facilities as official polling places.

The conferees agree to retain and amend section 122, as proposed by the Senate, which amends Section 8114 of the Department of Defense Appropriations Act, 1999 concerning the Marine Corps aircraft accident near Cavalese, Italy, and makes funding provided in that Act applicable to SOFA claims.

The conferees agree to a new general provision, section 123, which rescinds \$286,611,000 of prior year appropriations, comprised of programs whose obligational authority will lapse at the end of the current fiscal year. The specific programs and the amounts rescinded are as follows:

Fiscal year and account	Program	Amount
1989—Shipbuilding and Conversion, Navy	DDG-51 destroyer	\$9,100,000
1989—Shipbuilding and Conversion, Navy	T-AO fleet oiler	6,645,000
1989—Shipbuilding and Conversion, Navy	T-AGOS surveillance ship	3,420,000
1989—Shipbuilding and Conversion, Navy	Outfitting and Post Delivery	1,293,000
1999—Research, Development, Test and Evaluation, Air Force	Darkstar UAV	7,000,000
2000—Military Personnel, Army	Pay and Allowances of Enlisted	98,700,000
2000—Military Personnel, Navy	Pay and Allowances of Officers	23,527,000
2000—Military Personnel, Navy	Pay and Allowances of Enlisted	25,600,000
2000—Military Personnel, Air Force	Pay and Allowances of Officers	12,000,000
2000—Military Personnel, Air Force	Pay and Allowances of Enlisted	44,000,000
2000—Military Personnel, Air Force	PCS Travel	26,000,000
2000—Reserve Personnel, Air Force	Unit and Individual Training	4,500,000
2000—National Guard Personnel, Army	Unit and Individual Training	24,826,000
Total		286,611,000

The conferees agree to retain section 124, as proposed by the House and the Senate,

which provides authorization for certain intelligence related activities.

The conferees agree to retain section 125, as proposed by the House and the Senate, which repeals sections 8175 and 8176 of the

Fiscal Year 2000 Department of Defense Appropriations Act (as amended by Public Law 106-113) concerning prompt payments and progress payments.

The conferees agree to a new general provision, section 126, concerning the designation of emergency appropriations in this chapter by the Congress and the President.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes \$1,500,000 for the Corps of Engineers to conduct a study of the need for additional flood protection in Princeville, North Carolina, and \$2,000,000 for the Corps of Engineers to resume engineering and design of an outlet at Devils Lake, North Dakota.

The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION, GENERAL

The conferees have provided \$3,000,000 to initiate construction of the Johnson Creek, Arlington, Texas, project substantially in accordance with the Interim Feasibility Report dated March 1999. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

The conferees have included \$200,000 to carry out dredging of Saxon Harbor, Wisconsin, necessitated by low water levels in the Great Lakes. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement includes \$600,000 for the Lewis and Clark Rural Water System project in South Dakota. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

WEAPONS ACTIVITIES

The conference agreement appropriates \$96,500,000 for Weapons Activities instead of \$55,000,000 as proposed by the House and \$221,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Production plants.—The conference agreement includes \$25,000,000 for the Y-12 Plant in Oak Ridge Tennessee; \$11,000,000 for the Kansas City Plant in Missouri; and \$7,500,000 for the Pantex Plant in Amarillo, Texas. This funding will be used to address critical workforce and required infrastructure improvements at the three production facilities.

Weapons laboratories.—The conference agreement includes \$5,000,000 for the Los Ala-

mos National Laboratory and \$14,000,000 for the Sandia National Laboratory to address workforce issues and infrastructure improvements.

Transportation Safeguards Division.—The conference agreement includes \$10,000,000 for the Transportation Safeguards Division for fleet upgrades.

Other weapons sites.—The conference agreement includes \$1,500,000 for the Savannah River Site for infrastructure improvements and \$2,500,000 for construction of the Uih shaft to enhance worker safety at the Nevada Test Site.

Cyber Security.—The conference agreement includes \$20,000,000 for cyber security upgrades at the nuclear weapons complex. The conferees direct the National Nuclear Security Administration (NNSA) to perform planning, analysis, testing and evaluation necessary to develop the highest value alternatives for improving cyber security throughout the nuclear weapons complex. The NNSA should submit to Congress by January 15, 2001, a detailed plan with estimated costs and schedules for a reasonable program that defends the highest value targets.

OTHER DEFENSE ACTIVITIES

The conference agreement appropriates \$38,000,000 for Other Defense Activities instead of \$63,000,000 as proposed by the House and \$12,000,000 as proposed by the Senate. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985, as amended.

Highly Enriched Uranium Blend Down Project.—The conference agreement includes statutory language proposed by the House authorizing the Department to initiate design of the Highly Enriched Uranium Blend Down Project at the Savannah River Site.

Office of Security and Emergency Operations.—The conference agreement provides \$3,000,000 to support critical staffing needs in the office of security and emergency operations.

Cyber Security.—The conference agreement provides \$25,000,000 for cyber security needs under the direction of the Chief Information Officer. Funding of \$20,000,000 is to address unclassified cyber security systems and security needs in the corporate management information systems. Funding of \$5,000,000 has been provided for the Office of Intelligence/Special Technologies Program to develop and enhance unique capabilities and technologies within the Department's laboratory complex for the protection and exploitation of information and related infrastructure systems for the Department and other critical, national-level missions.

Environment, Safety and Health.—The conference agreement includes \$10,000,000 to accelerate projects which have been initiated to address worker health and safety concerns at the Paducah, Kentucky, and Portsmouth, Ohio, gaseous diffusion plants.

ENERGY PROGRAMS

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The conference agreement appropriates \$58,000,000 for the Uranium Enrichment Decontamination and Decommissioning Fund as proposed by the Senate instead of \$16,000,000 as proposed by the House. The entire amount has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conference agreement includes \$16,000,000 as proposed by the Administration to accelerate environmental cleanup at the Paducah, Kentucky, and Portsmouth, Ohio, gaseous diffusion plants.

The conference agreement includes \$42,000,000 as proposed by the Senate for reimbursements to uranium and thorium licensees under Title X of the Energy Policy Act of 1992.

SCIENCE

The conference agreement includes report language proposed by the House directing the Department to develop a plan outlining the cost, scope, and schedule for decontaminating and decommissioning the High Flux Beam Reactor at the Brookhaven National Laboratory in New York.

GENERAL PROVISIONS—THIS CHAPTER

Corps of Engineers Reorganization.—The conference agreement does not include language proposed by the Senate regarding management reforms of the U.S. Army Corps of Engineers. However, the conferees are extremely concerned about the management reforms initially imposed upon the Corps of Engineers in March of this year by the Secretary of the Army and subsequently suspended due to lack of adequate and appropriate coordination and consultation with the Congress. It is the conferees' strong conviction and expectation that any such management reforms, if yet contemplated by the Administration, will have full benefit of consultation with the Congress in developmental stages and prior to implementation.

In recent months, actions by Administration officials, as manifested by the proposed management reforms and other public pronouncements, suggest premature conclusions and findings may have been reached regarding as yet unsubstantiated allegations of wrong-doing by Corps of Engineers officials related to studies and initiatives for maintaining and providing the Nation's water resources infrastructure. Results of on-going investigations related to these charges must be made available and considered before any reforms are contemplated. Any actions carried out by the Administration to change the existing management and oversight structure and existing delegations and functions involving the Corps of Engineers without prior and satisfactory coordination with the Congress will not be received favorably and may cause the Congress to revisit this issue and undertake an appropriate response.

Waste Isolation Pilot Plan.—The conference agreement includes statutory language proposed by the Senate providing that funds in this or any other Act and hereafter may not be used to pay on behalf of the United States or a contractor or subcontractor of the United States for posting a bond or fulfilling any other financial responsibility requirement relating to the closure or post-closure care and monitoring of the Waste Isolation Pilot Plant in New Mexico.

Central Arizona Project.—The conference agreement includes a provision proposed by the Senate which states none of the funds provided in this or any other Act may be used to further reallocate Central Arizona Project water or to prepare an Environmental Assessment, Environmental Impact Statement, or Record of Decision providing for a reallocation of Central Arizona Project water until Congress enacts legislation authorizing and directing the Secretary of the Interior to make allocations and enter into contracts for delivery of Central Arizona Project water.

Congressional Direction.—The conference agreement includes statutory language directing that funds provided in Public Law

106-60 and prior Energy and Water Development Appropriations Acts be made available for the specified institutions and purposes.

Nuclear Regulatory Commission.—The conference agreement includes statutory language proposed by the House providing that no funds appropriated in fiscal year 2000 to the Nuclear Regulatory Commission (NRC) may be used to relocate, or to plan or prepare for the relocation of, the functions or personnel of the Technical Training Center from its location in Chattanooga, Tennessee. The conference agreement extends the language to fiscal year 2001.

CHAPTER 3

MILITARY CONSTRUCTION

GENERAL PROVISIONS, THIS CHAPTER

Section 301. Recommends \$19,048,000 as a contingent emergency for military construction and family housing due to storm related damage.

Section 302. Recommends \$1,000,000 as a contingent emergency for Military Construction, Defense-wide, to augment the Corps of Engineers' planning and design work associated with the National Missile Defense system.

Section 303. Provides \$35,000,000 for the acquisition of land at Blount Island, Florida and rescinds \$35,000,000 of funds provided in the Military Construction Appropriations Act, 1996 (Public Law 104-32).

CHAPTER 4

DEPARTMENT OF TRANSPORTATION

COAST GUARD

The conference agreement provides \$700,000,000 in supplemental appropriations for the U.S. Coast Guard, including \$655,000,000 designated as contingent emergency funding. The conference agreement requires a Presidential declaration before any of the emergency funding is available for obligation.

OPERATING EXPENSES

The conference agreement includes an emergency appropriation of \$77,000,000 for Coast Guard "Operating expenses", instead of \$264,446,000 as proposed by the Senate and \$37,000,000 as proposed by the House. The funds are made available until September 30, 2001, and are only available upon designation by the President of an emergency requirement. The conference agreement allocates these funds in the manner recommended by the Secretary of Transportation and the Commandant of the Coast Guard, as shown below:

<i>Activity</i>	<i>Amount</i>
Health care	\$18,000,000
Basic allowance for housing	15,000,000
Military pay	5,000,000
Cost of living increases in high cost areas	2,000,000
Recruiting/retention bonuses	15,000,000
Hurricane-damaged facilities	8,000,000
Operational fuel/unit level readiness	13,000,000
Fixed wing aviator retention bonuses	1,000,000
Total	77,000,000

The conferees note that some of these funding requirements relate to changed military personnel entitlements enacted in the fiscal year 2000 National Defense Authorization Act. The Coast Guard had adequate time to advise the Appropriations Committees of these costs prior to conference on the fiscal year 2000 Department of Transpor-

tation and Related Agencies Appropriations Bill, and to include them in the fiscal year 2001 budget estimate. In the future, the conferees expect the Coast Guard to ensure timely update of its budget estimates, to avoid the need for supplemental appropriations.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes an emergency appropriation of \$578,000,000 for acquisition of Coast Guard capital assets. The funding is to remain available until expended and is to be distributed as follows:

<i>Project</i>	<i>Amount</i>
C-130J long range maritime patrol aircraft	\$468,000,000
Great Lakes icebreaker replacement	110,000,000
Total	578,000,000

C-130 aircraft.—The conference agreement includes \$468,000,000, as proposed by the Senate, for acquisition of six C-130J long-range maritime patrol aircraft as authorized under section 812(b) of the Western Hemisphere Drug Elimination Act (P.L. 105-277). These aircraft are capable of defense requirements and other Coast Guard missions. The conference agreement specifies that this acquisition shall not influence the procurement strategy, program requirements, or downselect decision pertaining to the Deepwater Capability Replacement Project, as proposed by the Senate.

Great Lakes icebreaker replacement.—The conference agreement includes \$110,000,000 for the Great Lakes icebreaker replacement. These funds will support the costs of design, construction, inspection, validation, testing and project administration associated with acquisition of a new multi-purpose icebreaker to replace the USCGC *Mackinaw*. After 55 years of service, the *Mackinaw* has escalating operating and maintenance costs and declining reliability, and is scheduled to be decommissioned in 2006. New construction of a vessel designed to perform heavy icebreaking and maintain floating aids-to-navigation will expand the efficiency and reliability of Coast Guard operations in the Great Lakes.

CHAPTER 5

GENERAL PROVISIONS—THIS TITLE

Section 501. The conference agreement appropriates \$25,000,000 for the Agency for International Development, "International Disaster Assistance" for rehabilitation and reconstruction assistance for Mozambique, Madagascar, and southern Africa, to remain available until expended. The entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be available only to the extent an official budget request that includes designation of the entire amount as an emergency requirement is transmitted by the President to the Congress.

Section 502. The conference agreement appropriates \$50,000,000 for "Assistance for Eastern Europe and the Baltic States" to remain available until September 30, 2001. These funds shall only be available for assistance for Montenegro and Croatia, and not to exceed \$12,400,000 for assistance for Kosovo for police activities. The entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and is subject to the regular notification procedures of the Committees on Appropriations.

TITLE II—NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

The conference agreement includes an additional \$1,350,000 for implementation of the Livestock Mandatory Price Reporting Act of 1999. This amount will offset additional costs to USDA agencies to implement this Act. Unfunded agency requirements include: \$550,000 for the Economic Research Service; \$200,000 for the Foreign Agricultural Service; \$400,000 for the National Agricultural Statistics Service; and \$200,000 for the Grain Inspection, Packers and Stockyards Administration. Although the \$4,700,000 in implementation funding sought by the Administration for fiscal year 2000 was provided by Public Law 106-113, these funds have not been distributed among all agencies responsible for administration of this Act.

The conferees note that language contained in Public Law 106-78 requires that the Department of Agriculture obtain Congressional approval before funds for the common computing environment can be spent. The conferees hereby approve those funds for obligation.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement includes an additional \$77,560,000, to remain available until expended, as proposed by the House, instead of \$39,000,000 as proposed by the Senate. Of this amount, \$26,237,000 is to support temporary staff; \$12,865,000 is for Pigford consent decree expenses; and \$38,458,000 is for information technology expenses requirements.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUNDS PROGRAM ACCOUNT

The conference agreement includes an additional \$15,872,000 in budget authority for an estimated loan level of \$40,000,000 for Section 515 rental housing, as proposed by the House and Senate.

RENTAL ASSISTANCE PROGRAM

The conference agreement includes an additional \$13,600,000 for the Rental Assistance Program, as proposed by the House and Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 2101. The conference agreement includes language that makes up to \$81,000,000 of Commodity Credit Corporation funds available to be used to forgive loans to producer-owned associations or producers that suffered losses from natural disasters, as proposed by the House and Senate.

Section 2102. The conference agreement provides authority for the Secretary of Agriculture to use Commodity Credit Corporation funds to offset the assessment on peanut producers for losses from 1999, as proposed by the Senate.

CHAPTER 2

DEPARTMENT OF JUSTICE

SALARIES AND EXPENSES, UNITED STATES

ATTORNEYS

The conference agreement includes \$112,000,000, to remain available until expended, as a contingent emergency appropriation, to be divided equally between the States of Texas, New Mexico, Arizona, and California to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases. The use of these funds is limited

to court costs, courtroom technology, the building of holding spaces, administrative expenses, and indigent defense costs.

DRUG ENFORCEMENT ADMINISTRATION
SALARIES AND EXPENSES

The conference agreement includes \$181,000,000, to remain available until expended, as a contingent emergency appropriation, to be deposited into the Telecommunications Carrier Compliance Fund for implementation of the Communications Assistance for Law Enforcement Act (CALEA). The conferees note that narcotics trafficking investigations are increasingly dependent on the use of intercepted communications, accounting for 72% of all court-authorized electronic surveillance actions. As criminal organizations utilize advanced technologies to elude law enforcement, U.S. law enforcement's current drug intelligence and investigative capabilities have been eroded. Therefore, the conference agreement includes funding to implement CALEA to correct this problem to ensure these capabilities are maintained in accordance with current statutory requirements and deadlines.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE

The conference agreement includes \$2,000,000, as a contingent emergency appropriation, for grants to Indian reservations and counties with populations under 150,000 that are located in Arizona and are adjacent to the United States-Mexico border. Funds are to be allocated in proportion to the population of each eligible county and Indian reservation.

DEPARTMENT OF COMMERCE
ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE
PROGRAMS

The conference agreement includes \$55,800,000, as an emergency appropriation, to remain available until expended. This amount provides for planning assistance, public works grants, and capitalization of revolving loan funds to assist in the recovery efforts of communities impacted by Hurricane Floyd and other recent disasters. Of this amount, \$30,000,000 is provided as a contingent emergency to be provided to assist communities in New Jersey impacted by Hurricane Floyd. The conferees direct EDA to submit a spending plan for the amounts provided prior to the release of these funds.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes \$30,700,000, as an emergency appropriation, to remain available until expended, of which \$13,300,000 is provided as a contingent emergency appropriation. Of this amount, \$10,800,000 is provided as an emergency appropriation to assist fishermen impacted by Hurricanes Floyd, Dennis, George, and Mitch. In addition, a total of \$13,900,000 is included to provide relief from the recent disaster in the Long Island Sound lobster fishery, of which \$7,300,000 is provided as a contingent emergency to be divided equally between the States of New York and Connecticut, not less than \$3,650,000 for each State, for the following purposes: (1) to pay compensation to individuals for reductions in the number of lobsters caught in the Long Island lobster fishery in the 1999 fishing season, as compared to such catch in the 1998 fishing season as a result of the lobster fishery disaster; (2) to provide direct sustaining

aid to fishermen; and (3) to provide assistance to communities that are dependent on such fishery and have suffered losses from such disaster. The remaining funds provided for the Long Island Sound lobster fishery disaster are available for research into the causes of the disaster. The conferees expect NOAA to submit a spending plan prior to release of these funds.

The conference agreement also includes \$5,000,000 as a contingent emergency to provide relief from disaster in the West Coast groundfish fishery. The conferees expect that this amount shall be divided between the States of California, Oregon, and Washington in proportion to the impact of the disaster in each State. The amounts provided to these States shall be available for the following purposes: (1) to pay compensation to individuals who have suffered a direct negative impact from the West Coast groundfish fisheries disaster, (2) to provide direct sustaining aid to such fishermen, and (3) to provide assistance to communities that are dependent on the West Coast groundfish fisheries and have suffered losses from such disaster. The conferees direct NOAA to submit a spending plan prior to the release of these funds. The conference agreement also includes \$1,000,000 as a contingent emergency appropriation for repairs to the NOAA hurricane reconnaissance aircraft.

DEPARTMENT OF STATE
INTERNATIONAL COMMISSIONS
AMERICAN SECTIONS, INTERNATIONAL
COMMISSIONS

The conference agreement includes \$2,150,000, to remain available until expended, as a contingent emergency appropriation under this account for International Joint Commission activities related to levels and flows of Lake Ontario and the St. Lawrence River.

OTHER

United States Commission on International Religious Freedom

The conference agreement includes \$2,000,000, to remain available until expended, as a contingent emergency appropriation for the activities of the Commission.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION
DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes an additional \$15,500,000 in emergency fiscal year 2000 subsidy appropriations for disaster loans for recovery efforts related to Hurricane Floyd, and other natural disasters.

The conference agreement also includes an additional \$25,400,000 in emergency fiscal year 2000 appropriations for direct administrative expenses associated with disaster loan making and servicing activities necessary to carry out the disaster loan program related to Hurricane Floyd and other natural disasters. The conference agreement includes language prohibiting the use of funds for indirect administrative expenses. The conferees note that this additional amount results in a total appropriation of \$141,400,000 for the direct administrative costs of the fiscal year 2000 disaster loan program.

Language is included designating the amounts provided as an emergency requirement, and making these amounts available only to the extent that an official budget request is submitted requesting that these specific amounts be designated as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

Section 2201. The conference agreement includes emergency assistance for the Pribilof Island and East Aleutian area of the Bering Sea crab fishery for payment of direct assistance to Oregon, Washington, and Alaska fishermen. The conference agreement includes \$10,000,000 as a contingent emergency for the following: (1) \$7,000,000 to allow disaster assistance payments to affected states; (2) \$2,000,000 to determine the cause of the fisheries disaster through a cooperative research effort between the National Marine Fisheries Service and the State of Alaska; and (3) \$1,000,000 for the State of Alaska to develop a plan to restore the crab population.

Section 2202. The conference agreement includes \$10,000,000 as a contingent emergency appropriation for assistance for the Northeast multispecies fishery failure to support a voluntary fishing capacity reduction program.

Section 2203. The conference agreement includes \$7,000,000 as a contingent emergency appropriation to study the long-line interactions with sea turtles in the North Pacific and commercial fishing activities in the Northwest Hawaiian Islands, and provide observer coverage for the Hawaiian long-line fishery.

Section 2204. The conference agreement amends Public Law 101-380, as amended, and inserts a new section 5007 to provide \$5,000,000 as a contingent emergency appropriation to create a new North Pacific Marine Research Institute at the Alaska SeaLife Center to be administered by the North Pacific Research Board.

CHAPTER 3

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WILDLAND FIRE MANAGEMENT

The conference agreement provides \$200,000,000 in emergency funding for wildland fire management instead of \$100,000,000 as proposed by the House and by the Senate. Of the amount provided, \$100,000,000 is contingent on receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LAND ACQUISITION

The conference agreement provides \$2,000,000 in emergency funding for land acquisition for the Douglas Tract along the Potomac River in Southern Maryland. Approximately 1,000 acres of undeveloped riverfront land is available from a willing seller. This land is of significant historic value with Native American and Civil War sites. Preservation of the land will also help preserve wildlife habitat and unique wetland areas. The President's budget request for fiscal year 2001 included \$3,000,000 for this purchase. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OFFICE OF SURFACE MINING RECLAMATION AND
ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides \$9,821,000 in emergency funding for regulation and technology as proposed by the Senate instead of no funding as proposed by the House. The funds are for the surface mining regulatory program of the State of West Virginia. The entire amount is contingent on receipt of a budget request that includes a

Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers are concerned that the State of West Virginia lacks sufficient funding and staffing resources to regulate the effects of surface coal mining operations within the State pursuant to the Surface Mining Control and Reclamation Act (SMCRA). Recent litigation and the commencement of a formal review by the office of Surface Mining related to the State's regulatory program demonstrate that unless additional funds and provided immediately, a Federal takeover of these responsibilities may be imminent. If a takeover occurs it will increase the costs to the Federal Government for regulating coal mining in West Virginia and cause major disruptions on the ground. With the additional resources provided in this Act, the State will have the capability to administer an adequate regulatory program to enforce environmental laws and have the necessary tools to perform technical reviews of permit applications effectively and efficiently.

Accordingly, the managers are providing a total of \$9,821,000 to the Office of Surface Mining Reclamation and Enforcement to ensure that the State has adequate funds to carry out its regulatory responsibilities under SMCRA. Of this amount, \$6,222,000 is for the Office of Surface Mining to enter into a cooperative agreement with the West Virginia Division of Environmental Protection to enhance program capabilities, including developing a geospatial database to ensure appropriate geologic and hydrologic sampling, performing watershed modeling, and other programmatic improvements to ensure the State is able to meet its regulatory requirements under SMCRA.

A total of \$3,599,000 is provided to address the West Virginia Office's staffing deficiencies. These funds are subject to the 50 percent matching requirement of section 705(a) of SMCRA. The managers note that West Virginia operates its program with fewer staff and a smaller budget than surrounding States with similar workloads. The controversy over mountaintop removal mining has been a catalyst for demonstrating weaknesses in the West Virginia regulatory program.

The managers appreciate that the Office of Surface Mining and the State of West Virginia have worked together closely to characterize the deficiencies in the State's regulatory program. The managers expect this close cooperation to continue as the parties address and resolve program deficiencies. The managers direct the Office of Surface Mining, in conjunction with the State, to keep the House and Senate Committees on Appropriations apprised of the efforts made to correct these problems in the State's regulatory program.

RELATED AGENCY
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
NATIONAL FOREST SYSTEM

The conference agreement provides \$2,000,000 in emergency funding for the national forest system instead of \$5,759,000 as proposed by the Senate and no funding as proposed by the House. The funds are for storm damage repairs in National Forests in Minnesota and Wisconsin. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and

Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

The conference agreement provides \$150,000,000 in emergency funding for wildland fire management as proposed by the House instead of \$1,620,000 as proposed by the Senate. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

Section 230. Provides authority for the Indian Health Service to release funds appropriated in fiscal year 1999 for construction of a clinic in King Cove, Alaska as proposed by the Senate. Land owned by the city has been designated for the facility and this language is needed to permit IHS to use that site.

Section 2302. Requires the Secretary of Energy to fund a particulate monitoring program as directed by the Congress in a report accompanying a previous appropriations Act. Funds were made available for this purpose in Public Law 105-277 under the Fossil Energy Research and Development account. The Secretary of Energy has instituted a policy wherein he has to approve any Congressionally identified project prior to the release of funds. This policy has resulted in a bureaucratic morass and prevented the timely initiation of important research. The Secretary of Energy is urged to reexamine this policy.

The conference agreement does not include language proposed by the Senate addressing the designation of land for a jetty and sand transfer system for the Oregon Inlet in North Carolina. The managers will continue to examine this issue and consider it within the context of the fiscal year 2001 appropriations bill for the Department of the Interior and Related Agencies.

Section 2303. Modifies language proposed by the Senate to provide interim compensation for fishermen, crew members, and processors affected by restrictions on Dungeness crab fishing in Glacier Bay National Park, AK. The modification limits these payments to losses incurred in 2000 except for Buy N Pack Seafoods which is eligible for compensation for 1999 and 2000.

CHAPTER 4

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION
TRAINING AND EMPLOYMENT SERVICES

The conference agreement does not include \$40,000,000 earmarked for Summer Youth Employment as proposed by the Senate and requested by the President.

MINE SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES

The conference agreement includes a technical change proposed by both the House and Senate to clarify that funds collected by the National Mine Health and Safety Academy for tuition, room, board, and other authorized activities are in addition to the annual appropriation amount.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES
ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement provides \$20,000,000 for abstinence education within "Special projects of regional and national significance;" part of the maternal and child health block grant as proposed by the House.

The Senate bill contains no similar provision. The conference agreement also includes a rescission of \$20,000,000 for abstinence education in the Adolescent Family Life program in the Office of the Secretary as proposed by the House. The Senate bill contains no similar provision.

The conference agreement does not include \$100,000,000 in supplemental funding for the Ricky Ray Hemophilia Relief Fund as requested by the Administration.

The conference agreement includes \$3,000,000 within Health Care Facilities and Construction for Little Flower Children's Services in Wading River, New York, for renovation and construction of a children's psychiatric services facility. The agreement designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING
(INCLUDING TRANSFERS OF FUNDS)

The conference agreement transfers \$460,000 provided under Health Resources and Services Administration health care facilities construction to the CDC chronic and environmental disease prevention program for a comprehensive cancer control program at the MD Anderson Cancer Center in Houston, TX to address minority and medically underserved populations.

The conference agreement includes \$12,000,000 for international HIV/AIDS funding, available until September 30, 2001, and designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The same amount is rescinded under the Public Health and Social Services Emergency Fund, which was originally made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000.

ADMINISTRATION ON CHILDREN AND FAMILIES
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement provides \$35,000,000 for payments to States for foster care and adoption assistance as proposed by both the House and Senate.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes \$600,000,000 for the Low Income Home Energy Assistance Program (LIHEAP) emergency fund as proposed by both the House and Senate. The conference agreement also makes these funds available until expended as proposed by the Senate. The House bill makes these funds available for obligation through September 30, 2000. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes a provision extending the availability of Refugee and Entrant Assistance funding from two years to three years as proposed by the House. The Senate bill contains no similar provision.

ADMINISTRATION ON AGING
AGING SERVICES PROGRAMS

The conference agreement includes a provision to extend the availability of funds for the Anchorage, Alaska Senior Citizen's Center as proposed by both the House and Senate.

OFFICE OF THE SECRETARY
GENERAL DEPARTMENTAL MANAGEMENT
(RESCISSION)

The conference agreement includes a rescission of \$20,000,000 for abstinence education in the Adolescent Family Life program in the Office of the Secretary. \$20,000,000 in additional Abstinence Education Funding is provided in the Health Resources and Services Administration.

PUBLIC HEALTH AND SOCIAL SERVICE
EMERGENCY FUND
(RESCISSION)

The conference agreement does not include a rescission of \$163,752,000 as proposed by the President.

The conference agreement rescinds \$31,200,000 in bioterrorism funding made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 and reappropriates the same amount, making it available until expended. Both the amount rescinded and the reappropriation are designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement rescinds \$12,000,000 in Centers for Disease Control and Prevention funding made available for one year in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 and reappropriates the same amount, making it available until September 30, 2001. Both the amount rescinded and the reappropriation are designated as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION—DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Section 2401. The conference agreement includes a provision to remove the authority to transfer funds among accounts from the Centers for Disease Control and Prevention as proposed by both the House and Senate.

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION

The agreement includes a provision that allows funds presently appropriated in F00 for the Paralympic Winter Games to be awarded to a designee of the Salt Lake Organizing Committee for expenditure on their behalf.

VOCATIONAL AND ADULT EDUCATION

The conference agreement includes a provision to place the Youth Offender Grants program on a forward-funded basis. This provision was not included in either the House or the Senate bills.

The conference agreement includes a technical correction to the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 2000 which changes the forward funded portion of the appropriation from \$858,150,000 to \$882,650,000.

HIGHER EDUCATION

The conference agreement includes a provision to extend the availability of State Grants for Incarcerated Youth appropriated in fiscal years 1998 and 1999 for an additional year as proposed by the Senate. The House bill contains no similar provision.

The conference agreement includes an additional \$750,000 for the Fund for the Improvement of Postsecondary Education for creation of a center for inquiry and design-based learning in mathematics, science and technology education at the College of New

Jersey, in Ewing, New Jersey. The agreement designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EDUCATION RESEARCH, STATISTICS, AND
IMPROVEMENT
(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a provision to make several technical corrections as proposed by both the House and the Senate. The conference agreement also includes technical corrections that were not included in either the House or the Senate bills.

The conference agreement also transfers \$368,000 provided under Health Resources and Services Administration, health care facilities construction and renovation to Education Research, Statistics, and Improvement for the George Mason University Center for Services to Families and Schools to expand a program for schools and families of children suffering from attentional, cognitive, and behavioral disorders.

RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes \$35,000,000, available through September 30, 2001, for the Social Security Administration for additional workload generated by the "Senior Citizens' Freedom to Work Act of 2000 (P.L. 106-182) as proposed by the Senate. This level is the same amount as requested by the President and \$15,000,000 below the amount in the Senate bill. The House bill contains no similar provision. The conference agreement also designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS CHAPTER

Section 2402. The conference agreement includes a provision as proposed by the House to remove from the Department of Education and the Centers for Disease Control and Prevention the ability to carry over salary and expense funds for an additional quarter. The Senate bill contains no similar provision.

Section 2403. The conference agreement includes technical corrections in the conforming amendments on the set-asides in the Welfare-to-Work Amendments of 1999 as proposed by both the House and Senate.

Section 2404. The conference agreement includes technical corrections to the Workforce Investment Act of 1998 and the Carl D. Perkins Vocational and Technical Assistance Act of 1998 as proposed by the Senate. The House bill contains no similar provision.

Section 2405. The conference agreement includes a provision not proposed by either the House or Senate to make funds for certain technical assistance activities related to school reform available at an earlier date.

Section 2406. The conference agreement includes a provision, as proposed by the Senate in the Military Construction Appropriations Act, 2001, amending section 508(f)(1) of the Rehabilitation Act of 1973 to extend the date that the Federal government must provide equal access to disabled federal employees and disabled members of the public seeking information or services. The House bill contains no similar provision.

Section 2407. The conference agreement provides \$3,500,000 for the improvement and modernization of Saint John's Lutheran Hospital, Libby, Montana. It also includes \$8,000,000 for an Economic Development Administration grant to the city of Libby, Montana. The conference agreement also

designates the entire amount as an emergency pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHAPTER 5
LEGISLATIVE BRANCH
ARCHITECT OF THE CAPITOL
CAPITOL BUILDINGS AND GROUNDS
FIRE SAFETY

The conference agreement appropriates \$17,480,000 to the Architect of the Capitol for fire safety projects as proposed by the Senate instead of \$15,166,000 as proposed by the House. The funds are designated as emergency requirements as proposed by the Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 2501. The conferees have amended language proposed by the Senate regarding the Trade Deficit Review Commission. The 3-month extension in the due date of the final report has been agreed to; the new subparagraph contained in subsection (a) of the provision in the Senate bill has been dropped without prejudice.

CHAPTER 6
DEPARTMENT OF TRANSPORTATION
AND RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
COAST GUARD
ACQUISITION, CONSTRUCTION, AND
IMPROVEMENTS
(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes \$45,000,000, to remain available until expended, for acquisition of one C-37A command and control aircraft for use by the U.S. Coast Guard, as authorized under section 812(b) of the Western Hemisphere Drug Elimination Act (P.L. 105-277). The existing command and control aircraft is sixteen years old and experiencing significant reliability and maintenance problems. In addition, with an average flight cost of \$1,500 per hour (40 percent higher than current models), this aged aircraft unnecessarily diverts needed funds from other Coast Guard operating missions. The conference agreement fully offsets this appropriation through sale of the current aircraft (estimated by the Coast Guard at \$7,000,000) and rescission of other funds totaling \$38,000,000. The conferees assume that sale of the VC-11A will first be offered to the vendor of the replacement aircraft. Rescinded funds include \$26,600,000 in unobligated balances appropriated to the Office of Management and Budget to resolve Year 2000 computer problems, as proposed by the House, and \$11,400,000 from unobligated balances of Coast Guard "Acquisition, construction, and improvements".

The conference agreement includes a rescission of \$11,400,000 in available balances from previous appropriations Acts under "Acquisition, construction, and improvements". As of May 31, 2000, the Coast Guard had an unobligated balance of \$327,404,000 in this appropriation, including regular funds, leftover disaster relief funds, and no-year emergency supplemental appropriations. The conferees believe a fraction of these unused funds can be used to offset higher priority requirements in the conference agreement without adversely impacting the service's missions. The conferees direct that none of these funds be taken from the Great Lakes icebreaker replacement project, and that the Coast Guard submit information on proposed rescissions to the House and Senate Committees on Appropriations prior to implementation.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes a contingent emergency appropriation of \$75,000,000 for additional operating and maintenance costs of the Federal Aviation Administration, available until September 30, 2001, instead of \$77,000,000 as proposed by the Senate. The first priority for these additional funds should be the hiring of aviation safety inspectors and medical certification personnel.

RELATED AGENCY

NATIONAL TRANSPORTATION SAFETY BOARD
SALARIES AND EXPENSES

The conference agreement provides \$19,739,000 for the National Transportation Safety Board for emergency expenses associated with the investigation of Egypt Air Flight 990 and Alaska Air Flight 261 accidents. These funds will compensate wreckage location and recovery facilities, technical support, testing, and wreckage mock-up. Both the House and the Senate bills provided \$24,739,000 for investigative costs. Since enactment of each bill, the Arab Republic of Egypt has agreed to reimburse the National Transportation Safety Board \$5,000,000 for Egypt Air Flight 990 wreckage location and recovery, decreasing the supplemental needs of the NTSB. The conference agreement requires the Secretary of the Treasury to reduce this appropriation by an amount equal to any subsequent reimbursement by the Arab Republic of Egypt for wreckage location and recovery, family assistance, and interagency agreements for up to \$3,983,000. The Egyptian government currently is reviewing the additional expenses.

Within the funds provided, up to \$10,000 shall be made available for the location and recovery of wreckage of N41078, as proposed in the Senate report.

GENERAL PROVISIONS—THIS CHAPTER

Section 2601. The conferees have included a provision that makes available a total of \$35,200,000 for seven bridge projects from funds previously made available to the department under section 104(a) of title 23, U.S.C. These projects were earlier identified in the conference agreement accompanying H.R. 2084, the fiscal year 2000 Department of Transportation and Related Agencies Appropriations bill, which directed the Federal Highway Administration (FHWA) to distribute discretionary bridge program funds for certain specified projects and activities. The office of the secretary and the FHWA, without consulting or notifying the House and Senate Committees on Appropriations, released all discretionary bridge funding for fiscal year 2000 and did not consider fully the projects specified in the accompanying report. These actions were unconscionable and remain unacceptable. The conferees assert that the department, particularly the office of the secretary, must comply with both the letter and the spirit of the law, which requires the department to notify the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the Department or its modal administrations from: (1) any discretionary program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other

than the formula grants and fixed guideway modernization programs.

Section 2602. The conference agreement rescinds \$26,600,000 in unobligated balances of funds appropriated to the Office of Management and Budget pursuant to Public Law 105-277 and subsequently transferred to the Department of Transportation for Year 2000 conversion of Federal information technology systems and related expenses, as proposed by the House. These funds are no longer needed for their original purpose and are available to offset higher priority Coast Guard capital needs.

Section 2603. The conference agreement includes an emergency appropriation of \$2,000,000 to the Office of the Assistant Secretary for Policy, U.S. Department of Transportation, to be transferred to the Environmental Protection Agency to carry out a telecommuting pilot program.

Section 2604. The conference agreement includes a provision that amends the allowable federal share requirement for projects for the elimination of hazards of railway-highway crossings funded under the surface transportation program.

Section 2605. The conference agreement includes \$2,000,000 for planning, preliminary engineering and design of the Metro-North Danbury to Norwalk commuter rail line re-electrification project in Connecticut.

Section 2606. The conference agreement includes \$3,000,000 for the Second Avenue Subway in New York City, New York.

Section 2607. The conference agreement includes \$500,000 for a study of improvements to Highway 8, from the Minnesota border to Highway 51, in the state of Wisconsin.

Section 2608. The conference agreement includes \$1,000,000 for reconstruction of, and improvements to, Halls Mill Road in Monmouth County, New Jersey.

GENERAL PROVISION—THIS TITLE

Section 2101 allows members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants and minerals in the Bandelier National Monument. The extensive areas burned by the Cerro Grande fire have severely reduced the availability of local plants, clays and soils traditionally used by these Pueblos. To allow their traditional ceremonies to continue uninterrupted, it is necessary to allow enrolled members of both Pueblos access to plant and mineral resources that are available in the Bandelier National Monument at quantities greater than allowed by current regulations of the National Park Service. These activities would be consistent with applicable laws governing the Monument.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conferees agree to include \$24,900,000 as a contingent emergency appropriation for the establishment of an in-service firearms training facility.

FIREARMS TRAINING FACILITY

The conferees direct that the Secretary of the Treasury undertake the establishment of an in-service firearms training facility in West Virginia for use by U.S. Customs Service and other law enforcement agencies. The conferees note with grave concern the serious threats that have arisen at U.S. borders with respect to attempted terrorist infiltrations and the increasing complexity of the interdiction of illegal drugs into this country. The Treasury Department has approximately 20,000 armed officers engaged in a

wide variety of dangerous law enforcement activities. Because of the need to provide in-service firearms training for armed Treasury personnel, the conferees have included \$24,900,000 to accelerate the design and construction of a firearms complex on land currently owned by the Fish and Wildlife Service. The Secretary of the Treasury is authorized to designate a lead agency to oversee the development, implementation and operation of the facility and the conduct of training. The complex would also be available for use by the Fish and Wildlife Service, the National Park Service, certain other law enforcement personnel and selected State and local enforcement personnel. The conferees have also included language to designate the National Park Service to manage the entire tract of land and to make available a suitable portion of the land for use for the training facility, and language to assure that the training to be conducted at the new training firearms facility will be configured in such a way as to not duplicate or displace any federal law enforcement programs of the Federal Law Enforcement Training Center (FLETC). Likewise, no training currently being conducted at a FLETC facility will be moved to the West Virginia site. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of the amount requested as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to include \$10,000,000 as a contingent emergency appropriation for the United States Secret Service's costs related to planning, coordination and implementation of security for national special security and major protective events.

NATIONAL SECURITY SPECIAL EVENTS

The conferees are extremely concerned that the Administration has failed to request funding for the Secret Service to provide protective services for PDD 62, National Security Special Events (NSSE), causing significant budget shortfalls for the Secret Service. For example, the conferees are aware that the 2002 Winter Olympics in Salt Lake City has long been officially designated as a NSSE but the Administration provided no funding and implementing overall security. The conferees note however, that the Administration did fund the FBI and FEMA for their role in the Winter Olympics. In order to address fiscal year 2000 shortfalls, the conferees provide \$10,000,000 for costs associated with planning, coordination and implementation of security at the following major protective events. The World Trade Organization Meeting, the International Monetary Fund meeting, Operation Sail 2000, the Republican and Democratic National Conventions, the UN General Assembly 55-Millennium Assembly, and fiscal year 2000 costs related to the 2002 Winter Olympics. The conferees direct the Department of the Treasury to submit to the Committees on Appropriations, a budgeting plan for the Secret Service in regard to anticipated and unanticipated National Special Security Events for fiscal year 2001 no later than September 1, 2000.

EXECUTIVE OFFICE OF THE PRESIDENT
AND FUNDS APPROPRIATED TO THE
PRESIDENT

OFFICE OF ADMINISTRATION
INFORMATION TECHNOLOGY

The conferees agree to establish a new account within the Office of Administration

and include \$8,400,000 as a contingent emergency appropriation for the costs associated with the restoration and reconstruction of certain electronic mail messages and for inclusion of such messages in the Automated Records Management System. These funds were proposed by the President to be funded within the Office of Administration's Salaries and Expenses appropriation. Neither the House nor the Senate bills included these funds as the President's request was received after House and Senate consideration of the supplemental appropriations bills.

TAPE RESTORATION PROJECT

The conferees have established a new account for the necessary expenses of ongoing activities associated with the restoration and reconstruction of certain electronic mail messages and for inclusion in the Automated Records Management System, providing \$8,400,000, to remain available until September 30, 2002. The conferees prohibit the obligation of these funds until the Office of Administration submits an independent verification and validation of the estimated costs of this project.

The conferees are concerned by the escalation in estimated costs of this project, which have ranged from \$3,000,000 to levels well in excess of that amount. To date, \$4,800,000 has been provided to support ongoing work; combined with this supplemental appropriation, the total federal appropriation is \$13,200,000. The conferees are concerned that, to date, estimates of total project costs have not been finalized and that an independent verification and validation of both the costs of specific phases of the reconstruction effort and the total project are not available. The conferees have included bill language prohibiting the obligation of funds until the Office of Administration submits to the Committees on Appropriations an independent verification and validation of the costs of the restoration project, including the final report prepared by the independent verification and validation contractor for both initial and projects cost estimates.

It is not the intent of the conferees to delay or impede the ongoing restoration work; nonetheless, the conferees believe it is critical that all costs related to this project undergo an independent verification and validation process and that the findings of this process be reported to the Committees on Appropriations as expeditiously as possible. The conferees note the current monthly reporting requirements imposed by the House Committee on Appropriations in regards to the obligation of funds as well as other project analysis. Should it be necessary, and in order to satisfy the requirements of the bill language without impeding ongoing work, the conferees are willing to consider releasing a portion of the funds upon receipt of interim verification and validation documents until the final report is prepared. These interim reports would be in addition to the monthly reports required by the House Committee on Appropriations. Should these interim reports become necessary, the Office of Administration is directed to establish, in consultation with the Committees on Appropriations, a schedule of milestones for the completion of the final report and the total release of funds.

AUTOMATED RECORDS MANAGEMENT SYSTEM

The conferees are concerned that contractor error may be a causal factor in the White House e-mails not being properly archived into the Automated Records Management System (ARMS), resulting in the

present supplemental appropriation for reconstruction and restoration costs. The conferees fully expect the Executive Office of the President (EOP) to diligently pursue reimbursement from contractors if it is determined that their errors and/or negligence led to the present additional funding requirement. The conferees believe that the EOP should review contractor performance beginning with the ARMS project of 1994 and including all contractors responsible for operating and maintaining the information technology system for the EOP. The conferees direct the Office of Administration to report back within 6 months of the date of enactment of this Act to the Committees on Appropriations on the performance of the contractors responsible for operating and maintaining the information technology systems. The performance report should include an evaluation of whether or not the contractor has legally defaulted and on any actions to be taken by the EOP to recoup the costs associated with the reconstruction and restoration effort currently underway.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION POLICY AND OPERATIONS

The conferees agree to include \$3,300,000 as a contingent emergency appropriation for the Salt Lake 2002 Winter Olympic and Paralympic Game doping control program.

GENERAL PROVISIONS—THIS CHAPTER

Section 2701. The conferees agree to include a provision waiving anti-pooling provisions for the fiscal year 2000 administrative costs of the Counterdrug Intelligence Executive Secretariat.

Section 2702. The conferees agree to include a provision to rescind and reappropriate certain unobligated balances with the Internal Revenue Service's Information Technology Investments account.

Section 2703. The conferees agree to include a provision authorizing the Secretary of the Treasury to address clerical errors in fiscal year 1999 which resulted in the Hospital Insurance (HI) Trust Fund being over-invested while the Supplementary Medical Insurance (SMI) Trust Fund was under-invested. The conferees understand that the principal amount of the bookkeeping errors has been corrected, but that the over-investment resulted in the HI Trust Fund being credited with excess interest earnings, while the under-investment resulted in the SMI Trust Fund being deprived of interest earnings. The conferees further understand that these bookkeeping errors have not affected Medicare payments in any way, nor did the errors result in any moneys being erroneously paid out by the Government. Nevertheless, the conferees believe that the errors should be corrected in full to ensure the correct allocation of funds among the HI Trust Funds, the SMI Trust Fund, and the Treasury General Fund.

Section 2704. The conferees agree to include a technical modification to Public Law 106-113 to make a direct payment to the United States Olympic Committee through the United States Anti-Doping Agency from funds appropriated for fiscal year 2000.

Section 2705. The conferees agree to include a provision to rescind and reappropriate certain unobligated balances within the Salaries and Expenses account of the U.S. Secret Service.

Section 2706. The conferees agree to include a technical modification to Public Law 106-58 clarifying language in Senate Report 106-87 on the Treasury and General Government Appropriations Act, 2000, to authorize

the General Services Administration to provide funds appropriated in fiscal year 2000 for the Nebraska State Patrol Digital Distance Learning project.

CHAPTER 8

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANTS

Inserts language as proposed by the House making a technical correction on a specific economic development initiative grant provided under title II of Public Law 106-74.

Inserts language proposed by the Senate and modified by the conferees making a technical correction on a specific neighborhood initiative grant provided under title II of Public Law 106-74.

Inserts new language providing \$27,500,000 for five targeted economic development initiatives.

HOME INVESTMENT PARTNERSHIPS PROGRAM

Inserts language proposed by the House which provides \$11,000,000 to the New Jersey Department of Community Affairs and \$25,000,000 to the North Carolina Housing Finance Agency. This funding is for temporary rental assistance to very low-income families displaced by the floods spawned by Hurricane Floyd. The conferees direct HUD to provide these funds to the aforementioned State agencies within two weeks of enactment of this Act.

HOMELESS ASSISTANCE GRANTS

Inserts language proposed by the Senate and modified by the House authorizing HUD to spend funds from this account to renew for one year those expiring Shelter Plus Care and Supportive Housing grants covered by the 1999 Notice of Funding Availability (NOFA).

The conferees note their increasing concern about how priorities for this program are set. It is the understanding of the conferees that the McKinney program leaves the decision to renew expiring grants with local authorities. Thus, there is a fundamental mismatch between a results-oriented program that creates a supply of permanent housing that ends homelessness among chronically ill persons, and HUD's commitment to operating the program through local decision-making. In addition, the conferees are concerned about the long-term implications of automatically renewing all permanent housing commitments. By including this compromise, the conferees are merely resolving the immediate issue and deferring a more comprehensive decision to a more appropriate vehicle or to a later date. Any comprehensive approach should include data and management systems that can measure progress toward the goal of ending chronic homelessness.

Inserts language proposed by the House authorizing HUD to make technical assistance funds available for management and information systems.

MANAGEMENT AND ADMINISTRATION SALARIES AND EXPENSES

Inserts new language limiting HUD from spending funds to employ more than 9,100 full time equivalent (FTE) employees during fiscal year 2000. Additionally, HUD is directed to develop an employee resource management plan that: (1) bases estimates and allocations on the level of work and where it is to be performed; (2) includes all departmental responsibilities in the work definition and resource estimation system; (3) identifies what work can be done with current human resource levels, and what tasks

must be done less often, not done, or contracted out if they are to be accomplished; and (4) includes a resource validation component that accurately measures what staff do. The Department is directed to brief the Committees on Appropriations every six months on the progress made in developing this plan until it is implemented.

HUD's lack of an adequate staff plan begs the question of why HUD is apparently racing to hire more than 764 employees by the end of July, 2000. Though the limitation agreed to by the conferees does not preclude HUD from continuing down this course, it should be considered a warning that HUD cannot assume that funds to cover more than 9,100 FTEs in fiscal year 2001 will be forthcoming.

This assumption, in addition to being reckless, is further jeopardized because HUD's 2001 budget estimates about salary requirements are simply incorrect. The newest information from HUD shows that rather than needing \$78,800 per FTE for salaries, HUD actually needs \$82,000. This increase is due to HUD's insistence to hire community builder fellows at grade and salary levels that far out-strip career civil servants. In order to stave off employee complaints about the community builder program and to boost the moral of the civil servants, HUD recently promoted 200 career civil servants and provided more than 3,000 quality step increases to career civil servants. These increases, though likely well-deserved, were not built into the fiscal year 2001 budget estimate. The conferees believe that this decision, coupled with HUD's insistence on hiring 764 new staff, constitutes serious mismanagement and could create a crisis that may not be averted unless prompt responsible action is taken.

Thus, the conferees direct HUD to reconsider hiring to this staff level until the Committees, along with the Office of Management and Budget (OMB), can undertake a review of HUD's staffing needs and relate them to a realistic budget proposal.

OFFICE OF INSPECTOR GENERAL
(INCLUDING RESCISSION OF FUNDS)

Inserts technical language proposed by the Senate and modified by the House rescinding and re-appropriating \$6,000,000 for the "Office of Inspector General" for the Housing Fraud Initiative.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY
SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS
OPERATING EXPENSES
(RESCISSION OF FUNDS)

Inserts new language rescinding \$1,000,000 from the National Service Trust instead of transferring such amount as proposed by the House. The conferees have included this rescission as part of the appropriation of additional funds for the Office of Inspector General.

OFFICE OF INSPECTOR GENERAL

Inserts \$1,000,000 for the Office of Inspector General, as proposed by the House. The amount provided shall be for the purpose of expanding the number of audits of State Commissions on National and Community Service. The conferees, recognizing the lateness of the additional funds, have agreed to make these funds available until September 30, 2001.

ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL PROGRAMS AND MANAGEMENT
(INCLUDING TRANSFER OF FUNDS)

Inserts language as proposed by the House clarifying Congressional intent with respect to a specific grant made available in Public Law 106-74 and in prior Acts; and which transfer funds provided for a specific grant in Public Law 105-276 to the "State and tribal assistance grant" account for specific water and wastewater infrastructure projects.

New language has also been included which prohibits the Environmental Protection Agency from spending any funds available for expenditure in fiscal years 2000 and 2001 to make a final determination on or implement any new rule relative to the Proposed Revisions to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Total Maximum Daily Load, published in the Federal Register on August 23, 1999.

STATE AND TRIBAL ASSISTANCE GRANTS

Inserts language as proposed by the House making a technical correction to a specific grant identified in project number 102 provided in Public Law 106-74; and inserts new language making further technical corrections with respect to specific grants identified in project numbers 135 and 50 provided in Public Law 106-74.

FEDERAL EMERGENCY MANAGEMENT AGENCY
DISASTER RELIEF

The conferees have agreed to provide \$50,000,000, in addition to other amounts made available, to be derived from unobligated balances made available under "Disaster Relief" in Public Law 106-74, as proposed by the Senate. The House has proposed an additional \$77,400,000 for buyout of properties made uninhabitable by Hurricane Floyd and surrounding events, under regulations promulgated in response to passage of Public Law 106-113. Both the House and Senate bills had designated the funding as emergency funding.

The conferees have agreed to include up to \$50,000,000 within available disaster relief funds for buyouts and elevations of properties in the 100-year floodplain in areas which have had Presidential disaster declarations in fiscal years 1999 or 2000. FEMA is to give priority consideration to grant proposals for buyouts or elevations of repetitive loss properties. The fact the conferees have provided additional funds for buyouts reflects a recognition of significant demand for these funds in numerous states throughout the country and the need for actions to reduce potential losses for future flood events. The action of the conferees is not a positive reflection, however, on how FEMA has executed this program to date. The conferees are deeply troubled with FEMA's implementation of the buyout program as the agency has failed to meet statutory requirements to issue interim regulations by December 31, 1999, failed to provide States with clearly defined guidance to apply eligibility criteria, failed to develop a standard method for assessing fair market value and estimated costs per structure, and made an interim allocation based on inaccurate State submissions resulting in inequitable distribution of funds to the States. The conferees expect FEMAS will address these major shortcomings, and those expected to be identified

by the Inspector General shortly, and issue a final rule in a timely manner. Without stronger oversight and accountability for these funds than has been exhibited to date, additional funds will be provided.

The conferees are aware of a disaster declaration request submitted June 26, 2000 by the Governor of North Dakota for areas in the eastern portion of the state affected by severe, unexpected rainfall, and understand there likely will be a formal Presidential declaration made shortly. The conferees recognize and applaud the professional and dedicated response to this disaster, as well as the initial damage assessments already performed by State and local disaster officials and representatives of the Federal Emergency Management Agency (FEMA). The conferees urge FEMA and other Federal agencies involved in responding to these floods to act expeditiously in processing claims submitted by State and local officials and affected residents upon the formal emergency declaration.

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

The conferees have provided an additional \$1,000,000 for the Independent Verification and Validation Facility to perform software IV&V work for future Mars missions, and an additional \$500,000 for the expansion of the Self Adaptive Vehicular Equipment (SAVE) project's "Online Learning Flight Control for Intelligent Flight Controls Systems" initiative at the Dryden Flight Research Center.

GENERAL PROVISIONS—THIS CHAPTER

Section 2801. Inserts language as proposed by the House and the Senate clarifying the intent of title V, subtitle C, section 538 of Public Law 106-74.

Section 2802. Inserts language as proposed by the Senate clarifying the intent of a specific grant provided in Public Law 106-113.

Sections 2803 and 2804. Inserts language as proposed by the Senate making several technical corrections in title II of Public Law 106-74.

CHAPTER 9

GENERAL PROVISION—THIS TITLE

DISTRICT OF COLUMBIA

Section 2901 appropriates \$4,485,000 in Federal funds as proposed by the Senate to reimburse the District of Columbia for certain costs incurred in connection with the International Monetary Fund and World Bank Organization Spring Conference held in the District in April 2000. The conference agreement includes language proposed by the Senate that designates this appropriation as an emergency requirement available only to the extent that an official budget request is received by the Congress.

TITLE III—COUNTER NARCOTICS

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

Chapter 1 of the conference agreement provides a total of \$184,059,000 in emergency supplemental appropriations for the Department of Defense, instead of \$185,800,000 as proposed by the House and \$115,700,000 as proposed by the Senate, to support Plan Colombia goals and for the procurement of one Airborne Reconnaissance Low aircraft.

The following table provides details of the emergency supplemental appropriations in this chapter.

[In thousands of dollars]

Program	FY 2000 request	FY 2001 request	House	Senate	Conference
Counter-narcotics battalion support	18,200	3,000	21,200	18,200	21,200
Counter-narcotics brigade headquarters	1,000	0	1,000	1,000	1,000
Army aviation infrastructure support	8,200	5,000	13,200	8,200	13,200
Military reform	3,000	3,000	6,000	3,000	6,000
Organic intelligence capability	0	5,000	5,000	0	5,000
Senior Scout	0	5,000	5,000	0	5,000
Tracker aircraft modifications	7,000	3,000	10,000	7,000	10,000
AC-47 aircraft modifications	1,000	6,400	7,400	1,000	7,400
Ground based radar	13,000	7,000	20,000	0	13,000
Radar command and control	5,000	0	5,000	5,000	5,000
Andean ridge intelligence collection	3,000	4,000	7,000	3,000	7,000
Colombian ground interdiction	5,000	0	5,000	5,000	5,000
Classified	34,000	21,000	80,000	34,300	55,259
Airborne Reconnaissance Low aircraft	0	0	0	30,000	30,000

AIRCRAFT PROCUREMENT, ARMY

The conferees agree to provide \$30,000,000 for the procurement of one Airborne Reconnaissance Low (ARL) aircraft, as proposed by the Senate. This aircraft will replace the ARL aircraft lost in the tragic crash during a counter-narcotics mission in Colombia last year. The conferees are concerned that more ARL aircraft have not been available on a regular basis to U.S. Southern Command, and strongly urge the Department of Defense and the Army to provide more ARL mission aircraft for missions in the U.S. Southern Command area of responsibility.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The conferees agree to provide \$154,059,000 in support of Plan Colombia. The conferees direct the Secretary of Defense to provide to the Committees on Appropriations, not later than 30 days following enactment of this Act, a report on the proposed uses of all funds under this heading. This report shall describe steps taken to ensure the maximum force protection of U.S. personnel while deployed in Colombia, including their rules of engagement. The conferees have provided funding for specific activities, as described in the budget request, and direct the Under Secretary of Defense (Comptroller) to notify the Committees on Appropriations 15 session days prior to any obligation or transfer of funds which is not consistent with the specific purposes contained in the request and delineated in this statement of managers.

Additionally, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict is directed to provide a monthly report to the congressional defense committees, which shall include the following information for the preceding month: Identification of private sector firms providing support to Plan Colombia in any capacity, the number of American citizens located overseas in execution of supporting contracts, and the number of military personnel and U.S. government employees operating in Colombia and the surrounding region in support of Plan Colombia.

CLASSIFIED PROGRAMS

The conference agreement regarding classified programs is summarized in a classified annex accompanying this statement of managers.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 3101, as proposed by the House and amended by the Senate, which places limits

on the funds made available in this Act to the Department of Defense for the provision of support for counter-drug activities of the Government of Colombia.

CHAPTER 2

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEPARTMENT OF STATE

ASSISTANCE FOR COUNTERNARCOTICS ACTIVITIES

The conference agreement recommends \$1,018,500,000 in emergency supplemental appropriations to reduce the supply of narcotics to the United States from Colombia and Southern and Central America and the Caribbean. The House bill recommended \$1,099,000,000 and the Senate amendment recommended \$934,100,000.

The President requested that \$818,000,000 be designated as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. In addition, the President requested \$256,000,000 in fiscal year 2001 to support Plan Colombia. These funds shall only be available to the extent that an official budget request that designates the entire amount as an emergency requirement is transmitted to the Congress. The conference agreement provides that these funds be available until expended, as requested by the Administration.

The conference agreement provides a waiver of section 482(b) of the Foreign Assistance Act of 1961, regarding the procurement of weapons and ammunition, for funds under this heading. Also the conference agreement requires that funds under this title shall be subject to all limitations and restrictions contained in section 599D of section 1000(a)(2) of Public Law 106-113, regarding funds for population planning.

The conference agreement directs the Secretary of State, in consultation with the Secretary of Defense and the Administrator of the Agency for International Development, to provide to the Speaker of the House of Representatives and to the Committees on Appropriations not later than 30 days after enactment of this Act, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project or activity. The conferees direct the Administration's report to reflect the priorities as provided in the following funding columns. The conferees note that the report by the Secretary of State must be received prior to the initial obligation of any of these emergency supplemental funds. The conferees expect this report to serve as the

basis for any future reprogramming of funds by the Executive Branch. Further, at least 20 days prior to the obligation of funds under this title, the Secretary of State shall inform the Committees on Appropriations.

ASSISTANCE FOR PLAN COLOMBIA

The assistance for Plan Colombia is designed to support the five objectives of the Colombian government's effort to gain control of the drug producing regions in southern Colombia; to increase drug interdiction efforts; to provide additional assistance to the Colombian National Police; to increase alternative economic development programs, and to strengthen human rights and justice and anti-crime programs.

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

The conference agreement recommends \$390,500,000 to support the Government of Colombia's objective to gain control of the drug producing regions of southern Colombia. These funds will support certain aspects of training and equipping the second and third Colombian Army counternarcotics battalions. Central to this entire effort is providing reliable airlift for these counternarcotics battalions. The conference agreement directs that funds will be utilized to: procure and support 16 UH-60 Black Hawk helicopters; procure, refurbish, and support 30 UH-1H Huey II helicopters; and support 15 UH-1N helicopters for use by the Colombian Army. The conference agreement directs that UH-60 Black Hawk procurement be managed by the U.S. Defense Security Cooperation Agency. The conference agreement includes language, as contained in the House bill, requiring that if any helicopter procured with funds under this heading is used to aid or abet the operations of an illegal self-defense group or security cooperative, then such helicopter shall be immediately returned to the United States. The conferees recognize that significant resources under this title are dedicated to procurement and sustainment of various aircraft for use by the Colombia government and, therefore, support funds for defensive systems to provide protection for these aircraft. As requested by the Administration, the conference agreement recommends \$9,000,000 to procure Schweizer SA 2-37A organize intelligence aircraft with forward looking infrared (FLIR) to support the counternarcotics battalions' counter-drug surveillance. The conference agreement directs funds for the following programs:

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA

	House	Senate	Conference
Train and equip Colombian Army counternarcotics battalions	\$7,000,000	\$7,000,000	\$7,000,000
Army Counternarcotics battalion UH-1N program	64,000,000	64,000,000	60,000,000
Army Counternarcotics battalion UH-60 Black Hawk program	362,000,000	.....	208,000,000
Army Counternarcotics battalion UH-1H Huey II program .....	.....	118,500,000	60,000,000

SUPPORT FOR THE PUSH INTO SOUTHERN COLOMBIA—Continued

	House	Senate	Conference
Sustain Army counternarcotics battalion	6,000,000	6,000,000	6,000,000
Forward infrastructure development	3,000,000	5,000,000	3,000,000
Force protection enhancements	4,000,000	7,000,000	4,000,000
Logistical Support	4,400,000	8,000,000	4,400,000
Army Counternarcotics battalion organic intelligence	9,000,000	9,000,000	9,000,000
Training for senior commanders	1,100,000	1,100,000	1,100,000
Army Counternarcotics battalion communications	3,000,000	.....	3,000,000
Other infrastructure and sustainment	6,500,000	.....	.....
Alternative development in southern Colombia	16,000,000	10,000,000	10,000,000
Temporary emergency resettlement and employment	15,000,000	15,000,000	15,000,000
Total	501,000,000	250,600,000	390,500,000

SUPPORT FOR INTERDICTION EFFORTS

The conference agreement recommends \$129,400,000 to enhance United States and Colombian narcotics interdiction efforts. The majority of these funds are dedicated to up-

grading the radar systems in four U.S. Customs Service P-3 airborne early warning interdiction aircraft. The U.S. Customs Service aircraft are dedicated to missions to detect and monitor suspect targets destined for

the United States from cocaine source zones, primarily Colombia. Additionally, the Committee directs funds U.S. and Colombian air, land, and sea interdiction programs as follows:

SUPPORT FOR INTERDICTION EFFORTS

	House	Senate	Conference
Upgrade Colombian Air Force OV-10 aircraft	\$15,000,000	\$15,000,000	\$15,000,000
Upgrade aircraft for night operations	1,900,000	1,500,000	1,900,000
Airfield upgrades	8,000,000	8,000,000	8,000,000
Upgrade U.S. Customs Service P-3 aircraft radar systems	68,000,000	68,000,000	68,000,000
Support for Colombian air interdiction program	19,500,000	19,500,000	19,500,000
Support for Colombian riverine interdiction program	12,000,000	12,000,000	12,000,000
Ammunition for Colombian riverine interdiction program	2,000,000	2,000,000	2,000,000
Colombian Navy operations infrastructure support	1,000,000	1,000,000	1,000,000
U.S. ONDCP Counternarcotics intelligence architecture	1,000,000	500,000	.....
U.S. Treasury/OFAC sanctions support	2,100,000	2,000,000	2,000,000
Civil beacons .....	.....	2,000,000	.....
Go Fast Boat .....	.....	1,000,000	.....
Total	130,500,000	132,500,000	129,400,000

SUPPORT FOR THE COLOMBIAN NATIONAL POLICE

The conference agreement recommends \$115,600,000 to support the Colombian National Police (CNP). The conferees note that the CNP has for years been at the forefront of the Colombian National Police (CNP). The conferees note that the CNP has for years been at the forefront of the Colombian gov-

ernment's counter-narcotics efforts and has received significant United States support in recent years. The conference agreement recommends three significant programs to enhance the CNP's eradication efforts. These include: \$2,600,000 for procurement, training and support for two UH-60 Black Hawk helicopters; \$20,600,000 for twelve UH-1H Huey II

helicopters; and \$20,000,000 for the purchase of Ayers S2R T-65 agricultural spray aircraft and OV-10 aircraft. The conference agreement recommends additional funds be provided for communications, ammunition, spare parts, training and logistical support. The conference agreement directs funds for the following programs:

SUPPORT FOR THE COLOMBIAN NATIONAL POLICE

	House	Senate	Conference
Secure communications	\$3,000,000	\$3,000,000	\$3,000,000
Weapons and ammunition	3,000,000	3,000,000	3,000,000
UH-60 Black Hawk procurement and support	26,000,000	.....	26,000,000
Enhanced Logistical Support	2,000,000	2,000,000	2,000,000
CNP forward operating capability and force protection	5,000,000	5,000,000	5,000,000
CNP border bases construction	5,000,000	5,000,000	5,000,000
Additional CNP airmobile units	2,000,000	2,000,000	2,000,000
Upgrade CNP aviation facilities	8,000,000	8,000,000	8,000,000
Additional spray aircraft	20,000,000	20,000,000	20,000,000
Upgrade existing CNP airplanes (including FLIR)	5,000,000	5,000,000	5,000,000
Upgrade 12 UH-1H helicopters to Huey II configuration	20,600,000	24,000,000	20,600,000
Sustainment and operations	5,000,000	5,000,000	5,000,000
Training for pilots and mechanics	1,900,000	2,500,000	2,000,000
Airfield security	2,000,000	2,000,000	2,000,000
Enhanced eradication	4,000,000	4,000,000	4,000,000
Spare parts	3,000,000	3,000,000	3,000,000
Total	115,500,000	93,500,000	115,600,000

SUPPORT FOR ALTERNATIVE AND ECONOMIC DEVELOPMENT IN COLOMBIA

The conference agreement recommends \$81,000,000 to support alternative and economic development programs in Colombia. These funds are in addition to funds provided for alternative development associated with the Colombian government's objective to

"Push into Southern Colombia". The conferees recommend funding levels for these programs at levels below the House and Senate bills since these supplemental funds are not expected to reach Colombia until the last quarter of fiscal year 2000. The conferees believe that additional funding for these programs can be made available during the reg-

ular fiscal year 2001 appropriations process. The conference agreement recommends \$4,000,000 for operating expenses for the Agency for International Development to effectively manage this program. The conferees direct funds for the following programs:

SUPPORT FOR ALTERNATIVE AND ECONOMIC DEVELOPMENT IN COLOMBIA

	House	Senate	Conference
Environmental programs	\$5,000,000	\$2,500,000	\$2,500,000
Voluntary eradication programs	46,000,000	46,000,000	30,000,000
Assistance to local governments	15,000,000	12,000,000	12,000,000
Assistance for internally displaced persons	24,500,000	24,500,000	22,500,000
AID Operating Expenses in Colombia	6,000,000	4,500,000	4,000,000
Community-level alternative development	20,000,000	20,000,000	10,000,000
Total	116,500,000	109,500,000	81,000,000

SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM IN COLOMBIA

The conference agreement recommends \$122,000,000 for a broad range of human rights, judicial reform, and other programs designed to support the peace process and to strengthen democracy and rule of law in Co-

lombia. The conferees strongly support funding for these programs and recognize that protecting human rights and rule of law are central to the overall goals of Plan Colombia. The conferees note that the recommended level for these important programs is \$29,000,000 more than requested by

the Administration. The conference agreement includes \$2,500,000 to support the rehabilitation of child soldiers instead of \$5,000,000 as proposed by the Senate. The House bill did not address this matters. The conference agreement directs funds for the following programs:

SUPPORT FOR HUMAN RIGHTS AND JUDICIAL REFORM IN COLOMBIA

	House	Senate	Conference
Protection of human rights workers	\$4,500,000	\$4,000,000	\$4,000,000
Strengthen human rights institutions	8,500,000	7,000,000	7,000,000
Establish CNP/Fiscalia human rights units	4,000,000	25,000,000	25,000,000
Judicial system policy reform	2,500,000	1,500,000	1,000,000
Criminal code reform	3,500,000	3,500,000	1,500,000
Prosecutor training	4,500,000	4,000,000	4,000,000
Judges training	4,000,000	4,000,000	3,500,000
Casa de Justicia judicial program	6,500,000	3,000,000	1,000,000
Public defender program	2,500,000	2,000,000	2,000,000
Asset forfeiture-money laundering task force	4,000,000	¹ 15,000,000	15,000,000
Counternarcotics investigative units	4,000,000		
Anti-corruption program	6,000,000	(¹)	
Asset management program	1,000,000	(¹)	
Anti-kidnapping program	2,000,000	2,000,000	1,000,000
Financial crime program	3,000,000	(¹)	
Judicial Police training program	4,000,000	4,000,000	3,000,000
Witness and judicial security	5,000,000	5,000,000	5,000,000
Armed Forces human rights and legal reform	1,500,000		1,500,000
Army JAG School	1,000,000		1,000,000
Training for Customs police	6,000,000	6,000,000	2,000,000
Maritime enforcement and port security	4,000,000	4,000,000	2,500,000
Multilateral case initiative	4,500,000	4,500,000	3,000,000
Prison security program	8,000,000	8,000,000	4,500,000
Banking supervision assistance	1,000,000	1,000,000	1,000,000
Revenue enhancement assistance	1,000,000	1,000,000	500,000
Customs training assistance	1,000,000	1,000,000	1,000,000
Conflict management and peace process	1,000,000	5,000,000	3,000,000
U.N. Office of Human Rights		1,000,000	1,000,000
U.S. Government monitoring		1,500,000	1,500,000
Organized financial crime		¹ 15,000,000	14,000,000
Rehabilitation of Child Soldiers		5,000,000	2,500,000
Witness/Judicial Security Human Rights Cases		10,000,000	10,000,000
Total	98,500,000	143,000,000	122,000,000

¹ Designates a combination of accounts.

REGIONAL ASSISTANCE

The conferees recognize the unique narcotics crisis affecting Colombia and the United States and has, therefore, responded to the President's request that the overwhelming majority of these emergency funds be provided in direct support of Plan Colombia. However, this effort requires a greater regional emphasis so that the problems associated with the cultivation, processing and trafficking of illegal narcotics are not simply relocated elsewhere in the region. Therefore, the conference agreement recommends \$180,000,000 for assistance for other countries in the region. Of these funds, the conferees recommend that up to \$32,000,000 be made available to procure American-made KMAX helicopters and to provide initial training, logistics, and technical support for four years. The conference agreement recommends not less than \$18,000,000 for interdiction programs in other countries in South and Central America and the Caribbean. The conferees are aware of the significant interdiction requirements in Panama, Costa Rica, Brazil, The Bahamas, and Venezuela. The conferees direct that the Secretary of State, when reporting to the Committees on Appropriations as required by this Act, provide recommendations and justifications for the use of these funds on a country-by-country basis.

The conference agreement provides that not less than \$110,000,000 be made available for assistance for Bolivia, including \$85,000,000 which may be made available for alternative development and other economic activities. The conferees strongly support the efforts of the Bolivian government, through its "Dignity Plan", to terminate coca production in Bolivia.

The conference agreement recommends that no less than \$20,000,000 may be made available for assistance for Ecuador, includ-

ing \$8,000,000 which may be made available for alternative development and other economic activities.

The conference agreement includes bill language regarding conditions on assistance for Colombia which is similar to language contained in the House bill and the Senate bill. This bill language requires the Secretary of State to certify that a number of conditions have been met by the Government of Colombia prior to the initial obligation of funds under this heading.

The conference agreement includes language regarding limitations on the use of appropriated funds in support of Plan Colombia and the assignment of United States military personnel in Colombia which is similar to language contained in the Senate bill. The House bill contained a similar provision. The conferees note that this provision places a limitation on the assignment of any United States military personnel in Colombia in connection with support of Plan Colombia and does not apply to other United States military personnel in Colombia not directly supporting of Plan Colombia.

The conference agreement does not include bill language requiring certain reporting requirements regarding conditions on assistance to Colombia as proposed by the Senate. However, the conferees expect that beginning 60 days after the date of enactment of this Act, and every 180 days thereafter for the duration of the provision of resources administered under this Act, the Secretary of State shall submit a report to the Appropriations Committees and other congressional committees as appropriate which contains:

A description of the extent to which the Colombian Armed Forces have suspended from duty Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights, and the extent to which such personnel have been brought to justice in Colombia's civil-

ian courts, including a description of the charges brought and the disposition of such cases.

An assessment of efforts made by the Colombian Armed Forces, National Police, and Attorney General to disband paramilitary groups, including the names of Colombian Armed Forces personnel brought to justice for aiding or abetting paramilitary groups and the names of paramilitary leaders and members who were indicted, arrested and prosecuted.

A description of the extent to which the Colombian Armed Forces cooperate with civilian authorities in investigating and prosecuting gross violations of human rights allegedly committed by its personnel, including the number of such personnel being investigated for gross violations of human rights who are suspended from duty.

A description of the extent to which attacks against human rights defenders, government prosecutors and investigators, and officials of the civilian judicial system in Colombia, are being investigated and the alleged perpetrators brought to justice.

An estimate of the number of Colombian civilians displaced as a result of the "push into southern Colombia", and actions taken to address the social and economic needs of these people.

A description of actions taken by the United States and the Government of Colombia to promote and support a negotiated settlement of the conflict in Colombia.

The conference agreement includes bill language, identical to the House bill, regarding the denial of visas for persons credibly alleged to have aided or abetted Colombian insurgent and paramilitary groups. Further, the conference agreement includes bill language, as proposed by the Senate, requiring a report by the President on the current United States policy and strategy regarding

United States counter narcotics assistance for Colombia and neighboring countries.

The conferees direct that not later than 60 days after the enactment of this Act, the Secretary of State, in consultation with the heads of other relevant United States federal agencies, report to the Committees on Appropriations regarding the effects on human health and the safety of herbicides utilized under this title. The House bill did not address this matter.

The conference agreement does not include bill language regarding certain counter narcotics measures, as proposed by the Senate. The conferees believe that the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound methods for eradicating illicit crops, which could reduce significantly the loss of life in Colombia and the United States.

Further, the conferees believe that the effectiveness of United States counter narcotics assistance to Colombia depends on law enforcement officials in Colombia having full access to all areas of Colombian national territory. Also, the conferees believe that the governments of the countries receiving assistance under this title should take steps to bring to justice narcotics traffickers and, if requested, extradite these traffickers to the United States.

The conference agreement includes bill language, as proposed by the Senate, requiring a detailed report by the Secretary of State regarding the extradition of narcotics traffickers to the United States. The House bill did not address this matter.

The conference agreement includes bill language, as proposed by the Senate, requiring the Secretary of State to make a certification regarding the United States Government's public support for the military and political efforts of the Government of Colombia. The House bill did not address this matter.

The conference agreement does not include bill language, as proposed by the Senate amendment, regarding United States citizens held hostage in Colombia. The House bill did not address this matter. The conferees are deeply concerned that three American citizens, David Mankins, Mark Rich, and Rick Tenenoff, have been held hostage by Revolutionary Armed Forces of Colombia (FARC) guerrillas since January 31, 1993. These men were engaged in humanitarian and religious work when they were taken hostage. The conferees condemn these kidnappings and urge the Administration and the United Nations to work to gain the prompt release of these Americans.

CHAPTER 3

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees recommend \$116,523,000 for Military Construction, Defense-wide, as proposed by the House and Senate. These amounts are provided as a contingent emergency appropriation for the construction of three Forward Operation Locations to support the Colombia Anti-Drug Program, as follows:

<i>Location/Facility</i>	<i>Cost</i>
Ecuador:	
Airfield Pavement/Rinse Facility	\$38,600,000
Aircraft Maintenance Hangar/ Nose/Dock Apron	6,723,000
Expeditionary Maintenance Facilities	4,900,000
Expeditionary Rescue Station ..	2,200,000
Expeditionary Squadron Ops/ AMU/Storage	2,600,000

<i>Location/Facility</i>	<i>Cost</i>
Expeditionary Visiting Airmen Quarters/Dining Facility	4,650,000
Expeditionary Visiting Officer Quarters	1,600,000
Subtotal, Ecuador	61,273,000
Aruba:	
Airfield Pavement/Rinse Facility	8,800,000
Expeditionary Maintenance Facilities	860,000
Small Exped. Aircraft Maintenance Hangar/Apron	590,000
Subtotal, Aruba	10,250,000
Curacao:	
Airfield Pavement/Rinse Facility	29,500,000
Aircraft Maintenance Hangar/ Nose/Dock Apron	9,200,000
Expeditionary Maintenance Facilities	3,000,000
Expeditionary Squadron Ops/ AMU/Storage	2,200,000
Subtotal, Curacao	43,900,000
Various: Planning and Design	1,100,000
Subtotal, Various	1,100,000
Total	116,523,000

TITLE IV—LEWIS AND CLARK RURAL WATER SYSTEM

Lewis and Clark Rural Water System Project.—The conference agreement includes language authorizing the Lewis and Clark Rural Water System project in South Dakota. Both the House and Senate versions of the Lewis and Clark Rural Water System legislation contained provisions to make Pick-Sloan power that had been reserved for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin Program available at the firm power rate during the irrigation season, May 1 through October 31 each year, so long as the system is operated on a not-for-profit basis. Pick-Sloan capacity and energy will be provided by the Western Area Power Administration to the rural water system at the firm power rate schedule of the Pick-Sloan Eastern Division of the Western Area Power Administration in effect when the power is delivered by Western to the qualified preference power supplier, which will be responsible for delivery of Pick-Sloan power. The conferees understand that the qualified preference entity is entitled to include in its charges to the rural water system its other usual and customary charges. Additional power supply for the water supply project shall be provided in accordance with state law.

TITLE V—GENERAL PROVISIONS THIS DIVISION

Section 5102. The conference agreement includes a provision that repeals certain pay date shifts that were included in the Fiscal Year 2000 Consolidated Appropriations Act. That Act provided that when military members were to be paid on September 30, 2000, or when civilian employees were to be paid on September 29, 2000, or on September 30, 2000, these groups were to be paid on October 1, 2000.

Section 5103. The conference agreement includes a new provision that nullifies the final proviso of title VI of the fiscal year 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act.

Section 5104. The conference agreement includes a House provision that repeals Section 216 of the Departments of Labor, Health and Human Services, and Education and Re-

lated Agencies Appropriations Act, 2000. This section provides for the delayed obligation of funds within a number of accounts. As a result of this action, the department and agencies funded by this Act will be able to obligate funds in the normal pattern.

Section 5105. The conference agreement includes a new provision, which was requested in the fiscal year 2001 budget submission, that restores Supplemental Security Income payments to the appropriate year, so that all payments are made consistent with the normal rules for making SSI payments which come due on a weekend or non-banking day.

Section 5106. The conference agreement includes a new provision, which was requested in the fiscal year 2001 budget submission, that moves the pay date for veterans' compensation and pensions from fiscal year 2001 to fiscal year 2000.

Section 5107. The conference agreement includes a provision waiving sequestration for fiscal year 2000 for any of the supplemental funding included.

Section 5108. The conference agreement includes a provision that permits the Senate to consider fiscal year 2001 appropriations bills at the level of the fiscal year 2001 budget resolution.

Section 5109. The conference agreement includes a provision that shifts \$2,000,000,000 in outlays only from the defense category to the non-defense category without changing the aggregate totals. The provision affects the defense/non-defense firewall applicable to the Senate only under the terms of the fiscal year 2001 budget resolution.

DIVISION C CERRO GRANDE FIRE

TITLE I—CERRO GRANDE FIRE ASSISTANCE ACT

COMPENSATION FOR VICTIMS OF CERRO GRANDE FIRE

FEDERAL EMERGENCY MANAGEMENT AGENCY CERRO GRANDE FIRE ASSISTANCE FUND AND CLAIMS OFFICE

The conferees have agreed to provide an appropriation of \$500,000,000 for the Federal Emergency Agency to carry out the provisions of the Cerro Grande Fire Assistance Act.

The Cerro Grande Fire Assistance Act ("the Act") provides a comprehensive and expeditious process for the settlement of claims resulting from the Cerro Grande Fire, which was caused by the prescribed burn initiated by the National Park Service on Federal land at Bandelier National Monument in New Mexico. The claims process will be administered through a new Office of Cerro Grande Fire Claims at the Federal Emergency Management Agency (FEMA).

On May 4, 2000, the National Park Service initiated a prescribed burn on Federal land at Bandelier National Monument in New Mexico during the peak of the southwest fire season. One day later, the prescribed burn exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and quickly spread to other Federal and non-Federal lands. By May 7, 2000, the fire had grown in size, spreading to residential areas and causing the evacuation of several communities in northern New Mexico, including Los Alamos.

The Cerro Grande Fire was the largest forest fire in the state of New Mexico's history. The fire damaged or destroyed more than 48,000 acres of forest, 37 million trees, 439 homes, caused injuries, property damages and personal injuries to more than 1,000 families, countless businesses, the County of Los Alamos, the State of New Mexico, two Indian

tribes and several other Federal and non-Federal entities. The Secretary of Interior and the National Park Service have assumed responsibility for the fire and the subsequent injuries which resulted from it.

The Act provides full compensation for injuries resulting from the Cerro Grande Fire. The term "injury" is given the same meaning as in the Federal Tort Claims Act. However, the Act contains an instructive list of allowable damages for injuries which constitute losses of property, business losses or financial losses. The conferees intend that FEMA compensate fully all injured parties for these enumerated damages if the damages resulted from the Cerro Grande Fire. The Act also gives FEMA the discretion to compensate fully injured parties for any other damages resulting from the fire which FEMA deems appropriate.

Those eligible for compensation through the claims process include all entities which suffered injuries resulting from the fire, including individuals, Indian tribes, corporations, tribal corporations, partnerships, companies, school districts, other state and local governmental entities and insurance companies. The conferees are aware that certain members of the Los Alamos community injured by the fire are non-citizens lawfully present in the United States who are otherwise ineligible for certain assistance from FEMA and other governmental agencies. The Act intends that these individuals be compensated for their losses in the same manner as any other injured party.

The Act requires that FEMA also compensate insurance companies as subrogees for claims paid to insureds for damages resulting from the fire. However, the Act makes clear that, to the maximum extent practicable, insurance companies should receive payment for their claims only after those claims submitted by other injured parties are satisfied.

The Act requires FEMA within 45 days of enactment of the Act to promulgate interim final regulations for the processing and payment of claims. Injured parties must file their claims within 2 years from the date on which such regulations are promulgated. FEMA must determine and fix the amount of payment of each claim within 180 days of its filing.

The conferees are concerned that injured parties only be compensated once for injuries resulting from the fire. To prevent double recoveries and to maintain an orderly claims process, the Act requires that injured parties elect to pursue damages for their injuries either by submitting a claim to the Cerro Grande Fire Claims Office or by filing a claim in the courts under the Federal Tort Claims Act or any other provision of law. If a party elects to file a claim with the Cerro Grande Fire Claims office, the party may not subsequently file a claim in court for the same damages. Conversely, parties who choose to pursue damages in a court of law may not file a claim under this Act.

The conferees recognize that disputes may arise over claims submitted under this Act. The Act preserves the rights of individuals to request judicial review of their final claims awards in the Federal District Court for the District of New Mexico. The Act also allows aggrieved claimants in lieu of Federal court to elect binding arbitration of their claims award by a neutral third party under a process to be determined by FEMA.

The conferees note that the responsibility given to FEMA under this Act is outside the scope of the work FEMA normally performs in managing disasters. The conferees have

confidence that FEMA and its Director will manage the claims process in accordance with the intent of this Act, and that this new, temporary responsibility will not diminish FEMA's ability to manage other current and future disasters under the Stafford Act. The conferees also intend that no funds to administer this Act or pay claims will be derived from the Disaster Relief Fund.

TITLE II—CERRO GRANDE FIRE EMERGENCY

SUPPLEMENTAL APPROPRIATIONS DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY EMERGENCY CONSERVATION PROGRAM

The conference agreement provides an additional \$10,000,000 for the emergency conservation program (ECP), to remain available until expended. The conferees include language that allows ECP funds to be used to rehabilitate farmland damaged from fires that resulted from prescribed burning conducted by the Federal government, and exempts these funds from certain cost-share requirements.

NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement recommends an additional \$4,000,000, to remain available until expended, to repair damages as a result of the Los Alamos, New Mexico fires.

DEPARTMENT OF ENERGY ATOMIC ENERGY DEFENSE ACTIVITIES CERRO GRANDE FIRE ACTIVITIES

The conference agreement appropriates \$138,000,000 for the Department of Energy for damage sustained by the Los Alamos National Laboratory in the Cerro Grande fire. The entire amounts has been designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The conference agreement provides \$53,340,000 for physical damage, destruction repair and risk mitigation; \$27,260,000 for restoring services; \$39,400,000 for emergency response; and \$18,000,000 for resuming laboratory operations.

The Department is directed to provide a monthly report showing the estimated costs for each activity, the actual costs incurred, and a brief description of the activities performed. The Department should work with the House and Senate Committees on Appropriations on the format for this report.

DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS

The conference agreement provides \$8,982,000 in emergency funding for operation of Indian programs for the Pueblo of Santa Clara and the Pueblo of San Ildefonso for restoration, rehabilitation and reforestation of tribal lands and facilities damaged by the Cerro Grande fire in New Mexico. The entire amount is contingent on receipt of a budget request that includes a Presidential designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION—THIS TITLE

Section 2101 allows members of the Pueblo of San Ildefonso and the Pueblo of Santa Clara to collect plants and minerals in the Bandelier National Monument. The extensive areas burned by the Cerro Grande fire have severely reduced the availability of

local plants, clays and soils traditionally used by these Pueblos. To allow their traditional ceremonies to continue uninterrupted, it is necessary to allow enrolled members of both Pueblos access to plant and mineral resources that are available in the Bandelier National Monument at quantities greater than allowed by current regulations of the National Park Service. These activities would be consistent with applicable laws governing the Monument.

For the consideration of the House bill and Division A of the Senate amendment and modifications committed to conference:

DAVID L. HOBSON,
JOHN EDWARD PORTER,
TODD TIAHRT,
JAMES T. WALSH,
DAN MILLER,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE, Jr.,
C.W. BILL YOUNG,
JOHN W. OLVER,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
NORMAN D. DICKS,
DAVID OBEY,

For the consideration of Division B of the Senate amendment and modifications committed to conference:

C.W. BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
SONNY CALLAHAN,
DAVID OBEY,
JOHN MURTHA,

Managers on the Part of the House.

CONRAD BURNS,
KAY BAILEY HUTCHISON,
LARRY CRAIG,
JON KYL,
TED STEVENS,
PATTY MURRAY,
HARRY REID,
DANIEL K. INOUE,
ROBERT C. BYRD,

Managers on the Part of the Senate.

MAKING IN ORDER ON OR BEFORE FRIDAY, JUNE 30, 2000 CONSIDERATION OF CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time on or before the legislative day of Friday, June 30, 2000, to consider the conference report to accompany H.R. 4425; that all points of order against the conference report and against its consideration be waived; that the conference report be considered as read when called up; and that H. Res. 540 be laid on the table.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. YOUNG) so that he may briefly explain to the Members what this is all about.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to

me. The purpose of the unanimous consent is to expedite the business of this House. We passed in this body the supplemental on the 30th day of March, and it has been hanging out there now until today. It has been a work in progress. We have been working diligently to cover every possible issue that we could with a limitation on the amount of money available.

Now, here is the problem, and here is why we need to expedite this. We are recessing for the 4th of July recess. The Army, as well as the other services, has the biggest problem because its money for the fourth quarter has been spent in Kosovo and other deployments.

It is essential that this money be replaced before the Army has to stop driving its trucks or the Navy has to tie up its ships or the Air Force and the Marine Corps have to stop flying their airplanes.

It is essential that we move this conference report through the House tonight in order for the Senate to take it up tomorrow before we all get home for our 4th of July activities. That is the reason that we are trying to expedite this through a unanimous consent request.

Now, there probably will be some parts of this bill that someone does not like, but that is always the case. We need to move this conference agreement. I hope that no one will object to us taking it up so we can debate it and move it on to the Senate.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that there are large portions of this bill to which I am strongly opposed, as the gentleman from Florida knows, including the Colombia aid package. I have expressed my view through my votes as this has gone through the process.

I feel it is my institutional obligation, even though I continue to be opposed to large sections of this, to at least facilitate the House's ability to work its will. There will be, I am sure, a rollcall vote on final passage so Members will express themselves.

So in the interest of moving the House forward more quickly, I do not intend to object.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. COBURN. Mr. Speaker, reserving the right to object, I think we need to ask ourselves, there is no question there are significant needs in this bill. But we are getting ready to vote on a bill that is \$2.7 billion larger than the bill we voted on before. Nobody in this

body outside of those in the appropriations process is going to be privy to what is in this.

The question will be, do we know what we are voting on? The answer to that is no. If my colleagues feel very comfortable in spending \$11.2 billion and not knowing where the money is going, then we should take that up.

I will not object, but I think we are doing a disservice to the people of this country. I also might note that in this appropriation bill is \$105 million in both the Senate and the House to sprinkle around for us, just \$105 million each; \$105 million for pork projects or otherwise. My colleagues are not going to know where it is, but they are going to vote for it whether they agree with it or not.

So I will withdraw my reservation, but I think the process, even though well-intended, will create major problems for us here forward.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4425 and that I may include tabular and extraneous material.

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

There was no objection.

□ 2000

CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and

the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, this conference report deals with the military construction appropriations bill. The conference report contains two parts, one is the conference report on the military construction appropriation bill, as I said, and the other part is the conference report on the supplemental for the Defense Department and other items that were passed on March 30 in the House of Representatives.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HOBSON), the very distinguished chairman of the Subcommittee on Military Construction, to explain what is in that part of the bill.

(Mr. HOBSON asked and was given permission to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, Division A of the conference report we present to the House today recommends a total appropriation of \$8.8 billion for military construction, family housing, and base closure. Overall, the agreement recommends \$3.6 billion for items related to family housing, \$4.2 billion for military construction, and \$1 billion for the implementation of base realignments and closures.

As always, I want to express my appreciation to all members of the subcommittee, as well as expressing to our ranking member, the gentleman from Massachusetts (Mr. OLVER), for his cooperation in crafting this agreement.

These funds represent an investment program that has significant payback in economic terms and in better living and working conditions for our military personnel and their families.

Mr. Speaker, I also want to congratulate the big chairman and all the other chairmen that worked on Division B. This has not been an easy process for them to go through, but it is an essential process to maintaining our defense posture in this country. I hope that when we complete our work tonight we will have passed this bill in support of our troops, in support of their living conditions, and I want to express my sincere thanks to everyone who worked very hard to make this a reality this evening.

Mr. Speaker, I submit for the RECORD data relating to Division A of the Military Construction Appropriations Bill.

DIVISION A - MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425)
 (Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Military construction, Army	1,042,033	897,938	870,585	824,138	909,880	-132,153
Foreign currency fluctuation adjustment			-635	-635	-635	-635
Total	1,042,033	897,938	869,950	823,503	909,245	-132,788
Military construction, Navy	901,531	753,422	894,269	831,167	931,162	+29,631
Foreign currency fluctuation adjustment			-2,889	-2,889	-2,889	-2,889
Total	901,531	753,422	891,380	828,278	928,273	+26,742
Military construction, Air Force	777,238	530,969	703,903	777,793	870,208	+92,970
Military construction, Defense-wide	593,615	784,753	807,429	808,213	821,762	+228,147
Foreign currency fluctuation adjustment			-7,115	-7,115	-7,115	-7,115
Total	593,615	784,753	800,314	801,098	814,647	+221,032
Total, Active components	3,314,417	2,967,082	3,265,547	3,230,672	3,522,373	+207,956
Military construction, Army National Guard	227,456	59,130	137,603	233,675	281,717	+54,261
Military construction, Air National Guard	263,724	50,179	110,585	183,029	203,829	-59,895
Military construction, Army Reserve	111,340	81,713	115,854	99,888	108,738	-2,602
Military construction, Naval Reserve	28,457	16,103	53,004	38,532	64,473	+36,016
Rescission			-2,400		-2,400	-2,400
Total	28,457	16,103	50,604	38,532	62,073	+33,616
Military construction, Air Force Reserve	64,404	14,851	43,748	25,533	36,591	-27,813
Total, Reserve components	695,381	221,976	458,394	580,657	692,948	-2,433
Total, Military construction	4,009,798	3,189,058	3,723,941	3,811,329	4,215,321	+205,523
Appropriations	(4,009,798)	(3,189,058)	(3,726,341)	(3,811,329)	(4,217,721)	(+207,923)
Rescissions			(-2,400)		(-2,400)	(-2,400)
NATO Security Investment Program	81,000	190,000	177,500	175,000	172,000	+91,000
Family housing, Army:						
New construction	41,000	91,974	115,974	150,974	165,824	+124,824
Construction improvements	35,400	63,590	77,940	63,590	63,590	+28,190
Planning and design	4,300	6,542	6,542	6,542	6,542	+2,242
Foreign currency fluctuation adjustment			-1,951			
Subtotal, construction	80,700	162,106	198,505	221,106	235,956	+155,256
Operation and maintenance	1,086,312	978,275	971,704	978,275	971,704	-114,608
Foreign currency fluctuation adjustment			-17,960	-19,911	-19,911	-19,911
Subtotal, operation and maintenance	1,086,312	978,275	953,744	958,364	951,793	-134,519
Total, Family housing, Army	1,167,012	1,140,381	1,152,249	1,179,470	1,187,749	+20,737
Family housing, Navy and Marine Corps:						
New construction	134,674	159,317	213,720	188,760	205,120	+70,446
Construction improvements	189,682	183,547	183,547	184,047	193,077	+3,395
Planning and design	17,715	19,958	19,958	19,958	19,958	+2,243
Foreign currency fluctuation adjustment			2,359			
General reduction and revised economic assumptions	-1,000					+1,000
Subtotal, construction	341,071	362,822	419,584	392,765	418,155	+77,084
Operation and maintenance	891,470	882,638	882,638	882,638	882,638	-8,832
Foreign currency fluctuation adjustment			-3,430	-1,071	-1,071	-1,071
Subtotal, operation and maintenance	891,470	882,638	879,208	881,567	881,567	-9,903
Total, Family housing, Navy and Marine Corps	1,232,541	1,245,460	1,298,792	1,274,332	1,299,722	+67,181
Family housing, Air Force:						
New construction	203,411	36,677	61,417	47,275	72,015	-131,396
Construction improvements	129,952	174,046	174,046	174,046	174,046	+44,094
Planning and design	17,093	12,760	12,760	12,760	12,760	-4,333
Foreign currency fluctuation adjustment			-6,839	-6,839	-6,839	-6,839
General reduction and revised economic assumptions	-1,000					+1,000
Subtotal, construction	349,456	223,483	241,384	227,242	251,982	-97,474
Operation and maintenance	818,392	826,271	826,271	826,271	826,271	+7,879
Foreign currency fluctuation adjustment			-5,392	-5,392	-5,392	-5,392
Subtotal, operation and maintenance	818,392	826,271	820,879	820,879	820,879	+2,487
Total, Family housing, Air Force	1,167,848	1,049,754	1,062,263	1,048,121	1,072,861	-94,987

DIVISION A - MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425) — continued
 (Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Family housing, Defense-wide:						
Construction improvements	50					-50
Operation and maintenance	41,440	44,886	44,886	44,886	44,886	+3,446
Total, Family housing, Defense-wide	41,490	44,886	44,886	44,886	44,886	+3,396
Department of Defense Family Housing Improvement Fund	2,000					-2,000
Total, Family housing	3,610,891	3,480,481	3,558,190	3,546,809	3,605,218	-5,673
New construction	(379,085)	(287,968)	(391,111)	(387,009)	(442,959)	(+63,874)
Construction improvements	(355,084)	(421,183)	(435,533)	(421,683)	(430,713)	(+75,629)
Foreign currency fluctuation adjustment			(-6,431)	(-6,839)	(-6,839)	(-6,839)
Planning and design	(39,108)	(39,260)	(39,260)	(39,260)	(39,260)	(+152)
General reduction	(-2,000)					(+2,000)
Operation and maintenance	(2,837,614)	(2,732,070)	(2,725,499)	(2,732,070)	(2,725,499)	(-112,115)
Foreign currency fluctuation adjustment			(-26,782)	(-26,374)	(-26,374)	(-26,374)
Family Housing Improvement Fund	(2,000)					(-2,000)
Base realignment and closure accounts:						
Part IV	672,311	1,174,369	1,174,369	1,174,369	1,024,369	+352,058
GENERAL PROVISIONS						
General provision (sec. 129)				-73,507	-100,000	-100,000
Foreign currency account (sec. 132)					-83,000	-83,000
Grand total:						
New budget (obligational) authority	8,374,000	8,033,908	8,634,000	8,634,000	8,833,908	+459,908
Appropriations	(8,374,000)	(8,033,908)	(8,636,400)	(8,634,000)	(8,836,308)	(+462,308)
Rescissions			(-2,400)		(-2,400)	(-2,400)

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. Speaker, I rise to object to the anti-environmental provision of this conference report. That provision is a direct assault on the Clean Water Act. It prevents the EPA from proceeding with a final rulemaking on the Total Maximum Daily Load proposed rule which has been under consideration for several years and which is important to addressing the last frontier of the Clean Water Act: discharges from open spaces, runoff from land that gets into our waters through our creeks and streams, into lakes and rivers, and into estuaries.

The EPA was proceeding in proper fashion with this rulemaking. It has removed from the final rule any reference to and effect upon silviculture, forestry, in order to deal more comprehensively, effectively and thoroughly with the fundamental issue of runoff from nonpoint sources. It is regrettable that language was inserted in conference in this bill to prevent EPA from moving ahead to improve the quality of the Nation's waters.

Mr. Speaker, just a few short weeks ago, the majority, with much fanfare, claimed to have adopted a policy of no anti-environmental riders in appropriations bills. That policy did not last until even the first conference report—which does contain language preventing EPA from improving the quality of the Nation's waters.

Mr. Speaker, the provisions in the conference report which prevents EPA from proceeding with the TMDL rule is a direct attack on the Clean Water Act—preventing EPA from spending any money to advance the process of developing and implementing the program for Total Maximum Daily Loads.

The TMDL program is the final phase of the Clean Water Act. It is the mechanism by which we will fulfill the promise made to the American public in 1972 to make the Nation's waters fishable and swimmable.

The opposition to the TMDL rule is badly misguided and fueled by an unwillingness to achieve water quality in a fair and timely manner. The TMDL process is an effective, rational, and defensible process by which to achieve the water quality goals of The Clean Water Act.

This is how the process works: First, states identify those waters where the water quality standards which the states have developed are not being met.

Second, states identify the pollutants that are causing the water quality impairment.

Third, states identify the sources of those pollutants.

Finally, states assign responsibility for reducing those pollutants so that the waters can meet the uses that the states have established.

We have made great improvements in water quality through the treatment of municipal waste and industrial discharges. Thanks to bil-

ions of dollars invested by industries and municipalities, these point sources are no longer the greatest source of impairment. Nationally, the greatest problem is nonpoint sources. Now, nearly 30 years after the Clean Water Act, it is time for the states to get all sources of pollution to be part of the solution.

I have heard the arguments that the TMDL rule is not based on science. In my considered judgment, the TMDL rule is not only based on science, it is also based upon the facts.

Just this week, EPA published its biennial report entitled "National Water Quality." This report provides Congress with information developed by the states, and the states tell us that there are still major water quality problems to be addressed. Further, the states tell Congress that for rivers, streams, lakes, reservoirs, and ponds, the leading source of water quality impairment, by far, is runoff from urban lands under development and from those agricultural lands that are not properly managed to contain runoff.

Mr. Speaker, the TMDL process is the most fair and efficient way to clean up the Nation's waters. The TMDL rule is not perfect. Many have criticized it, including some in the environmental community, and EPA has responded by making adjustments.

EPA has changed the TMDL rule to make it clearer and more responsive to the concerns of the agricultural community. EPA has also in its entirety withdrawn that part of the rule which addresses forestry, and has promised to work with stakeholders to develop a new rule.

The vast majority of the environmental community supports going forward. The Department of Agriculture supports going forward. The Association of Metropolitan Sewerage Agencies supports going forward.

I hope that EPA does in fact move forward, and that this inappropriate, unnecessary rider will be reversed in subsequent legislation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I rise today really to offer my thanks to the chairman and the ranking member for including in this supplemental claims for the Cerro Grande fire in New Mexico. It was less than 2 months ago now when the National Park Service lit a fire that destroyed the homes of over 400 families in the town of Los Alamos in northern New Mexico. And in less than 2 months, some folks working very hard here have come up with a way to compensate the victims and try to get them on the path to rebuilding their homes and their lives.

I particularly wanted to thank Senator DOMENICI and Senator BINGAMAN for their leadership. I wanted to thank the gentleman from Florida (Mr. YOUNG); the Speaker, the gentleman from Illinois (Mr. HASTERT); the gentleman from California (Mr. LEWIS); and the gentleman from Ohio (Mr. HOBSON) for their hard work and their willingness to include this claims language and the compensation in this bill.

From the people of New Mexico, we thank you very much.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Speaker, my comments will refer to the military construction part of this legislation, and I want to start by saying that it is a great pleasure to work with the chairman of this Subcommittee on Military Construction, the gentleman from Ohio (Mr. HOBSON). It is also a pleasure to work with the staff, both the majority and minority staff, the majority clerk, Liz Dawson, and our minority staff, Tom Forhan.

Mr. Speaker, this agreement, negotiated in a fair and bipartisan spirit under the leadership of subcommittee chairman deserves our support. It was not an easy negotiation. The bills produced by the two parties were miles apart. Therefore, to reach agreement, there were worthy construction projects that had to be reduced or dropped. So not everyone is happy with the result in either branch or from either side of the aisle.

I am not pleased with giving up the \$20 million deferral of construction funding for national missile defense that the House-passed bill included. It is very clear to me that the appropriations in this bill for national missile defense represents a head-long rush toward a goal that exceeds our grasp.

Supporting material for the budget request was thin and vague. Cost estimates were based on the most expensive options in every case. The prevalent presumption is that the site of the facility will be Alaska, which would break the ABM Treaty. With the leadership of the gentleman from Ohio (Mr. HOBSON), the House tried to apply reality to this program; but the Senate was obdurate.

However, looking at the good in the rest of this bill, I support its passage. The agreement provides for better workplaces and housing for the men and women that serve our Nation in the military, along with their families and, as such, will help us to retain our well-trained people.

The appropriation for military construction is 5 percent higher than last year, so we are not losing ground in dealing with our facilities and housing backlog. At least half of the dollars of the appropriated dollars go to family and bachelor housing, both new and for improvements to existing housing. And several hundred million additional dollars are for child development centers, hospitals and health clinics, and schools. So I think we are on the road to improving the quality of life for our military families.

I want to thank the subcommittee chairman particularly for the bipartisan spirit behind this bill. And again I want to recognize both the minority and majority staff on this bill. They are dedicated professionals who put the

time and effort into making this agreement real. I urge my colleagues to support the military construction conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Speaker, I rise in support of the conference agreement, which will, as far as the Subcommittee on Foreign Operations, Export Financing and Related Programs is concerned, will provide \$1.3 billion in assistance for Plan Colombia.

There are some in this body and some who question whether or not this is the right direction; but this is the direction that the President of Colombia, the President of the United States, and our drug czar, General McCaffrey, has requested that we submit to the Colombians, this necessary ingredient to help them stop the flow of drugs into the United States. It is imperative that we do this tonight, and it is imperative that my colleagues join with us.

To satisfy some who are concerned about some of the human rights and justice program, we have included an additional \$29 million above the President's request to make certain that human rights and justice are provided for all citizens. And I certainly encourage the Members of Congress to vote for it.

On that note, let us not send any doubt that the U.S. Congress is not behind this plan that has been developed to help eradicate this tremendous problem for the United States and for the world. Even though we have gone through all of the debate and all of the negotiations and all of the discussions about whether or not this is the right direction, in my opinion this is the right direction at this time. I think that if we are going to do anything to combat drugs, we must respond to those people who have pledged to eradicate this tremendous plague on the people of the United States and the people of the world and, at the same time, to provide the Colombian government with the necessary resources.

We are not giving direct cash to the Colombian government. Most of the money that we are providing will go in vehicles that are manufactured by American workers. Most all of this \$1.3 billion will be spent here in the United States providing the artillery and providing the necessary vehicles that the Colombians need to win this war against drugs.

So this is the time when we should support our President, support the Colombian plan, support the other allies throughout the world who are contributing nearly \$5 billion towards this program. Our share is only \$1.3 billion of the \$7.5 billion plan. So I think it is the right direction for our country to

take, and I would encourage all Members to vote for this conference report which includes these very vital provisions.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise tonight on the supplemental as a former Peace Corps volunteer who lived 2 years in Colombia. I am very concerned about the issues that the chairman of the subcommittee just talked about, Plan Colombia.

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We are sending \$1.185 billion in aid to Colombia and, as the chairman said, not directly to Colombia but in many different ways.

My message tonight is that with this funding comes a message from the American people to Colombia, and that is that we want to help the good, honest people of that beautiful country to end the violence in Colombia. With the money comes our voice. Our voice joins their voice in "no mas," "no more," no more drugs, no more corruption in their politics, no more violence in the campo, no more kidnappings, no more insurgency by political rebels who do not want to participate in the Democratic process that their Government guarantees.

We are sending them helicopters but not troops, we are sending them professional training of their National Police and Army, but only if they assure us that they will not violate human rights and only if they assure us that they will prosecute such violators in civil court.

If they use our helicopters to assist anybody that is not fighting the drug war, if they use them to assist the paramilitary, they lose it. If they use them to assist insurgency, they lose those helicopters.

Let it be known to anyone who aids and abets Colombian insurgency or the paramilitary that they will lose any visas that they apply for or will lose any if they already have them, any member of FARC, any member of ELAN, any member of the AUC. They will also lose any deposit or investment of any illegally obtained monies. It will be impounded.

Yes, we are aiding Colombia tonight in Plan Colombia. We send them a message. We send them a message that this aid is to help them out of violence, to help them become the democracy that they can be.

We hope that it will work. If it does not, we will make sure that they do not get any more.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for closing.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think it is important for the House to understand that all the agriculture commodity issues have been deferred so that they will be dealt with on the regular Agriculture Appropriations bill.

With respect to the Colombia provision that the gentleman from California (Mr. FARR) just mentioned, I think that is a profound mistake. I voted against it. I lost.

I do think that we are in better shape in the conference report than we were in the original bill because we now do have the Byrd language, which will require a new authorization for that operation if new funds are asked for the year 2002 or beyond.

We also have the human rights language that Senator LEAHY pushed in this bill. This bill does contain the disaster assistance, which cannot be delayed any longer.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time I may consume.

Mr. Speaker, an earlier speaker had mentioned that this bill was \$2 billion over the original House bill. I think there was a mistake in addition or subtraction. Because the House bill that we passed on March 30 was \$12.7 billion. This conference report is \$11.2 billion. So that is less than the House-passed bill.

Now, that is unusual because normally when we come back from conference we have a bill that is much larger than either the House or the Senate.

Now, there is one reason that this bill might appear to be higher is because of a provision that sets aside \$4 billion to be used exclusively to pay down on the national debt. If we add that \$4 billion, then, of course, the number gets higher. But that \$4 billion is not spent. It is reserved and it is set aside to pay down the debt.

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

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

Mr. COBURN. Mr. Speaker, is it not true that the original House-passed bill had \$4 billion in defense spending in it which is not in this bill that was moved to the Defense Appropriations bill?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, the gentleman is correct. There was some adjustment on that issue, yes.

Mr. Speaker, I ask our Members to support this conference report and move it on to the other body.

Before I yield back my time, I want to thank the principals who worked so hard in making this bill as good a bill as it is today. It is a good bill. There are some things that Members want that did not get in there. There were some things that I had in the original

bill that were of importance to my State that are not in the bill tonight. And quite a few of us have had that experience. But it is a good bill, and it is a clean bill.

I want to compliment the gentleman from Ohio (Mr. HOBSON), the chairman of the Subcommittee on Military Construction, and the ranking member, the gentleman from Massachusetts (Mr. OLVER), who worked diligently to get the military construction section of this bill concluded in a very expeditious manner; and the gentleman from California (Mr. LEWIS), the gentleman from Ohio (Mr. REGULA), the gentleman

from Alabama (Mr. CALLAHAN), the gentleman from Kentucky (Mr. ROGERS), the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from California (Ms. PELOSI), and the gentleman from Pennsylvania (Mr. MURTHA); and then my colleague, the gentleman from Wisconsin (Mr. OBEY), who is the ranking member on the full committee.

I must tell my colleagues that it has been a difficult procedure. But we have worked together. We have had some strong differences of opinion, and we have worked them out.

There are still some areas where the gentleman from Wisconsin (Mr. OBEY)

is not satisfied and where I am not satisfied, but this is as good a bill as we could produce for this supplemental.

I want to pay tribute, also, to the many members of our staff, subcommittee staff and the full committee staff, who worked many, many long and hard hours to help us put together the mechanical parts of this bill. To do the adding and subtracting has been a tremendous effort.

Mr. Speaker, I ask for a yes vote on the conference report.

At this point in the RECORD I would like to insert a table providing the details of the conference agreement.

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)
(Amounts in thousands)

	Conference
DIVISION B - FY 2000 SUPPLEMENTAL APPROPRIATIONS	
TITLE I - KOSOVO AND OTHER NATIONAL SECURITY MATTERS	
CHAPTER 1	
DEPARTMENT OF DEFENSE - MILITARY	
Operation and Maintenance	
Operation and maintenance, Army (emergency appropriations).....	23,883
Operation and maintenance, Navy (emergency appropriations).....	20,565
Operation and maintenance, Marine Corps (emergency appropriations).....	37,155
Operation and maintenance, Air Force (emergency appropriations).....	38,065
Operation and maintenance, Defense-wide (emergency appropriations).....	40,000
Operation and maintenance, Army Reserve (emergency appropriations).....	2,174
Operation and maintenance, Army National Guard (emergency appropriations).....	2,851
Overseas contingency operations transfer fund (emergency appropriations).....	2,050,400
Total, Operation and Maintenance	2,215,063
Procurement	
Aircraft procurement, Air Force (emergency appropriations).....	73,000
Research, Development, Test and Evaluation	
Research, development, test and evaluation, Army.....	5,700
Other Department of Defense Programs	
Defense health program (emergency appropriations).....	3,533
General Provisions	
Defense-wide working capital fund (emergency appropriations) (sec. 102).....	1,556,200
Aircraft procurement, Air Force (sec. 103).....	90,000
Procurement of weapons and tracked combat vehicles, Army (sec. 104).....	163,700
Defense health program (emergency appropriations) (sec. 105).....	615,600
Defense health program (emergency appropriations) (sec. 107).....	695,900
Quality of life (emergency appropriations) (sec. 108).....	27,000
Military recruiting, advertising, and retention (emergency appropriations) (sec. 109).....	357,288
Depot-level maintenance and repair (emergency appropriations) (sec. 110).....	220,000
High priority support to deployed forces (emergency appropriations) (sec. 111).....	503,900
Biometrics (sec. 112).....	7,000
Patriot mods (emergency appropriations) (sec. 113).....	125,000
Operation Walking Shield (sec. 114).....	300
East Timor and Mozambique humanitarian assistance (emergency appropriations) (sec. 115).....	61,500
Macalloy (by transfer) (sec. 116).....	(9,642)
Olympic Games support (sec. 117).....	8,000
Cavalese (sec. 122).....	10,000
Rescissions (sec. 123).....	-286,611
Total, Chapter 1:	
New budget (obligational) authority.....	6,452,103
Appropriations.....	(284,700)
Rescissions.....	(-286,611)
Emergency appropriations.....	(6,454,014)
(By transfer).....	(9,642)
CHAPTER 2	
DEPARTMENT OF DEFENSE - CIVIL	
DEPARTMENT OF THE ARMY	
Corps of Engineers - Civil	
General investigations (emergency appropriations).....	3,500
Construction, general (contingent emergency appropriations).....	3,000
Operation and maintenance, general (contingent emergency appropriations).....	200
Total, Corps of Engineers - Civil.....	6,700
DEPARTMENT OF THE INTERIOR	
Bureau of Reclamation	
Water and related resources (contingent emergency appropriations).....	600
DEPARTMENT OF ENERGY	
Energy Programs	
Uranium enrichment decontamination and decommissioning fund (contingent emergency appropriations).....	58,000
Atomic Energy Defense Activities	
Weapons activities (contingent emergency appropriations).....	96,500
Other defense activities (contingent emergency appropriations).....	38,000
Total, Atomic Energy Defense Activities.....	134,500
Total, Department of Energy.....	192,500
Total, Chapter 2:	
New budget (obligational) authority.....	199,800
Emergency appropriations.....	(3,500)
Contingent emergency appropriations.....	(196,300)

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
CHAPTER 3	
DEPARTMENT OF DEFENSE - MILITARY	
MILITARY CONSTRUCTION	
General Provisions	
Military construction, Navy (sec. 303)	35,000
Rescission (sec. 303)	-35,000
Military construction, Defense-wide (contingent emergency appropriations) (sec. 302)	1,000
Military construction, Army Reserve (contingent emergency appropriations) (sec. 301)	12,348
Family housing, Army (contingent emergency appropriations) (sec. 301)	2,000
Family housing, Navy and Marine Corps (contingent emergency appropriations) (sec. 301)	3,000
Family housing, Air Force (contingent emergency appropriations) (sec. 301)	1,700
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Total, Chapter 3:	
New budget (obligational) authority	20,048
Appropriations	(35,000)
Rescissions	(-35,000)
Contingent emergency appropriations	(20,048)
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CHAPTER 4	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Operating expenses (contingent emergency appropriations)	77,000
Acquisition, construction, and improvements (contingent emergency appropriations)	578,000
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Total, Chapter 4:	
New budget (obligational) authority	655,000
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CHAPTER 5	
BILATERAL ECONOMIC ASSISTANCE	
General Provisions	
International disaster assistance (contingent emergency appropriations) (sec. 501)	25,000
Assistance for Eastern Europe and the Baltic States (emergency appropriations) (sec. 502)	50,000
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Total, Chapter 5:	
New budget (obligational) authority	730,000
Emergency appropriations	(50,000)
Contingent emergency appropriations	(680,000)
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Total, title I:	
New budget (obligational) authority	7,401,951
Appropriations	(319,700)
Rescissions	(-321,611)
Emergency appropriations	(6,507,514)
Contingent emergency appropriations	(896,348)
(By transfer)	(9,642)
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TITLE II - NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS	
CHAPTER 1	
DEPARTMENT OF AGRICULTURE	
Office of the Secretary (contingent emergency appropriations)	1,350
Farm Service Agency	
Salaries and expenses (contingent emergency appropriations)	77,560
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Rural Housing Service	
Rural Housing Insurance Fund Program Account:	
Rental housing (sec. 515):	
Loan subsidy (emergency appropriations)	15,872
Loan authorization	(40,000)
Rental assistance program (sec. 521) (emergency appropriations)	13,500
Total, Rural Housing Service	29,472
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General Provisions	
Commodity Credit Corporation:	
Marketing associations loan forgiveness (contingent emergency appropriations) (sec. 2101)	81,000
Peanut assessments (contingent emergency appropriations) (sec. 2102)	7,000
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Total, Chapter 1:	
New budget (obligational) authority	196,382
Emergency appropriations	(29,472)
Contingent emergency appropriations	(166,910)
(Loan authorizations)	(40,000)
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CHAPTER 2	
DEPARTMENT OF JUSTICE	
Legal Activities	
Salaries and expenses, United States Attorneys (contingent emergency appropriations)	12,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
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Drug Enforcement Administration	
Salaries and expenses (contingent emergency appropriations).....	181,000
Office of Justice Programs	
Justice assistance (contingent emergency appropriations).....	2,000
Total, Department of Justice.....	<u>195,000</u>
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DEPARTMENT OF COMMERCE	
Economic Development Administration	
Economic development assistance programs (contingent emergency appropriations).....	55,800
National Oceanic and Atmospheric Administration	
Operations, research, and facilities (emergency appropriations).....	17,400
Contingent emergency appropriations.....	13,300
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DEPARTMENT OF STATE	
International Commissions	
American sections, international commissions (contingent emergency appropriations).....	2,150
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RELATED AGENCIES	
Small Business Administration	
Disaster Loans Program Account:	
Direct loans subsidy (contingent emergency appropriations).....	15,500
Administrative expenses (contingent emergency appropriations).....	25,400
Total, Small Business Administration.....	<u>40,900</u>
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United States Commission on International Religious Freedom	
Salaries and expenses (contingent emergency appropriations).....	2,000
General Provisions	
Crab fishery failure (contingent emergency appropriations) (sec. 2201).....	10,000
Northeast multispecies fishery failure (contingent emergency appropriations) (sec. 2202).....	10,000
Northwest Hawaiian Islands (contingent emergency appropriations) (sec. 2203).....	7,000
North Pacific Marine Research Institute (contingent emergency appropriations) (sec. 2204).....	5,000
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Total, Chapter 2:	
New budget (obligational) authority.....	358,550
Emergency appropriations.....	(17,400)
Contingent emergency appropriations.....	<u>(341,150)</u>
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CHAPTER 3	
DEPARTMENT OF THE INTERIOR	
Bureau of Land Management	
Wildland fire management (emergency appropriations).....	100,000
Contingent emergency appropriations.....	100,000
Land acquisition (contingent emergency appropriations).....	2,000
Total, Bureau of Land Management.....	<u>202,000</u>
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Office of Surface Mining Reclamation and Enforcement	
Regulation and technology (contingent emergency appropriations).....	9,821
Total, Department of the Interior.....	<u>211,821</u>
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DEPARTMENT OF AGRICULTURE	
Forest Service	
National forest system (contingent emergency appropriations).....	2,000
Wildland fire management (contingent emergency appropriations).....	150,000
Total, Forest Service.....	<u>152,000</u>
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Total, Chapter 3:	
New budget (obligational) authority.....	363,821
Emergency appropriations.....	(100,000)
Contingent emergency appropriations.....	<u>(263,821)</u>
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CHAPTER 4	
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
Health Resources and Services Administration	
Health resources and services (contingent emergency appropriations).....	3,000
Advance appropriation.....	20,000
Centers for Disease Control and Prevention	
Disease control, research, and training (contingent emergency appropriation).....	12,000
(By transfer).....	(460)
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**DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)**

	Conference
Administration for Children and Families	
Low income home energy assistance (contingent emergency appropriations)	600,000
Payments to States for foster care and adoption assistance.....	35,000
Total, Administration for Children and Families.....	635,000
Office of the Secretary	
General departmental management (rescission of advance appropriations)	-20,000
Public health and social services emergency fund (contingent emergency appropriations)	31,200
Rescission.....	-43,200
Total, Office of the Secretary.....	-32,000
Total, Department of Health and Human Services	638,000
DEPARTMENT OF EDUCATION	
Higher education (contingent emergency appropriations)	750
Education research, statistics, and improvement (by transfer).....	(368)
RELATED AGENCY	
Social Security Administration	
Limitation on administrative expenses: Trust funds (contingent emergency appropriations)	35,000
General Provisions	
Libby, Montana (contingent emergency appropriations) (sec. 2407)	11,500
Total, Chapter 4:	
New budget (obligational) authority.....	685,250
Appropriations	(35,000)
Rescissions.....	(-43,200)
Advance appropriations	(20,000)
Contingent emergency appropriations.....	(693,450)
Rescission of advance appropriations	(-20,000)
(By transfer)	(628)
CHAPTER 5	
CONGRESSIONAL OPERATIONS	
ARCHITECT OF THE CAPITOL	
Capitol Buildings and Grounds	
Capitol buildings, salaries and expenses (emergency appropriations)	7,039
Senate office buildings (emergency appropriations).....	2,314
House office buildings (emergency appropriations)	4,213
Capitol power plant (emergency appropriations)	3
Total, Architect of the Capitol.....	13,569
OTHER AGENCIES	
BOTANIC GARDENS	
Salaries and expenses (emergency appropriations)	26
ARCHITECT OF THE CAPITOL	
Library Buildings and Grounds	
Structural and mechanical care (emergency appropriations)	3,885
Total, Chapter 5:	
New budget (obligational) authority.....	17,480
CHAPTER 6	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Acquisition, construction, and improvements.....	45,000
Rescission.....	-11,400
Federal Aviation Administration	
Operations (Airport and Airway Trust Fund) (contingent emergency appropriations)	75,000
Total, Department of Transportation.....	108,600
RELATED AGENCY	
National Transportation Safety Board	
Salaries and expenses (emergency appropriations)	19,739
General Provisions	
Y2K funds, Department of Transportation (rescission of emergency appropriations) (sec. 2602)	-26,600
Office of the Assistant Secretary for Policy, Department of Transportation (contingent emergency appropriations) (sec. 2603)	2,000
Highway Trust Fund (contingent emergency appropriations) (sec. 2605)	2,000
Highway Trust Fund (contingent emergency appropriations) (sec. 2606)	3,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Highway Trust Fund (contingent emergency appropriations) (sec. 2607)	500
Highway Trust Fund (contingent emergency appropriations) (sec. 2608)	1,000
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Total, Chapter 6:	
New budget (obligational) authority.....	110,239
Appropriations	(45,000)
Rescissions.....	(-11,400)
Emergency appropriations.....	(19,739)
Contingent emergency appropriations.....	(83,500)
Rescission of emergency appropriations.....	(-26,600)
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CHAPTER 7	
DEPARTMENT OF THE TREASURY	
Departmental offices (contingent emergency appropriations)	24,900
Gifts to the United States for reduction of the public debt (contingent emergency appropriations)	
United States Secret Service:	
Salaries and expenses (contingent emergency appropriations).....	10,000
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Total, Department of the Treasury.....	34,900
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EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT	
Office of Administration (contingent emergency appropriations)	8,400
INDEPENDENT AGENCY	
General Services Administration	
Policy and operations (contingent emergency appropriations)	3,300
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Total, Chapter 7:	
New budget (obligational) authority.....	46,600
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CHAPTER 8	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
Community Planning and Development	
Community development block grants (contingent emergency appropriations)	27,500
HOME investment partnership program (contingent emergency appropriations)	36,000
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Total, Community planning and development	63,500
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Office of Inspector General.....	6,000
Rescission.....	-6,000
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Total, Department of Housing and Urban Development.....	63,500
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INDEPENDENT AGENCIES	
Corporation for National and Community Service	
National and community service programs operating expenses (rescission).....	-1,000
Office of Inspector General.....	1,000
National Aeronautics and Space Administration	
Science, aeronautics and technology (contingent emergency appropriations)	1,500
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Total, Chapter 8:	
New budget (obligational) authority.....	65,000
Appropriations	(7,000)
Rescissions.....	(-7,000)
Contingent emergency appropriations	(65,000)
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CHAPTER 9	
GENERAL PROVISIONS - TITLE II	
District of Columbia Metropolitan Police Department (contingent emergency appropriations) (sec. 2901)	4,485
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Total, title II:	
New budget (obligational) authority.....	1,847,807
Appropriations	(87,000)
Rescissions.....	(-61,600)
Advance appropriations	(20,000)
Emergency appropriations.....	(184,091)
Contingent emergency appropriations.....	(1,864,916)
Rescission of emergency appropriations.....	(-26,600)
Rescission of advance appropriations	(-20,000)
(By transfer)	(828)
(Loan authorizations).....	(40,000)
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TITLE III - COUNTERNARCOTICS	
CHAPTER 1	
DEPARTMENT OF DEFENSE - MILITARY	
Procurement	
Aircraft procurement, Army (contingent emergency appropriations)	30,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Other Department of Defense Programs	
Drug interdiction and counter-drug activities, Defense (emergency appropriations)	154,059
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Total, Chapter 1:	
New budget (obligational) authority.....	184,059
Emergency appropriations.....	(154,059)
Contingent emergency appropriations.....	(30,000)
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CHAPTER 2	
BILATERAL ECONOMIC ASSISTANCE	
Department of State	
Assistance for counternarcotics activities (contingent emergency appropriations)	1,018,500
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CHAPTER 3	
DEPARTMENT OF DEFENSE - MILITARY	
MILITARY CONSTRUCTION	
Military construction, Defense-wide (contingent emergency appropriations).....	116,523
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Total, title III:	
New budget (obligational) authority.....	1,319,082
Emergency appropriations.....	(154,059)
Contingent emergency appropriations.....	(1,185,023)
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TITLE V - GENERAL PROVISIONS, DIVISION B	
Repeal of military pay date shift (sec. 5102).....	-23,000
Repeal of civilian pay date shift (sec. 5102).....	-273,000
SSI benefits date shift (sec. 5105).....	2,410,000
Repeal of VA benefits (sec. 5106).....	1,832,000
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Total, title V:	
New budget (obligational) authority.....	3,946,000
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Total, Division B:	
New budget (obligational) authority.....	14,514,840
Appropriations.....	(4,352,700)
Rescissions.....	(-383,211)
Advance appropriations.....	(20,000)
Emergency appropriations.....	(6,845,664)
Contingent emergency appropriations.....	(3,726,287)
Rescission of emergency appropriations.....	(-26,600)
Rescission of advance appropriations.....	(-20,000)
(By transfer).....	(10,470)
(Loan authorizations).....	(40,000)
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DIVISION C - CERRO GRANDE FIRE SUPPLEMENTAL (H.R. 4425)
(Amounts in thousands)

	<u>Conference</u>
DIVISION C - CERRO GRANDE FIRE	
TITLE I - CERRO GRANDE FIRE ASSISTANCE ACT	
Federal Emergency Management Agency	
Cerro Grande fire assistance claims office (contingent appropriations) (sec. 105(a))	45,000
Cerro Grande fire assistance (contingent emergency appropriations) (sec. 105(b))	455,000
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Total, title I:	
New budget (obligational) authority	500,000
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TITLE II - CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS	
DEPARTMENT OF AGRICULTURE	
Farm Service Agency	
Emergency conservation program (contingent emergency appropriations)	10,000
Natural Resources Conservation Service	
Watershed and flood prevention operations (contingent emergency appropriations)	4,000
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Total, Department of Agriculture	14,000
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DEPARTMENT OF ENERGY	
Atomic Energy Defense Activities	
Cerro Grande fire activities (contingent emergency appropriations)	138,000
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DEPARTMENT OF THE INTERIOR	
Bureau of Indian Affairs	
Operation of Indian programs (contingent emergency appropriations)	8,982
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Total, title II:	
New budget (obligational) authority	160,982
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Total, Division C:	
New budget (obligational) authority	660,982
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Mr. GILMAN. Mr. Speaker, I compliment all those who worked so hard to bring this Military Construction bill which contains an emergency antidrug aid package to the floor today. Passage of this bill affects every school, hospital, courtroom, neighborhood, in all of our communities throughout America.

This bill will provide sorely needed assistance to our allies in Colombia who are all on the front lines in the war against illegal drugs. The numbers have been shocking. Eighty percent of the cocaine, 75 percent of the heroin consumed in our Nation comes from Colombia. Illegal drugs have been costing our society more than \$100 billion per year, costing also 15,000 young American lives each year.

As a result of inattention from the administration, the civil war in Colombia is going badly for that government. This past weekend alone, 26 antidrug police were killed by the narcoterrorists in Colombia. The specter of a consolidated narcostate only 3 hours by plane from Miami has made it patently clear that our Nation's vital security interests are at stake.

As the sun begins to set on his administration, President Clinton is finally facing the reality of the Colombian drug-fueled crisis with this emergency supplemental request. As former Supreme Court Justice Felix Frankfurter eloquently noted, and I quote, "wisdom too often never comes, and so one ought not to reject it merely because it comes late."

Heroes like Colombia's antidrug leader General Jose Serrano want our Nation to stand with them in their fight against the drug lords, including the right-wing paramilitaries. This legislation provides more assistance where it can do the most good with the Colombian antidrug police. Colombia is not asking for nor should we offer American troops in that war. Investing American aid dollars now in Colombia to stem the hundredfold cost to our society only makes common sense. It is a proper role for our government. We at the Federal level have the responsibility to help eradicate those drugs at their source.

Accordingly, I am urging our colleagues to support this package. Colombia's survival as a democracy and our own national security interests are at stake here.

Mr. CROWLEY. Mr. Speaker, I speak today to express my strong opposition to the backroom deal that resulted in the FY 2000 Supplemental package being attached to the FY 2001 Military Construction Appropriations bill.

As with H.R. 3908, the original House version of the FY 2000 Supplemental Bill, a major concern of mine regarding this legislation is that no authorization language was passed to allow Members the opportunity to argue for funding for projects important to them. As a Member of the Committee on International Relations and the Representative of the largest Colombian-American community in the U.S., I wanted to be involved in the development of our policy on Colombia.

We should have developed a bill that would strike a balance between the needs of international concerns, such as Colombia, human rights and Kosova, and domestic spending priorities. I would have supported such a bill. Unfortunately, despite the passage of much improved legislation in the Senate; this bill does not appear to do that.

Mr. Speaker, I say appear because I have not had the opportunity to read the Con-

ference Report on the FY 2000 Supplemental. The backroom deal that negotiated this legislation circumvented the normal appropriations process and brought it directly to the floor without providing Members the opportunity to read and digest the legislation. I find this very troubling. This legislation provides billions of U.S. taxpayer dollars without real Congressional oversight.

Additionally, as with the original House Supplemental, this legislation may also lack the necessary human rights conditions on our assistance to Colombia.

As with the first House Supplemental, the provisions in this legislation dealing with civil society programs are woefully under funded, especially when compared to the vast funding levels for counter-narcotics assistance.

Now, I will say that I have had the opportunity to review the funding levels in this legislation and I am happy about the modest increase for human rights and justice programs in Colombia and the region. In fact, these programs are funded at \$29 million more than the President requested for a total of \$122 million. This is a positive step, but a relatively small one when compared to the high level of military assistance for Colombia and the region.

Finally, on the Colombia portion, no money was included for domestic prevention and treatment. Interdiction plays a role, but it is next to useless without prevention and treatment programs. Demand will always find supply. I am sorry the Republican leadership will not acknowledge this simple truth.

As I said during the debate on the previous supplemental, I have met with Colombian leaders in Washington, D.C., in my Congressional District and in Colombia. I have traveled to Colombia and seen the need for U.S. assistance. I know the problems of the Colombian people and I am especially supportive of judicial reform efforts, but this supplemental is not going to provide the right kind of assistance.

Mr. Speaker, in addition to the Colombia portion of this Supplemental, I am also concerned that the President's request for Kosova was under funded by almost \$334 million and that the Administration's request for debt relief funds for poor countries was not included at all.

I find the failure to include funding for debt relief for the Highly Indebted Poor Countries (HIPC) especially troubling because the international agreement on debt relief requires U.S. participation in order for other countries to contribute their pledges. At a time when many countries in Sub-Saharan Africa are facing an epidemic of biblical proportions with the AIDS crisis, failure to provide for debt relief is bad policy.

Mr. Speaker, I am glad that the Supplemental retained important provisions for the Low Income Heating and Energy Assistance Program (LIHEAP). I am also glad that it included \$35 million for the Social Security Administration to respond to the increased workload resulting from the recent repeal of the Social Security earnings limit and \$2 million for Commission on International Religious Freedom. However, this Supplemental and the backroom deal that brought it to the floor without a review period troubles me greatly.

Mr. Speaker, I urge my colleagues to oppose the supplemental and I request that the

relevant committees be asked to deal with these funding increases through the normal budget process.

Mr. BENTSEN. Mr. Speaker, I rise in support of this Conference Report, which includes \$8.8 billion for military construction and family housing for Fiscal Year 2001, while also providing \$11.3 billion in supplemental appropriations for FY 2000.

I am particularly pleased that this Conference Report includes \$10 million in military construction funding for the construction of an Air National Guard supply complex at Ellington Field in Texas, home of the 147th Fighter Group. The Base Supply and Civil Engineering Complex project was the number one FY 2001 funding priority for Ellington Field and the Texas Air National Guard. I am particularly pleased that this project obtained funding this year, as it was originally included in the Future Years Defense Plan for FY 2002. Since this project is of critical importance to the Air National Guard, I am grateful that my colleagues, including CHET EDWARDS in the House and KAY BAILEY HUTCHINSON in the Senate worked to include this critical project in the FY 2001 budget.

In recent years, the 147th Fighter Group has successfully converted from an Air Defense Mission to include a General Purpose Tasking. This new combined mission requires properly sized and adequately configured support complexes for the operations and training of the F-16 squadron and a 24-hour CONUS Air Defense Mission. The current facilities have substandard utilities, are inadequately sized, and require unnecessarily large amounts of operations and maintenance funds to operate. As the roles and missions for the Air National Guard grow, it is imperative that the Air Guard be provided with funding to construct and maintain facilities to meet these growing needs.

I am pleased that the funding levels contained in the FY 2001 Military Construction Conference Report will provide the 147th Fighter Group with the necessary facilities to successfully carry out its missions. As the Air National Guard is increasingly taking on the responsibilities of our nation's active duty forces, maintaining the quality of its operational facilities are critical. With approval of this Conference Report, Congress is helping to make the Air National Guard more mission-efficient and ready to serve.

I support the funding contained in this Conference Report, and I encourage my colleagues to vote for its passage.

Ms. SCHAKOWSKY. Mr. Speaker, when the House passes the Conference Report on H.R. 4425, the Military Construction Authorization bill, we will also be voting on a massive supplemental bill that has been attached. Unfortunately, members have not even been given the courtesy of an opportunity to review the contents of the conference report. So, we can not possibly know in detail what we are considering.

However, I do know that the Military Construction bill authorizes billions of dollars' worth of unnecessary, irresponsible, and dangerous equipment and programs. Two provisions included in this measure are particularly troubling to me.

The first is \$60 billion for construction of national missile defense facilities in Alaska. I believe that the decision to go forward with construction for this plan is misguided, extremely premature, and actually risks the welfare of our nation. We have already spent billions of dollars on development of this system and it still has not been proven to work. I do not believe that it ever will. Leaders in the scientific community and even the Pentagon's own experts have raised serious questions about NMD. Moreover, it is clear to me that moving forward with construction of this system will undermine diplomatic efforts to curb the threat of weapons of mass destruction to our nation. I believe that the United States should be investing in peace with at least as much vigor as we continue to fund our wasteful military agenda. I believe that the deployment of a national missile defense system will in fact bring this nation closer to war.

Another misguided, and extremely troubling provision in the legislation we are considering tonight is the more than \$1 billion in aid for Colombia. I have spoken out against this plan on numerous occasions and I want to go on the record in strong opposition to this Colombian aid package tonight. If we really want to help the Colombian people, as I do, we should not be escalating military conflict in that nation. We should not be giving over \$1 billion in military aid to a government with one of the worst human rights records in this hemisphere for a mission that promises to bring further suffering and violence to a country that has already endured so much.

I want to share with my colleagues a report by the Heartland Alliance that evaluates both the House bill as it relates to Colombia and the version passed by the other body and submit it in the RECORD. I believe the report is well done and commend it to the attention of all members. The text of the report follows:

Heartland Alliance's Midwest Immigrant & Human Rights Center Summary Response to Senate Bill and House Bill Relating to Aid to Colombia and Recommendations

I. Principles relating to aid to Colombia

1. Rather than focusing on the expressed aims of the Colombia government and armed forces, first and foremost U.S. aid should address the grave humanitarian needs of the hundreds of thousands of refugees and internally displaced persons as a result of forty years of civil war in Colombia.

2. Work against the consumption rather than the production of narcotics.

3. Develop and support viable, long-term agricultural alternatives to drug production rather than pursuing ineffective short-term measures such as crop destruction.

4. Suspend and/or condition aid packages to Colombia until an effective peace agreement between internal combatants is secured, thereby providing an incentive for peace rather than prolonging violence.

These principles define a clear role for the U.S. as a defender of peace, prosperity and human rights in the Americas rather than a supporter of impunity and armed conflict.

II. Senate bill S. 2522

A. Evaluations

1. Demobilization and rehabilitation of child soldiers.

2. Conditions on the aid: certifications from the Department of State regarding the following areas:

a. Investigation, prosecution, and adjudication of Colombian Armed Forces personnel

by civilian courts in cases of human rights violations;

b. Suspension of members of the Colombian Armed Forces who are alleged to have committed violations of human rights;

c. Full cooperation of Colombian Armed Forces with civilian authorities and courts in the investigation, prosecution and punishment of members of the armed forces for human rights violations;

d. Prosecution of leaders and members of the paramilitary groups and members of the Colombian Armed Forces aiding or abetting such groups.

3. Consultative process between the Department of State and human rights organizations.

B. Recommendations

1. Support child soldier aid.

2. Establish adequate monitoring procedures that effectively ensure:

a. The investigation and prosecution of human rights violators in the military;

b. The suspension of military personnel involved in violations of human rights;

c. The cooperation of military personnel with civilian authorities and courts and;

d. The investigation, prosecution and punishment of members and leaders of the paramilitary and military personnel aiding or abetting such groups.

3. Establish a formal consultative process with clear monitoring procedures between the Department of State and human rights organizations.

III. House bill H.R. 3908

A. Evaluations

1. Limitations on the use of helicopters

2. Assistance to internally displaced persons

3. Humanitarian training and support for investigations on human rights violations by the Colombian Armed Forces

4. Enhancement of U.S. Embassy capabilities to monitor the assistance and to investigate human rights violations

5. Monitoring actions of the guerrilla groups and the paramilitary groups against U.S. citizens

6. Presidential waiver power on the conditions on military assistance

B. Recommendations

1. Direct aid to support and improve the investigation capabilities of the Prosecutor General in Colombia

2. Create the physical and technical capability for the U.S. to systematically monitor the effects of the aid

3. Support the aid for internally displaced persons

4. Eliminate presidential waiver power, which may contribute to the escalation of the conflict and ignores the monitoring functions of the U.S.

I. Senate Bill S. 2522

1. Demobilization and rehabilitation of child soldiers.—The Senate Bill includes a provision that no less than \$5,000,000 shall be made available for demobilizing and rehabilitating activities for child soldiers.

This is an important issue considering that both guerrillas and paramilitary forces voluntarily and forcibly recruit minors. Furthermore, it is important to insist that the government should not voluntarily recruit minors, as it does presently in spite of various public announcements and actions.

2. Conditions on the aid: certification by the Department of State.—The Senate Bill conditions the disbursement of aid to certification from the Department of State. The detailed and specific conditions of the Sen-

ate Bill need to be outlined, and the following considerations need to be applied.

a. Investigation, prosecution and adjudication of Colombian Armed Forces personnel by civilian courts in cases of human rights violations.—The Senate Bill requires a statement from the President of Colombia to the Secretary of State that members of the Colombian Armed Forces personnel who are alleged to have committed human rights violations will be brought to civilian courts in accordance with the 1997 ruling of Colombia's Constitutional Court.

However, a recently adopted Military Penal Code will enter into force as soon as a statutory law on the administrative structure for the military courts is adopted. This new code did not take into account all the elements established on the aforementioned decision of the Constitutional Court, specifically in relation to the concept of "service-related crimes". Concretely, the only crimes expressly excluded are torture, genocide and forced disappearance. Other human rights violations, international humanitarian law breaches, and common crimes such as rape will be brought to the military courts. Additionally, obeying orders can be argued to avoid responsibility.

b. Suspension of members of the Colombian Armed Forces who are alleged to have committed violations of human rights.—The Senate Bill establishes that the Department of State should certify that the Commander General of the Colombian Armed Forces is promptly suspending from duty any armed forces personnel who are alleged to have committed violations of human rights or to have aided or abetted paramilitary groups.

It is important to establish the meaning and effect of such suspension. Presently such suspension has no punitive effects.

c. Full cooperation of Colombian Armed Forces with civilian authorities and courts in investigation, prosecution and punishment of members of the armed forces for human rights violations.—The Senate Bill requires a certification that the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting and punishing in the civilian courts, members of the Armed Forces who are alleged to have committed violations of human rights.

Even though the general idea of such a requirement is positive it is necessary to make it as concrete as possible so that more than a general statement, it would require individual cases to be examined and aid conditioned accordingly.

d. Prosecution of leaders and members of the paramilitary groups and members of the Colombian Armed Forces aiding or abetting such groups.—The last certification requirement refers to the prosecution of leaders and members of paramilitary groups and members of the Colombian Armed Forces who are aiding or abetting such groups.

Again, more than a general statement is required for effective enforcement. Evidence should be submitted to Congress demonstrating that effective actions are being carried out and that the impunity described in the U.S. Department of State Country Report has been overturned.

3. Consultative process between the Department of State and human rights organizations.—The consultative process between the Department of State and human rights organizations is a positive aspect of the Senate Bill. It acknowledges the experience and professionalism of these organizations and also contributes to improving the human rights information in a country in which the

United States is investing a considerable amount of resources.

It can be concluded that a certification from the President of Colombia to the Department of State is not a sufficient condition. It is essential that adequate monitoring procedures be established to effectively determine that U.S. aid is not contributing to or sustaining human rights violations.

Conditions placed on the aid could compel the Colombian authorities and armed forces to respect and protect human rights. The creation of a formalized consultative process would contribute to the production of reliable and complete reports on a complex country enmeshed in an internal armed conflict.

II. House bill H.R. 3908

1. Limitations on the use of helicopters.—The House Bill specifically conditions that helicopters only be utilized by the Colombian National Police for counter-narcotics operations in southern Colombia.

The Senate Bill, regrettably, does not establish any limitations on the use of the helicopters. This is a positive aspect in the sense that the helicopters would not be used for the general development of the armed conflict but exclusively for counter-narcotics operations.

2. Assistance to internally displaced persons.—The House Bill specifically indicates that not less than \$50,000,000 of the funds appropriated, shall be made available for assistance for internally displaced persons in Colombia.

No specific mention of internally displaced persons is mentioned by the Senate Bill, in spite of the considerable number of victims, as mentioned above, and their special vulnerability as victims of complex and continuous human rights violations.

3. Humanitarian training and support for investigations on human rights violations by the Colombian Armed Forces.—The House Bill establishes that up to \$1,500,000 shall be made available to provide comprehensive humanitarian law training and to support the development of a judge advocate general to investigate human rights violations by Colombian Armed Forces.

The Senate Bill, regrettably, does not include such important provisions.

4. Enhancement of U.S. Embassy capabilities to monitor the assistance and to investigate human rights violations.—The House Bill establishes that up to \$250,000 shall be made available to enhance the U.S. Embassy's capabilities to monitor U.S. assistance to the Colombian Armed Forces and to investigate reports of human rights violations related to such assistance.

These resources would be particularly useful to train U.S. officials and to develop the capacity to fund specific evidentiary tests through a joint program with the Colombian judiciary.

5. Monitoring actions of the guerrilla groups and the paramilitary groups against U.S. citizens.—An equal amount of funding is established to monitor the actions of the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN) and the United Colombian Self-Defense Organization (AUC) relative to criminal actions against U.S. citizens.

In summary, the House of Representatives was expressly concerned with obtaining reliable information on Colombia. The Senate disregarded these initiatives and supported a certification procedure.

The House Bill provides for the possibility to use aid to support and improve the inves-

tigation capabilities of the Prosecutor General's Office in Colombia. Empowering Colombian judicial authorities to prosecute cases of human rights violations would contribute to a general improvement in the human rights situation in Colombia.

An effective monitoring procedure would contribute to providing the U.S. Congress with tools to evaluate the impact and effect of the U.S. aid in Colombia.

Moreover, restrictions on the use of military equipment would help to ensure that U.S. aid is for anti-narcotics purposes and not to foment civil conflict or arbitrary violence. Finally, establishing a minimum amount of aid for internationally displaced persons would help to mitigate the adverse effects of the aid package on many different social groups in Colombia, particularly those who have been forcibly displaced.

6. Presidential waiver power on the conditions on military assistance.—An especially negative aspect of the House bill is endowing the U.S. President with waiver power regarding the conditions of military assistance.

Such a waiver weakens the conditions established by the House of Representatives, which are more vague than those contained in the Senate Bill.

We hope that you find this information useful and if you have further questions, concerns or would like to further discuss these issues, we will be more than happy to meet with you, or your staff or to draft any documents regarding U.S. aid to Colombia.

Thank you again for your concern and interest on this important issue.

MARY MEG MCCARTHY,
Director, Midwest Im-
migrant &
Human Rights Center.
HELENA OLEA,
Legal intern.

Mr. UDALL of Colorado. Mr. Speaker, I rise to express my opposition to this conference report. I cannot approve of the process that has brought us to this point or of the result. A good bill was hijacked to produce what I think is a problematic package.

This is called a conference report on the military construction bill. But in reality it is much more, and includes both money for many other purposes and provisions dealing with other subjects. And we are considering it without anyone except the conferees having even had a chance to review its contents.

I supported the Military Construction Appropriations bill when we considered it on the floor in May. I supported it because it funds military construction projects, family housing, base realignment, environmental cleanup, and other programs. I supported it in particular because it funds a number of important projects for Colorado, namely funds for a training site at Fort Carson, for a munitions storage and maintenance site at Buckley Air National Guard Air Force Base, and for upgrading facilities at Peterson Air Force Base.

If that were all that was in this conference report, I could support it as well.

However, this conference report also includes many items that were originally part of a separate measure, a supplemental appropriations bill for the current fiscal year.

As I noted when the House originally considered that bill, there are other good things in it that I support. For example, some parts of the bill truly concern "emergencies"—funding to help low-income families cope with sharply rising home heating oil bills; funding to repair

damaged roads and bridges and to develop affordable housing for those dislocated by recent floods, tornadoes, and other natural disasters; disaster loans for small businesses, farm aid, and rural economic and community development grants to meet needs arising from natural disasters. These are all important and worthwhile and appropriate purposes for an "emergency" spending bill. Also important is funding that the bill provides for NASA's Space Shuttle upgrades, security at our nation's three nuclear weapons laboratories, and funds to accelerate environmental cleanup of DOE facilities.

But these good things are far outweighed by what I consider to be some very problematic provisions.

One of the most troublesome is the "anti-drug" package for Colombia. I don't doubt the magnitude of the problem that the proposal attempts to address. Indeed, there is much cause for alarm. Colombia produces 80 percent of the world's cocaine and about two-thirds of the heroin consumed in this country, and new estimates show that cocaine production in Colombia is up 126 percent in the last five years. That said, I am not convinced that a costly military approach is the best response to the problem. I believe we should be considering other ways to address the source of the problem—the U.S. demand for drugs—by funding additional treatment and education programs right here at home.

There is very little about the Colombia package that has been shown to merit our support. Think for a moment about the dismal human rights record of the Colombian military. The military would itself be the recipient of the billions of dollars in U.S. aid. Human rights organizations have linked right-wing paramilitary groups to the Colombian military and to drug trafficking and atrocities against civilians. How can we be content to pass a bill that could well make this situation worse?

We should also think about the lack of clear objectives for this program. There is no "exit" strategy spelled out. There is no way to ensure farmers won't resume cultivating drug crops once this billion-dollar assistance package dries up. None of these questions about the long-term goals for this program have been adequately answered. Still, we're being asked to support a program that could draw U.S. troops into a protracted counter-insurgency struggle—and one that may ultimately have little effect on the drug trade.

In addition, the conference report reportedly includes at least one anti-environmental rider that would block EPA from taking certain actions to enforce the Clean Water Act—and there may be more. I would have problems with that even if we had had a chance to review the language before voting. Since we can't even do that, I have no choice but to oppose the conference report for that reason as well.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the conference report on the Military Construction Appropriations bill.

This important legislation contains critically necessary relief assistance to North Carolina's victims of Hurricane Floyd. I want to thank Chairman YOUNG and Ranking Member OBEY for their leadership in securing these funds to help in the recovery effort from this devastating storm.

Hurricane Floyd ripped into my State last September with rains of historic proportion. The massive flooding that resulted was of a magnitude not seen since before Christopher Columbus landed in the New World.

Most folks think of a hurricane as winds ripping into beach houses. But Floyd's greatest damage occurred some 150 miles inland from the coast. Last September we endured the most devastating storm in my State's history.

Three months ago, this House passed a supplemental appropriations bill to aid Floyd's victims. Earlier this month, another hurricane season began with predictions of more destruction to come.

Mr. Speaker, I thank my colleagues for helping my constituents, many of whom are still in travel trailers. I urge support for this bill.

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to the Military Construction Appropriations for Fiscal Year 2001 and the Emergency Supplemental bill.

I supported the Military Construction Appropriation's bill when it came to the House floor for a vote last month and would have supported the bill again had the Republican leadership followed traditional procedures and allowed the two bills to be considered separately.

Mr. Speaker, I am opposed to giving the Colombian Government use of our military, supplies and additional cash reserves rather than using these funds for a number of important domestic programs. At a time when the Leadership of this Congress is proposing to eliminate funding for the Summer Youth Program, which allow tens of thousands of kids job opportunities in our home communities, this Congress is providing \$1.3 billion to the Colombian Government for anti-drug efforts. A better solution would be to give additional funds to local law enforcement officials to fight drugs in our communities and to our border patrol to stop drugs from coming into our country.

I urge my colleagues to oppose this misuse of allocations included in the Emergency Supplemental bill. Vote no on final passage.

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, the vote on the motion to suspend the rules and agree to H. Res. 535 immediately following the vote on final passage will be 5 minutes.

The vote was taken by electronic device, and there were—yeas 306, nays 110, not voting 19, as follows:

[Roll No. 362]

YEAS—306

Aderholt	Bachus	Barrett (NE)
Allen	Baker	Bartlett
Andrews	Baldacci	Bass
Archer	Ballenger	Bateman
Armey	Barcia	Becerra
Baca	Barr	Bentsen

Bereuter	Hastert	Ortiz
Berkley	Hayes	Ose
Berman	Hayworth	Oxley
Berry	Hefley	Packard
Biggert	Hergert	Pallone
Bilbray	Hilleary	Pascarell
Bilirakis	Hinchee	Pastor
Blagojevich	Hinojosa	Pease
Bliley	Hobson	Peterson (PA)
Blunt	Hoeffel	Pickering
Boehkert	Holden	Pickett
Boehner	Holt	Pomeroy
Bonilla	Hookey	Portman
Bonior	Horn	Price (NC)
Bono	Houghton	Pryce (OH)
Borski	Hoyer	Quinn
Boucher	Hunter	Radanovich
Brady (PA)	Hutchinson	Rahall
Brown (FL)	Hyde	Regula
Bryant	Insee	Reyes
Burr	Isakson	Reynolds
Burton	Istook	Riley
Buyer	Jackson-Lee	Rodriguez
Callahan	(TX)	Rogan
Calvert	Jefferson	Rogers
Camp	Jenkins	Ros-Lehtinen
Cannon	John	Rothman
Capps	Johnson (CT)	Roukema
Cardin	Johnson, E. B.	Roybal-Allard
Carson	Johnson, Sam	Salmon
Castle	Jones (NC)	Sanchez
Chambliss	Kanjorski	Sandlin
Clayton	Kelly	Sawyer
Clement	Kennedy	Saxton
Clyburn	Kildee	Scarborough
Coble	Kilpatrick	Schaffer
Collins	King (NY)	Scott
Condit	Knollenberg	Serrano
Cooksey	Kolbe	Sessions
Cramer	Kuykendall	Shaw
Crane	LaFalce	Shays
Cubin	LaHood	Sherman
Cummings	Lampson	Sherwood
Cunningham	Lantos	Shimkus
Davis (VA)	Larson	Shows
Deal	Latham	Simpson
Delahunt	LaTourette	Sisisky
DeLauro	Leach	Sisk
DeLay	Levin	Skelton
Diaz-Balart	Lewis (CA)	Smith (NJ)
Dickey	Lewis (KY)	Smith (TX)
Dicks	Linder	Smith (WA)
Dingell	Lipinski	Snyder
Dixon	LoBiondo	Souder
Dooley	Lowe	Spence
Doyle	Lucas (KY)	Spratt
Dreier	Lucas (OK)	Stabenow
Edwards	Maloney (CT)	Stearns
Ehrlich	Maloney (NY)	Stenholm
Emerson	Mascara	Stump
Engel	Matsui	Stupak
English	McCarthy (MO)	Sununu
Etheridge	McCarthy (NY)	Sweeney
Evans	McCollum	Talent
Everett	McCrery	Tancredo
Farr	McGovern	Tanner
Fattah	McHugh	Tauscher
Fletcher	McInnis	Tauzin
Foley	McIntyre	Taylor (MS)
Forbes	McKeon	Taylor (NC)
Ford	Meek (FL)	Thomas
Fossella	Meeks (NY)	Thompson (CA)
Fowler	Menendez	Thompson (MS)
Franks (NJ)	Metcalfe	Thornberry
Frelinghuysen	Mica	Thune
Frost	Millender-	Tiahrt
Gallely	McDonald	Toomey
Gedensson	Miller (FL)	Traficant
Gephardt	Miller, Gary	Turner
Gibbons	Mink	Udall (NM)
Gilchrest	Moakley	Vitter
Gillmor	Moore	Walden
Gilman	Moran (VA)	Walsh
Gonzalez	Morella	Wamp
Goodling	Murtha	Waters
Gordon	Myrick	Watkins
Goss	Napolitano	Watt (NC)
Graham	Neal	Watts (OK)
Granger	Nethercutt	Waxman
Green (TX)	Ney	Weiner
Greenwood	Northup	Weldon (FL)
Gutknecht	Norwood	Weldon (PA)
Hall (OH)	Oberstar	Weller
Hall (TX)	Obey	Weygand
Hansen	Oliver	

Whitfield	Wise	Young (AK)
Wilson	Wolf	Young (FL)

NAYS—110

Abercrombie	Gekas	Peterson (MN)
Ackerman	Goode	Petri
Baird	Goodlatte	Phelps
Baldwin	Green (WI)	Pitts
Barrett (WI)	Gutierrez	Pombo
Barton	Hastings (FL)	Porter
Blumenauer	Hill (IN)	Ramstad
Boswell	Hill (MT)	Rangel
Boyd	Hilliard	Rivers
Brady (TX)	Hoekstra	Roemer
Brown (OH)	Hostettler	Rohrabacher
Campbell	Hulshof	Royce
Capuano	Jackson (IL)	Rush
Chabot	Kaptur	Ryan (WI)
Chenoweth-Hage	Kasich	Ryun (KS)
Coburn	Kind (WI)	Sabo
Combest	Kingston	Sanders
Conyers	Kleczka	Sanford
Costello	Kucinich	Schakowsky
Cox	Largent	Sensenbrenner
Coyne	Lee	Shadegg
Crowley	Lewis (GA)	Slaughter
Danner	Lofgren	Smith (MI)
Davis (FL)	Luther	Stark
Davis (IL)	Manzullo	Terry
DeFazio	McDermott	Thurman
DeGette	McKinney	Tierney
DeMint	Meehan	Towns
Deutsch	Miller, George	Udall (CO)
Doggett	Minge	Upton
Doolittle	Moran (KS)	Velazquez
Duncan	Nadler	Visclosky
Dunn	Nussle	Wexler
Ehlers	Owens	Wicker
Eshoo	Paul	Woolsey
Frank (MA)	Payne	Wu
Ganske	Pelosi	

NOT VOTING—19

Bishop	Jones (OH)	Mollohan
Canady	Klink	Shuster
Clay	Lazio	Strickland
Cook	Markey	Vento
Ewing	Martinez	Wynn
Filner	McIntosh	
Hastings (WA)	McNulty	

□ 2042

Ms. MCKINNEY, and Messrs. TERRY, PHELPS, OWENS, COX, GANSKE and SMITH of Michigan changed their vote from "yea" to "nay."

Mrs. MEEK of Florida, and Messrs. HALL of Texas, TOOMEY, SUNUNU, SERRANO and PASTOR changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CANADY of Florida. Mr. Speaker, on rollcall No. 362, I was unavoidably detained and did not cast a vote. Had I been present, I would have voted "yea."

SENSE OF HOUSE CONCERNING USE OF ADDITIONAL PROJECTED SURPLUS FUNDS TO SUPPLEMENT MEDICARE FUNDING

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 535.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

THOMAS) that the House suspend the rules and agree to the resolution, H. Res. 535, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 8, not voting 22, as follows:

[Roll No. 363]

YEAS—404

Abercrombie	Cunningham	Hoeffel
Ackerman	Danner	Hoekstra
Aderholt	Davis (FL)	Holden
Allen	Davis (IL)	Holt
Andrews	Davis (VA)	Hooley
Archer	Deal	Horn
Armey	DeFazio	Hostettler
Baca	DeGette	Houghton
Bachus	Delahunt	Hoyer
Baird	DeLauro	Hulshof
Baker	DeLay	Hunter
Baldacci	DeMint	Hutchinson
Baldwin	Deutsch	Hyde
Ballenger	Diaz-Balart	Insee
Barcia	Dickey	Isakson
Barr	Istook	Jackson (IL)
Barrett (NE)	Dingell	Jackson-Lee
Barrett (WI)	Dixon	(TX)
Bartlett	Doggett	Jefferson
Barton	Dooley	Jenkins
Bass	Doolittle	John
Bateman	Doyle	Johnson (CT)
Becerra	Dreier	Johnson, E. B.
Bentsen	Duncan	Johnson, Sam
Bereuter	Dunn	Jones (NC)
Berkley	Edwards	Kanjorski
Berman	Ehrlich	Kaptur
Berry	Emerson	Kasich
Biggert	Engel	Kelly
Bilbray	English	Kennedy
Bilirakis	Eshoo	Kildee
Blagojevich	Etheridge	Kilpatrick
Bliley	Evans	Kind (WI)
Blumenauer	Everett	King (NY)
Blunt	Ewing	Kingston
Boehlert	Farr	Knollenberg
Boehner	Fattah	Kolbe
Bonilla	Fletcher	Kucinich
Bonior	Foley	Kuykendall
Bono	Forbes	LaFalce
Borski	Ford	LaHood
Boswell	Fossella	Lampson
Boucher	Fowler	Lantos
Boyd	Franks (NJ)	Largent
Brady (PA)	Frelinghuysen	Larson
Brady (TX)	Frost	Latham
Brown (FL)	Galleghy	LaTourrette
Brown (OH)	Ganske	Leach
Bryant	Gejdenson	Lee
Burr	Gekas	Levin
Burton	Gephardt	Lewis (CA)
Buyer	Gibbons	Lewis (GA)
Callahan	Gilchrest	Lewis (KY)
Calvert	Gillmor	Linder
Camp	Gilman	Lipinski
Campbell	Gonzalez	LoBiondo
Canady	Goode	Lofgren
Capps	Goodlatte	Lowey
Capuano	Gordon	Lucas (KY)
Cardin	Goss	Lucas (OK)
Carson	Graham	Luther
Castle	Granger	Maloney (CT)
Chabot	Green (TX)	Maloney (NY)
Chambliss	Green (WI)	Manzullo
Chenoweth-Hage	Greenwood	Mascara
Clayton	Gutierrez	Matsui
Clement	Gutknecht	Hall (OH)
Clyburn	Hall (TX)	McCarthy (MO)
Coble	Hansen	McCarthy (NY)
Coburn	Hastings (FL)	McCollum
Collins	Hayes	McCrery
Combest	Hayworth	McDermott
Condit	Hefley	McGovern
Cooksey	Hergner	McHugh
Costello	Hill (IN)	McInnis
Cox	Hill (MT)	McIntyre
Coyne	Hilleary	McKeon
Cramer	Hilliard	McKinney
Crane	Hincheey	Meehan
Crowley	Hinojosa	Meeks (NY)
Cubin	Hobson	Menendez
Cummings		Metcalfe

Mica	Ramstad
Millender-	Regula
McDonald	Reyes
Miller (FL)	Reynolds
Miller, Gary	Riley
Miller, George	Rivers
Minge	Rodriguez
Mink	Roemer
Moakley	Rogan
Mollohan	Rogers
Moore	Rohrabacher
Moran (KS)	Ros-Lehtinen
Moran (VA)	Rothman
Morella	Roukema
Murtha	Roybal-Allard
Myrick	Royce
Nadler	Rush
Napolitano	Ryan (WI)
Neal	Ryun (KS)
Nethercatt	Sabo
Ney	Salmon
Northup	Sanchez
Norwood	Sanders
Nussle	Sandlin
Oberstar	Sawyer
Obey	Saxton
Oliver	Scarborough
Ortiz	Schaffer
Ose	Schakowsky
Owens	Scott
Oxley	Sensenbrenner
Packard	Serrano
Pallone	Sessions
Pascrell	Shadegg
Pastor	Shaw
Payne	Shays
Pease	Sherman
Pelosi	Sherwood
Peterson (MN)	Shimkus
Peterson (PA)	Shows
Petri	Simpson
Phelps	Sisisky
Pickering	Skeen
Pickett	Skelton
Pitts	Slaughter
Pombo	Smith (MI)
Pomeroy	Smith (NJ)
Porter	Smith (TX)
Portman	Smith (WA)
Price (NC)	Snyder
Pryce (OH)	Souder
Quinn	Spence
Radanovich	Spratt
Rahall	Stabenow

NAYS—8

Cannon	Paul
Ehlers	Rangel
Frank (MA)	Sanford

NOT VOTING—22

Bishop	Klecзка	Shuster
Clay	Klink	Strickland
Conyers	Lazio	Taylor (NC)
Cook	Markey	Vento
Filner	Martinez	Watt (NC)
Goodling	McIntosh	Wynn
Hastings (WA)	McNulty	
Jones (OH)	Meek (FL)	

□ 2050

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1304

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1304.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman's statement will be in the RECORD, but because the bill is reported, his name cannot be removed from the bill at this time.

PROVIDING FOR CONSIDERATION OF H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole on the state of the Union for consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

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

Mr. Speaker, this is a fair and appropriately structured rule for debate on this matter. We have made six amendments in order on a bipartisan basis. These amendments cover a full range of topics concerned with the underlying bill.

The Committee on Rules has clearly erred on the side of inclusion to ensure a full, yet I believe efficient debate on this very important subject, which has caught the attention of Members.

We are here today because doctors have become disillusioned with some aspects of our modern healthcare delivery system. They rightly assert that some HMOs are interfering too much in the doctor-patient relationship undermining their ability to effectively do their job. Their complaints are understandable, and they do need to be addressed.

H.R. 1304 seeks to level the playing field between insurers and doctors. While HMOs should not be able to dictate to physicians because of their size, it is equally wrong for doctors to collude and force the hand of insurers and employers. If we get it wrong, the end result could be higher health care prices and more uninsured Americans without improving patient quality of care which concerns all of us.

Those are the things we need to avoid, so we have to get it right. We have to find the correct balance, and this rule fairly provides for meaningful debate on how to proceed.

H.R. 1304 is a simple, straightforward bill. It proposes to give doctors and other health care professionals a limited exemption from antitrust laws when bargaining with health plans conferring on them the same rights afforded to unions operated under the National Labor Relations Act.

But based on testimony from some colleagues, there may be a hitch, unlike traditional unions, these doctor cartels, as they are called, would exist without any real regulatory oversight.

□ 2100

Doctors could refuse to negotiate in good faith and even engage in selective boycotts. Obviously, this is a problem that needs a remedy. We all know that Congress does have a role in curtailing HMO abuse. I am very proud to be one of many House Members and Senators who have been serving on the conference, working on a bipartisan basis, to finalize the details of the Patient's Bill of Rights. But while we still have

some work to do on it, it is no secret that we are pretty well agreed to the need for an independent, binding review process where doctors' decisions will be evaluated by other physicians. In other words, meaningful and appropriate oversight.

We also understand that HMOs should be held accountable when they interfere in the doctor-patient relationship and harm occurs. But as encouraged as I am by this, I have reservations about H.R. 1304. It appears to be a necessary, simple solution to a tough problem, but as a wide range of experts have stated from the Congressional Budget Office to the Federal Trade Commission, the costs could outweigh any potential benefits. In fact, the CBO's projection put the cost at well over \$3 billion over 10 years, not an insignificant amount of money, even around here; and that is worrisome to me.

I am hopeful that my colleagues will support this rule so that we can get on with deliberation of these and other issues and weigh the potential costs and benefits. That is, after all, why we are here and what a deliberative body does. America's doctors and patients do deserve relief from bad HMOs. Indeed, Congress is addressing HMO reform in a tough and serious manner; I am a firsthand witness to that. The gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS) and some others urge that H.R. 1304 is the right direction we should pursue as part of congressional consideration. As our colleagues, they deserve respect for bringing this forward, and I urge a yes vote on this fair rule and look forward to a fair exchange on the underlying bill after everybody has the chance to hear all sides. However, we do not get that chance if we do not approve this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida for yielding me this time.

This is a restricted rule. It will allow for the consideration of H.R. 1304, which is the Quality Health Care Coalition Act. As my colleague from Florida has explained, this rule provides for 1 hour of general debate. It will be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order only six amendments. No other amendment may be offered.

This bill provides limited antitrust exemptions for doctors who negotiate contracts with health plans and insurance companies. Other workers enjoy a similar exemption under collective bargaining laws.

In recent years, health maintenance organizations and insurance companies, not doctors, have dictated the terms of health care for most Americans. Antitrust laws have prevented

doctors from organizing to counterbalance the influence of the health care managers. Many people believe that this legislation is needed now more than ever because growth and consolidations among the HMOs and the insurance companies have only increased the bargaining power of the health care industry against the doctors. Obviously, the purpose of the bill is to swing the balance of power back in favor of the doctors.

The House sometimes uses restrictive rules like this, but it should only do it in sparing ways. However, as with some bills reported from the Committee on the Judiciary, it can be appropriate in the case to limit amendments. The few amendments that may be offered will give opponents of the current bill an opportunity to further debate and perfect it.

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

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the distinguished gentleman from California (Mr. CAMPBELL), the author on this side.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from Florida for all of his kindness and hard work in this field.

I wish to say that the rule is critical. The rule is critical. There will be no other means to address H.R. 1304. To those who have sponsored this bill, and I have a list of all of them, please, if they think that they might vote against the rule but have a chance to vote for the bill again, they are wrong. It is not going to come back. So this is the issue, this is the moment, this is the time to vote in favor of patients if we believe that they are not being adequately taken care of under today's medical system, because there is not a balance between the doctors and the HMOs.

The focus of the controversy is on the amendment by the gentleman from Oklahoma (Mr. COBURN). I understand that there is concern that his amendment was made in order, but the second degree amendment of the gentleman from Pennsylvania (Mr. GREENWOOD) was not.

Let me address this directly. I have a 100 percent pro-choice voting record. I am second to none in my support of a woman's right to choose. My record stands for that. The Coburn amendment says, "Nothing in this section shall apply to negotiations specifically relating to requiring a health plan to cover abortion or abortion services."

Whereas I would not have singled out abortion, I would not have treated this in any manner different than any other medical procedure, I emphasize to my colleagues that the Coburn amendment is a null set. There is no evidence of any health care plan, any HMO, requiring doctors to perform abortion or abortion services. I draw to the attention of all of the cosponsors of this bill

that the amendment by the gentleman from Oklahoma (Mr. COBURN) uses the word "requiring," not "permitting."

This amendment, in other words, is, in my judgment, an effort to introduce the topic of abortion into an area where it has no place. It is not a substantive amendment. Mr. Speaker, let me repeat, it deals with a case that has not been shown to exist—where an HMO requires a doctor to perform an abortion.

In conclusion, the gentleman from Florida (Mr. GOSS) noted two things with which I would like to take respectful disagreement. First of all, the concern he expressed for a boycott was addressed by an amendment by the gentleman from New York (Mr. NADLER), accepted in the Committee on the Judiciary, so that a boycott is not possible under this bill. Secondly, the cost estimate that the vice chairman of the Committee on Rules gave was for 10 years, but we adopted a 3-year sunset for the bill, so the cost is substantially less, actually, it's less than one third of the cost that the gentleman from Florida estimated.

With that, I conclude with one last request. For those who care about this bill, for those who care about the 3½ years those of us have put into it, this is the moment. Do not let the rule keep us from the merits of this bill. It is not a perfect rule. I did not wish everything to go into it that has, but we will have no other chance.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in opposition to the rule on H.R. 1304.

I rise in opposition primarily because I think it is irresponsible for us to exempt this legislation from the budget rules, and this bill I think clearly violates the budget rules.

Mr. Speaker, the original bill was scored by CBO as costing in excess of \$11 billion. Even with the modifications that were added in the Committee on the Judiciary, it is still estimated to have significant cost in reduced Federal tax revenues of almost \$11 billion if this was made permanent for the 10-year period. Obviously, it would be less if it only survives for the 3-year sunset period.

But it also is projected to have costs not only to the government in terms of increased cost to Medicare, Medicaid, and the Federal employee health benefit plans, but it is also estimated to cost consumers, as we will see an increase in health care premiums as a result of this, which are estimated to be on average of almost 2 percent by the third year of the enactment of this bill.

If we are going to maintain consistency with the budget rules that are to guide the legislation in this House, we should not exempt this legislation. We should not exempt legislation that is

going to have budgetary impacts in the billions of dollars. I think anyone that prides themselves on being a fiscal conservative should not support this rule; they should send this bill back to the Committee on Rules where we will have the opportunity to bring this bill up when we can give adequate consideration to the fiscal and the revenue impacts they will have to the Federal Government and to the taxpayers of America.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I want to, first of all, say that as a practicing physician I am extremely frustrated with the position physicians are placed in in this country in not being able to make decisions to care for their patients. I think the problem that the gentleman from California (Mr. CAMPBELL) is trying to address with this bill is a real problem, but I think this is the wrong fix. I do want to take exception to what he said about the position as to certain organizations wanting to require people to have to perform abortion services or to offer them. In his own State, in the California legislature this year, by a very narrow margin, a bill that would have forced Catholic hospitals in his own State was offered and barely defeated. It is the position of the California Medical Association that, in fact, that be the policy in California. That position was offered in the House of Delegates at the AMA this year.

So to claim that this is not an intent is not true; it is an intent in the long run to limit the conscious objection of health care providers and the hospitals to not provide abortion services.

I am leaving this House at the end of this session, and I will be in practice; and I will tell my colleagues that if the Campbell bill becomes law, I will utilize it vigorously. But it will not be, in the long term, the best thing for medicine. Because the prices would rise exorbitantly; and after that has happened, then the focus of the health care problems that we have in the country then will be on the doctors, and we are not the ones to blame. But through our frustration, through the lack of fees to keep pace, through our inability to care for our patients, we are bound to do the wrong thing.

So I adamantly oppose the Campbell bill. I was originally a cosponsor of this bill, and my first thought was, I thought this was a good idea. Thinking through of what I want the profession of medicine to be 10 years from now, I think this is a terrible bill. I think the rule is fair.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I want to talk about the rule. I am not going to talk about the underlying bill, ex-

cept what the rule provides for in the underlying bill.

It is interesting what a difference a day makes. We have a rule before us today that waives all points of order against the bill pursuant to the budget resolution, because the underlying bill would exceed the discretionary spending caps in the fiscal year 2001 budget resolution. In addition, it would violate the pay-go rules per the fiscal year 2001 budget resolution.

Now, why is that so significant in this context? It is significant because yesterday, Democrats were told and, in fact, a number of Republicans as it turned out, were told that we could not offer a broad-based, voluntary, universal prescription drug program under Medicare because the fiscal year 2001 budget resolution did not provide for it. But today, barely 24 hours later, as I and others predicted, the Republican leadership has decided that the paper that the budget resolution is written on is not worth very much.

So, we have before us a rule that shows the true hypocrisy of the Republican leadership when it comes to the question of providing true prescription, affordable prescription drug coverage for America's senior citizens. That is what this rule tells us today. We can debate the underlying bill later; but the sad fact of it is, there was a sham put upon the American people yesterday, 39 million senior citizens, under some phoney rule about what could be considered in the House and, today, we have thrown that out the window with a rule that waives points of order regarding the budget resolution. I think that is a real shame, and I would imagine that our friends will have something to answer about come this fall.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BALLENGER).

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

First, I would like to say antitrust exemption will not improve health care quality at all. Proponents of this bill say that it will level the playing field between doctors and health plans. But what happens to the consumer when the providers get together and collectively negotiate with insurers?

□ 2115

Although such behavior violates Federal and State law, it is not at all that unusual. Federal antitrust regulators have dealt with more than 50 such cases over the past number of years, and none of these cases, not one, involved collective efforts to improve the health care quality. Every case involved efforts by the providers to raise their fees to anticompetitive levels at the expense of the consumers, employers, and taxpayers who finance programs for seniors, the disabled and the poor.

Testifying before the Committee on the Judiciary last year, Assistant Attorney General of the Department of Justice Antitrust Division Joel Klein stated:

“Our history of investigations, including our recent cases against two federations of competing doctors involving group boycotts and price-fixing conspiracies, leads us to have concerns because the proposed bill provides no assurance that health care professionals would direct their collective negotiating efforts to improving quality of care, rather than their own financial circumstances.”

Klein went on to cite a case in which “Twenty-nine otherwise competing surgeons who made up the vast majority of general and vascular surgeons with operating privileges at five hospitals in Tampa formed a corporation solely for the purpose of negotiating jointly with managed care plans to obtain higher fees. Their strategy was a success. Each of the 29 surgeons gained, on average, over \$14,000 in annual revenues in just the few months of joint negotiations before they learned that the Antitrust Division was investigating the conduct. The participants in that scheme did not take any collective action that improved the quality of care.”

This case is typical of what happens when physicians illegally engage in collective negotiations with health care plans.

In April of this year, the Federal Trade Commission announced a settlement with a group of surgeons in Austin, Texas, who used collective negotiations with health plans to win handsome increases in their fees. If we were to pass H.R. 1304, the antitrust exemption would make all of what I just read legal, it is now illegal, and with no oversight at all. At least labor unions must obey the NLRB.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I wish all of us could be honest. This rule is maybe the most disingenuous rule I have seen in my 8 years in the United States Congress.

The fact that this rule allows the Coburn amendment on the bill is a convoluted attempt to, I do not know, kill the bill, or put the Democrats in a politically disadvantageous position.

The vast majority of Democrats who are pro-choice, and the majority of Democrats who support this bill, have a Hobson's choice under this rule. If the rule is passed, and then the Coburn amendment with similar things that have passed this floor is then on the bill, then where do Democrats vote?

The reality is that the Coburn amendment is an awful amendment from a policy perspective. It is a gag rule. Let me read what the American College of Obstetricians and Surgeons

said about it: “We must pass a bill that allows health providers to effectively advocate for the care of their patients, not gag providers in an attempt to limit women's access to needed reproductive health services.”

This is a gag rule. It is incredible, the scope of it. It would prevent those physicians who benefit from the Campbell rule from even talking to providers about providing reproductive or family planning services, a complete ban. They could not even talk about that in terms of their negotiation. It is an extremely large attempt to limit women's choices in America.

For the Members, and again, I know this has been a very difficult afternoon for many Members as they have looked at it, because there are many Members who are cosponsors of this; again, a majority of Democrats who want to see changes in health care, who support what the gentleman from California (Mr. CAMPBELL) is trying to do.

But the leadership on the Republican side has created this disingenuous rule. If the rule is defeated, which I urge its defeat, if the rule is defeated the choice clearly falls upon those who created the rule, which is the majority, the Republican leadership.

I urge the gentleman from California (Mr. CAMPBELL) to once again threaten to leave this Congress if his leadership does not give him a true rule and a true vote on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this House is demonstrating that it cannot competently and fairly deal with difficult health policy questions. Reference yesterday, a long, contentious day debating one of the most important issues before this country: whether we can give our seniors prescription drug coverage.

All of that debate and much of the venom generated within that debate concerned an unfair rule cooked up in the Committee on Rules at 2:30 in the morning the morning of the debate. I guess it was not the last bad rule we were going to see on important health policy coming out of the Committee on Rules this week.

So here we are, late in an absolutely exhausting week, considering another vital health policy question under another unfair rule.

Take, for example, the issue of allowing the Coburn amendment and striking the Greenwood amendment. I do not care whether within this body Members are pro-choice, whether they are pro-life, or anywhere in between. The fact of the matter is to allow one side their amendment and not allow the other side their amendment is unfair and speaks to what a skewed, unfortunate rule this is that brings this bill to the floor.

That is not the end of the problems within this bill. Allowing physician

collusion on fee structures has obvious consequences for Medicare that pays the bills, for Medicaid. But Members do not see any offsets. We do not see any pay-fors in this legislation. There would surely be a budget point of order that could be raised against this bill, but guess what, they shred the budget rules and waive all points of order. Do not even think about trying to point out that we are spending money we have not offset in the Federal budget, it is waived under this rule.

Mr. Speaker, the Committee on the Judiciary has ruled on this bill, but the Committee on Commerce has not ruled, the Committee on Ways and Means has not ruled. This is an unfair rule. It should be voted down.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the Republican leadership is truly offering us a Hobson's choice here. I am a cosponsor of this bill and proud to be one, but I am standing here to urge defeat of this rule because of the Coburn amendment.

The Coburn amendment could gag physicians and other providers in two ways. First, providers who have a medical and ethical responsibility to promote the well-being of their patients could be unable to advocate with health plans on their patient's behalf for comprehensive reproductive health care.

Second, providers could not negotiate against any onerous restrictions that appear in their contracts.

Why did the Republican leadership do this? They did this because they know pro-choice Members like myself, who also are cosponsors of the bill, will never support legislation with provisions that could be construed as gag rules.

The gentleman from Pennsylvania (Mr. GREENWOOD) was denied the opportunity to offer a second degree amendment that would have clarified and improved the bill. Was this allowed? No, it was not. Tragically, we have to defeat this rule. We have to send it back, and we have to say, let us pass a bill that is free of poison pills.

We have sadly, in my view, reached a point in this Congress where virtually no health care legislation can be passed. The Committee on Commerce, on which I sit, has repeatedly failed to mark anything up, including a children's health bill, because of repeated and ill-fated efforts to impose abortion language.

The National Institutes of Health has not been reauthorized for years because of the threat of anti-abortion riders. We have reached a virtual gridlock over abortion riders in every form imaginable. The American public needs to know this, and they need to know how wrong it is.

So let us defeat this bill. Let us send it back to the Committee on Rules. Let

us write a clean bill. Let us allow the Greenwood amendment to go forward, and let us pass legislation that will allow doctors to organize, just as my colleague, the gentleman from California (Mr. CAMPBELL), wants to have happen.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my colleague and friend, the distinguished gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Speaker, tonight I rise in strong support of the rule and even stronger support for the bill of the gentleman from California, H.R. 1304. I do so as a strong advocate of market-related solutions to meet many of today's challenges. This is a market-based solution.

Ours is a multi-layered system of competing interests and checks and balances. America's health care is part of that system, but yet, it is an area today where we see justified concern and even perhaps alarm.

Our citizens feel out of control. The HMO revolution that brought costs under control has brought with it new problems and new complications and new frustrations. New checks and balances have not emerged to see that the power vested in this new power, the HMOs, the new power that is vested in them and the authority that they have is not abused or that the cost controls do not go too far.

The gentleman from California (Mr. CAMPBELL) is, as I said, offering a market-based approach to this challenge, instead of just strengthening government or putting new regulations in place. H.R. 1304 empowers health care professionals to balance the new power of the business managers who make policy decisions for America's health care, health care that is so vital to our families and the American people.

Doctors should be able to act together as a unit if they choose to do so, just as investors, managers, and other voluntary associates join together to form HMOs and other businesses.

The Campbell bill would result in a new balance that will well serve the families and people of our country. This system of competing interests has worked very well in other industries. It has worked to make us the most effective system in the world at providing good care and good products for our people, services for people. It can work in the health care industry, as well.

The gentleman from California (Mr. CAMPBELL) is to be applauded for his creativity and his innovative approach. Rather than just trying to offer simplistic answers of giving more regulations or having more government that costs money, he is empowering people to do a better job and to work together to provide health care for America.

Let us make sure that we use the power of the market. Let us make sure we use voluntary association, just as we have in every other industry, to

provide quality health care to our people, and health care that we can ensure will not be abused because there is too much power just in the hands of the managers. This is true in every other industry, it will be true in health care as well.

I rise in strong support of the rule and the Campbell amendment.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise with great reluctance in opposition to this rule. I say "reluctance" because I do support the bill. We need to strengthen the ability of physicians to be effective advocates for the health care needs of their patients.

However, by choosing once again to bring legislation to this floor that attempts to limit a woman's right to choose, the Committee on Rules has undermined the spirit of this legislation. This bill seeks to assure patient safety and increase the quality of health care by allowing physicians to collectively have a greater say in negotiations on the terms of a health plan.

The intent is to clearly empower physicians in their relationship with HMO administrators, some of whom attempt sometimes to put profits over patient care when making decisions about medical care.

Mr. Speaker, reproductive health services are an essential component of primary care for women. To my male colleagues, I say this again, gentlemen, reproductive health services are an essential component of primary care for women.

Although this amendment has been framed as a conscience clause for religious health care entities, it does in fact prevent physicians, regardless of their religion, from even mentioning abortion in their negotiations with health plans.

I repeat some of the points that have been made earlier. The result is that providers who have a medical and ethical responsibility to promote the well-being of their patients would be unable to advocate with health plans on their patients' behalf for comprehensive reproductive health care.

In addition, providers could not negotiate any onerous restrictions that appear in their contracts concerning the provision of abortion services. Such restrictions could include a ban on referring clients for abortion elsewhere, or from even discussing abortion as a medically appropriate and legal option for patients.

Mr. Speaker, reproductive health services are an essential component of primary care for women and must be part of all negotiations. I urge my colleagues to vote no.

□ 2130

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from

Michigan (Mr. CONYERS), the ranking minority member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to admit that we are now on the horns of a dilemma in terms of the rule. We have a rule that presents an obstacle course of poison pills designed to drag the bill down. Virtually all of the amendments that have been allowed by the Committee on Rules are hostile, in many cases unrelated, amendments.

For example, the Coburn amendment is an anti-choice amendment that would prevent doctors from making referrals for abortion-related services for victims of rape and incest. The Cox amendment is an insult to the collective bargaining idea and would constitute the first-ever Federal right-to-work mandate on the States.

Neither of these amendments have anything to do with the underlying bill, of course, and the Committee on Rules have waived all points of order to leave these poison pills intact. We know the game. It is to split 220 cosponsors of a very important and fine bill.

And so my solution that I propose to my colleagues tonight is that since we have been gamed, I am going to oppose the previous question on the adoption of the rule and ask the Members to support me in opposition to the previous question so that I can offer an amendment that would remove the Cox amendment and also make in order the amendment submitted by the gentleman from Pennsylvania (Mr. GREENWOOD) to the Committee on Rules.

This would allow us to have a clean debate on the underlying legislation, free of the poison pill amendments. And my amendment is supported by NARAL, the Pro-Choice Caucus, the AFL-CIO, and AFSCME. So a vote to defeat the previous question may well be the only chance Members have in this Congress to vote for the right of health care professionals to collectively bargain on behalf of their patients. It is a tough choice. We have been split on this, but I hope it will bring us back together again.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, well, here we are again with a difficult rule. We will see whether we can work this out. I think I need to spend a couple of minutes talking about why this bill should pass.

Blue Cross/Blue Shield of Iowa controls the health care of 98 percent of the hospitals and 90 percent of the doctors. One insurance company controls the access and health costs of 60 percent of insured Oregonians. Market competition in Texas is all but gone. Twenty-four competing companies have compressed into four mega-managed care companies.

Sixty percent of the Pittsburgh market is controlled by one plan. More

than 50 percent of the Philadelphia market is controlled by one plan. Each plan has maintained its dominance by virtue of an agreement not to compete in each other's territory.

One insurance company dictates health care in over half of Washington State. Since I came to Congress and closed my practice in 1994, there have been 275 mergers and acquisitions of health plans. There are now seven managed health care plans and Blues control the cost and access of the majority of people in this country.

What does that mean? That means if one is a provider, a doctor, and that HMO controls 50 or 60 percent of their patients and they present a contract and say take it or leave it, and that doctor has a child in college, they are making mortgage payments, how do they turn them down when they have a contract clause that says medical necessity means the shortest, least expensive or least intense level of care as defined by us? Or maybe they say like this Blue Cross/Blue Shield contract of Iowa, where the health plan shifts responsibility to physicians for the health plan's breaches of confidentiality that they release any liability for disclosure made by the company.

Or how about the gag clauses that companies want providers to sign on to? A lot of providers just do not have a choice. I have had a lot of Republican colleagues, when we have had our managed care debate, say just let the market work. If we get to a vote on this, vote "yes" because this will let the market work.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of the physicians I know in my community need this legislation. Frankly, the physicians are put at a disadvantage with the HMOs and the conglomerates that are now taking over health care. The gentleman from California (Mr. CAMPBELL) had the right idea. But unfortunately, the legislation that we had in the Committee on the Judiciary, I would say to the gentleman from Michigan (Mr. CONYERS), with all the good work that we did, is not here today.

Frankly, we have the complete opposite picture from what we wanted to bring to the floor of the House. First of all, about a year ago, doctors at the AMA convention indicated they wanted to organize; they wanted to have the opportunity to be stronger and negotiate on behalf of their patients. Minority doctors in particular have been shut out from HMOs and so inner-city physician many times cannot serve the patient needs of their base.

Frankly, I think we have a responsibility to put this bill forward. But the Committee on Rules, the Republican Committee on Rules knew what they were doing when they added the

Coburn amendment and the Cox amendment to prevent something the bill doesn't do anyhow—force a physician to join a union. That is not in the Bill—plain and simple. The Supreme Court just 48 hours ago just indicated to this Congress that the right to an abortion is the law of this Nation however the Coburn brings up unnecessary anti-choice provisions. Why we have this legislation in this way in order to undermine the very good bill offered by the gentleman from California (Mr. CAMPBELL), of which I am a cosponsor, I do not know.

Mr. Speaker, I support the ranking member's proposal that we defeat the previous question and allow a redrafting of this rule to eliminate the Cox amendment and to offer the Greenwood amendment, to get on with the business that health care providers need to serve the people of America's health needs.

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

Mr. PAUL. Mr. Speaker, I rise in strong support of the rule. It is an imperfect rule, but this bill needs to be brought to the floor.

H.R. 1304 is the only bill that I have seen in the last 3 years, probably in the last 30 years, that would move us in a proper direction for health care in this country. For 30 years now we have moved in the direction, not toward socialized medicine, we do not have socialized medicine, we have a mess. We have a monster we created called "medical management." But we have moved toward corporate medicine.

Who are the greatest opponents of H.R. 1304? The HMOs and the insurance companies.

All we are asking for here is a little bit of return of freedom to the physician, that is, for the right of the physician to freedom of contract, to associate. We are giving no special powers, no special privileges. Trying to balance just to a small degree the artificial power given to the corporations who now run medicine, who mismanage medicine, who destroyed the doctor-patient relationship.

Mr. Speaker, this has given me a small bit of hope. I am thankful the leadership was willing to bring this bill to the floor tonight. We should go through, get the rule passed, and vote on this. This is the only thing that has offered any hope to preserve and to restore the doctor-patient relationship.

We need this desperately. We do not need to support the special corporate interests who get the money. The patient does not get the care. The doctors are unhappy. The hospitals are unhappy. And who lobbies against this? Corporate interests. This is total destruction of the doctor-patient relationship.

All we want to ask for is the freedom to associate and the freedom to con-

tract. If they do not want to become a union, doctors do not have to. They had the power to become unions in the 19th century, but under ethical conditions they did not. Nobody tells doctors that they have to, if we remove this obstacle.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill is one of the most essential pieces of legislation I have seen in the last several years, and I commend the gentleman from California (Mr. CAMPBELL) for the work he has done to bring it to the floor, and I condemn the underhanded actions of the Republican leadership of this House in allowing poison pill amendments to put those of us who think this bill essential in a quandary in supporting it.

Mr. Speaker, I will talk more during the general debate about why this bill is essential, but the gentleman from Texas (Mr. PAUL) hit it on the head. An HMO comes into town, signs up the employers, controls all the health care, controls all the patients, and says to the doctors: sign on the bottom line. Take it or leave it.

If they do not want to have to treat 20 patients an hour, 5 minutes apiece, if they think it requires more time to give them decent treatment, too bad. They do not have to sign up with us; we will get plenty of doctors who will not have such scruples.

The bill authored by the gentleman from California will enable the doctors to get together and say: no, we need time to talk to our patients and we need time to do proper services.

Mr. Speaker, this is profoundly in the interests of the patients of the United States. This is easily as important as the Patients' Bill of Rights in destroying the tyranny the HMOs have taken over the doctors and patients in this country.

But then we have the Coburn amendment made in order as a poison pill with one purpose and one purpose only. Nothing to do with abortion. That is the fig leaf. The real purpose of this amendment is to get people to vote against the rule and vote against the bill who otherwise would vote for it.

The real purpose of this amendment is to get people who would vote against the insurance interests and for patients' rights, which is what this bill is about, to put them in a quandary so they cannot do it.

Mr. Speaker, I urge that Members vote against the previous question so that we can rewrite the rule. If the previous question motion is passed, I will reluctantly vote for the rule and hope that we can then defeat the Coburn amendment. Because this bill is as important a bill as any bill we have seen on this floor; and we should not allow a leadership that does not dare get up and say its real purpose, that we are

beholden to the insurance companies and we do not want to serve the patients of the United States, we want doctors to be slaves to the insurance companies, so let us hide behind the fig leaf of an extraneous issue. We should not hide behind that issue.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume only to point out to the gentleman that the real purpose of me being here is to pass this rule, and I appreciate his help.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, we all know this is a very difficult bill. I congratulate my colleagues on the Committee on Rules for doing the best they could with a difficult situation. But I say to you, Mr. Speaker, you can put lipstick on a pig, but it is still a pig.

We have problems in our health care system, and I think all of us know it. There are ways to address these problems, such as the Patients' Bill of Rights that we are working on in conference today. There are other things that we can do. But this, I would argue, will destroy our health care system.

What protection are we giving our Nation's patients when we take away their health insurance because of increasing costs? What other group of Americans have we ever exempted from our antitrust laws that were created over 100 years ago to stop the big steel trusts, to stop the big oil trusts? We put those antitrust laws in place to prevent consumers from being harmed.

What we are doing here is we are exempting one group of Americans in our health care system, one group of Americans to go out and to negotiate on whose behalf? Come on, they will be negotiating on their own behalf. That is why the Congressional Budget Office and others have talked about the tremendous increase in cost that will result if this bill is passed.

□ 2145

So, Mr. Speaker, let us quit kidding ourselves. This is a bad solution to a problem that does exist. There are better solutions. Let us defeat the rule, send this bill back to committee and go home and visit with our constituents over the next week.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. Speaker, I rise reluctantly in support of the rule. I regret that the amendment of the gentleman from Pennsylvania (Mr. GREENWOOD) was not

placed in order. He should have the right to bring his amendment to the floor and have it fully debated.

I am very much opposed to the Coburn amendment. The Coburn amendment is a transparent and deceptive attempt to politicize the debate on the underlying bill. The Coburn amendment is not just an anti-choice amendment, which I believe would be defeated in this House, would be definitely defeated in the Senate, and vetoed by the President, it is unconstitutional according to the court decision yesterday. But its real role in this debate is to bring down the rule so that this body does not have a chance to debate and vote for and hopefully pass the very thoughtful Quality Health Care Coalition Act of the gentleman from California (Mr. CAMPBELL).

The bill of the gentleman from California (Mr. CAMPBELL) deserves to be debated on this floor; therefore, I support this resolution. The bill is a very creative attempt to empower doctors to make medical decisions for their patients.

This bill has been before this Congress for 3 years. It has over 220 cosponsors. There have been hearings on it, markups. The committee voted favorably by a vote of 26 to 2. Time and time again, this leadership has brought bills before this body on which there have been no hearings, no committee, and no amendments allowed.

This time, the gentleman from Oklahoma (Mr. COBURN) and this body have played by the rules, and we deserve a vote on his bill before this House.

My colleagues do not have to support the bill. If they do not like the bill, then do not vote for it. But to be fair to our colleague, let us pass this rule and allow a vote on his bill.

If we do not vote for this bill, this rule, it will not get to the floor for a vote. Patients, doctors, and the health care system are depending on it. Let us bring the Campbell bill to the floor and fully debate it fairly.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for the time; and as a cosponsor of the bill, I stand here in support of the bill and support of the rule. We need to pass this rule tonight because it is the only way that we are going to get a chance to vote on this bill.

Now, this is surely a controversial issue. Should doctors be able to bargain collectively on an equal footing with the insurance companies. I happen to think they should.

An earlier Speaker said we have never exempted anybody else from anti-trust laws. But the truth of the matter is we did. When we passed McCarran-Ferguson, we gave special provisions to the insurance industry that they use today.

Now, we have been debating HMO reform for over 2 years. Everybody says doctors, not bureaucrats, doctors, not adjusters, but doctors ought to be making medical decisions that impact their patients. Well, tonight, here is my colleagues' chance to empower doctors to be making those kind of medical decisions. But the only way we are going to do this is to pass this rule.

Now, if my colleagues oppose the amendments, defeat the amendments. Let the House work its will. But let us pass this rule, let us give the bill a chance, and let us support the rule and support the bill.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio (Mr. HALL) has 6 minutes remaining. The gentleman from Florida (Mr. GOSS) has 9 minutes remaining.

Mr. GOSS. Mr. Speaker, I am totally ambivalent about the rotation here. We are prepared to go.

Mr. HALL of Ohio. That would be fine, Mr. Speaker.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), a distinguished doctor.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Florida for yielding to me, and I rise in support of the rule and support of the underlying piece of legislation.

I, too, am an original cosponsor of this bill. In the general debate, I hope to be able to elaborate further on my experience in this particular arena. I do have some real experience, and it is underlying my strong support for the bill.

But one thing I want to just amplify on, and the gentleman from Montana (Mr. HILL) really covered this very nicely, but he was very, very pressed for time, there are some people going around saying this is going to unfairly tip the playing field, this Campbell legislation.

Mr. Speaker, the field is not level. The gentleman from Montana just explained that to us. This Congress passed legislation that tilts the negotiations and strengthens the hand, I think, excessively of insurance companies. This legislation I believe is going to take a situation that is like this and level it out.

Regarding the issue of the amendment of the gentleman from Oklahoma (Mr. COBURN), I happen to personally feel that the gentleman from Oklahoma is very well intentioned, and his concerns, I think, are legitimate. I happen to personally believe his concerns are most likely not necessary, but the language in his amendment I find to be acceptable. I intend on supporting his amendment.

I would encourage all of my colleagues on both sides of the aisle to support the rule. We have amendments

allowed under the rule that would allow people on both sides of this issue to cast their vote in good faith and then ultimately get the final product up for a vote.

Support the rule and, of course, support the underlying bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise in strong support of the Campbell bill and, accordingly, in strong support of motion to defeat the previous question by the gentleman from Michigan (Mr. CONYERS).

The gentleman from Michigan (Mr. CONYERS) would allow us to avoid this outrageously rigged rule that is designed certainly to scuttle the Campbell bill. The Campbell bill is desperately needed. We have a situation where doctors are put into a very unfair situation, unable to negotiate on a level playing field with the large HMOs and managed care companies.

The Campbell bill will stop the arbitrary, unfair, one-sided contracts that the managed care companies are offering to doctors.

I listened intently to the gentleman from Iowa (Mr. GANSKE) a few minutes ago. He got one fact wrong. He said that the largest managed care company in Philadelphia is controlling 50 percent of the market. They are actually controlling 62 percent of the market, growing every day. That large managed care company recently offered orthopedic surgeons in the Philadelphia area a 40 percent pay cut. That kind of arbitrary activity is unacceptable.

The Campbell bill will allow collective bargaining and allow doctors a level playing field, not just to improve their fee agreements, but to avoid the kinds of changes in their medical practices that managed care companies often demand.

They want to impose gag rules on doctors so they cannot discuss their treatment options. They want to discourage appropriate referrals. Companies want frequently to block appropriate tests and delay care. They want to grant financial rewards to doctors for not giving care.

Those things must be stopped. They can be stopped through appropriate negotiations. But first we must pass the Conyers motion to defeat the previous question.

Mr. Speaker, I urge a yes vote on that motion.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. Speaker, I am very conflicted by the vote on this rule.

As has been referenced, I took to the Committee on Rules last night an amendment to amend the amendment of the gentleman from Oklahoma (Mr. COBURN) because I have a difference of opinion with him with regard to the policy. The gentleman from Oklahoma (Mr. COBURN); and I tried to work out our differences last night and cooperate, so we decided that what we would do is each have our opportunity to debate on the floor.

The Committee on Rules denied me the opportunity to bring my amendment to the floor this evening, and I do not like that. My normal inclination when the Committee on Rules denies me one of the few amendments that I take to the Committee on Rules is to oppose the rule. That was my inclination.

However, the gentleman from California (Mr. CAMPBELL) has been made a promise, and that promise is that his bill would be debated on the floor. I think he deserves it. He worked hard to have his day, his night on the floor, and I think he is deserving of that.

More importantly, there are thousands and thousands of physicians across this country who have felt frustrated by the present situation and whether we agree with their position or not, whether we agree with the position of the gentleman from California (Mr. CAMPBELL) or not, they went to the United States Congress, and they said, "Please debate this issue. We think it is deserving of the greatest deliberative body on earth. Please take our issue to the Congress and have a debate." If this rule is defeated, imagine all of those physicians all over the country saying the Congress does not work.

We are frustrated. We get a bill. We get over 220 cosponsors on the bill; and for something to do with abortion, we are not even allowed to have our issue debated after all of these years.

I think it would be a tremendous disservice to those advocates of those bills and, frankly, those opponents of the bill to deny the opportunity for this Congress to do its work, to take these issues important to our times, and to debate them.

Ms. DEGETTE. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Colorado.

Ms. DEGETTE. Mr. Speaker, I really agree with a lot of what the gentleman of Pennsylvania (Mr. GREENWOOD) is saying. My concern is, what happens with all of these physicians if we go to debate, if the Coburn amendment passes, and then the bill, then we all have to vote on the bill, and how will those physicians feel if we vote against a bill we support because of this?

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. REYNOLDS), a highly valued member of the Com-

mittee on Rules. We only have highly valued members in the Committee on Rules.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman from Florida. Today, as I have listened to this debate, we have people supporting this rule, some not in love with it, but in support of it from the most liberal perspective of our viewpoints in this House to some of the most conservative.

Today, as we have this rule before us, it is an appropriately structured rule. The proposed legislation makes dramatic changes in current law. The rule provides for comprehensive debate. Six amendments of the 12 submitted were included. Everyone but the gentleman from Pennsylvania (Mr. GREENWOOD) was granted an amendment. He was not granted an amendment, and he supports the rule this evening.

The amendments offered cover most of the contentious parts of debate throughout this legislation. I urge my colleagues to support the rule and let the debate begin.

Mr. GOSS. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the fact that he said that all members of the Committee on Rules are doing a reasonably decent job. I hope it will include me along with the gentleman from New York (Mr. REYNOLDS) in that group.

Mr. Speaker, I rise in strong support of this rule. There are 220 Members, Mr. Speaker, who are cosponsors of the legislation of the gentleman from California (Mr. CAMPBELL), and a commitment was made that we would move ahead with this bill.

I know that there are some people who are not ecstatic with the way that this rule has been structured. But the fact of the matter is we have done what we could to move this legislation forward.

So it sounds like we are going to have a vote on the previous question that the gentleman from Michigan (Mr. CONYERS) will be pursuing. I hope very much that we will defeat the previous question and move ahead and pass this rule. We have a responsibility to move legislation.

The Speaker has said that he hopes very much that Members will vote in support of this rule so that we can move the package forward. Arguments have been made on both sides of the aisle by a number of our colleagues that if one is a supporter of this rule, do not stand behind the procedure and cast a no vote on the rule, because this is the opportunity that we have to move ahead with this legislation.

So I would also say to Members on both sides regardless of one's position

on the issue, even if one is not a supporter of the legislation of the gentleman from California (Mr. CAMPBELL). Let us have a debate on the measure and then allow the House to work its will.

So I urge my colleagues to vote in favor of the previous question, and I urge my colleagues to vote in favor of the rule so that we can have the opportunity here to have what the gentleman from South Carolina (Mr. SPRATT) likes to describe as a full, wholesome, and hard-hitting debate.

□ 2200

The SPEAKER pro tempore (Mr. SHIMKUS). For clarification, the gentleman from Ohio (Mr. HALL) has 4 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 2 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise as a cosponsor and in support of H.R. 1304, the Quality Health Care Coalition Act.

We are here today to restore a sense of balance to a health care system that is now dominated by the health care insurance companies. H.R. 1304 will put doctors on a level playing field with the giant health care companies. Specifically, it will allow doctors to join together and negotiate the terms and conditions of their HMO contracts without violating the antitrust laws. With the power to bargain collectively, doctors will then have the clout to negotiate for fair terms for their services and for their patients rights.

When large HMOs dictate all the terms to individual doctors, patients suffer. To make up for low HMO payments, doctors are forced to see more patients each day. When doctors see more patients daily, they are not able to spend the kind of time they want to and need to spend with each patient. Their offices often look like assembly lines because the HMOs and the health insurance companies dictate to the doctors how quickly they must move those patients in and out.

Doctors and other health care professionals need to be able to negotiate health care service contracts with HMOs and health insurance companies on a level playing field so that their patients can receive the quality health care treatment they deserve.

Freedom of assembly and freedom of speech are rights guaranteed in the first amendment for all Americans. How about for doctors? Defeat the previous question; support H.R. 1304.

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL), the distinguished author of the bill.

Mr. CAMPBELL. Mr. Speaker, I rise for two purposes. Although colleagues

have referred to this as the Campbell bill, this is the Campbell-Conyers bill. There is no one who has fought as hard as the gentleman from Michigan (Mr. CONYERS) for this bill, and that includes me from the very start. I understand shorthand and that people say the Campbell bill, but this is the Campbell-Conyers bill. I am proud of my colleague and proud to stand with him. Both of our names are in this effort.

Lastly, to the fellow pro-choice Members of this body, NARAL, NARAL, has said that the rule is not a key vote. NARAL has said the rule is not a key vote. NARAL has said final passage is not a key vote. NARAL has said final passage is not a key vote. The Coburn amendment is a key vote, but not the rule. Please support the rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, this bill is clearly well-intended. It attempts to address an imbalance that exists because HMOs are too powerful. I have many HMOs in my State of Arizona. Indeed, more HMOs percentage-wise than perhaps any State in the Nation, and I have fought HMOs and I will continue to fight them through the fight on the Patients' Bill of Rights. But this bill is tragically misguided.

The discussion we have heard here tonight has been about the power of HMOs and the lack of power of doctors. The reality is that there is an omitted party. The omitted party is the patients. If we empower doctors to unionize, there will be one thing that will happen, mark my words. The cost of health care will go up.

I love doctors, and they will try to protect patients, but their number one motivation will be to negotiate increased fees for them. The cost of care will go up, and patients will not be protected.

Many of us on the Patients' Bill of Rights Task Force, many of my colleagues on the other side who fought for patients' rights and this side who fought for patients' rights have fought this battle. We need to empower patients by giving them choice, not unionizing doctors and causing prices to go up.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

My colleagues, this bill is so incredibly important that enough Members are cosponsors that could normally pass the bill, 220 Members.

We have a rule that is laden with poison pills. Solution: defeat the previous question and vote "no." I have an amendment that will cure the problem, I think quite well, but this will give those of us who are definitely pro-

choice a way out to get this measure to the floor. Believe me, if this bill does not come up tonight, my colleagues will not see this measure again in the 106th Congress.

So I urge all of my colleagues, the cosponsors and the friends of Campbell-Conyers, to vote "no" on the previous question.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time.

As Members can tell from the debate, this was a hard rule to write. There are many interested in this. The guiding principle was to try to get this matter to the floor for debate because we think there is a compelling need to have this debate. We have heard many facets of it.

I heard the distinguished gentleman from Michigan (Mr. CONYERS) speak of an obstacle course. Authors of bills often refer to amendments to their legislation as obstacles. Obviously, we all understand why.

The Committee on Rules made a very fair, I think valiant effort to try to make in order all the amendments that came forward, and we did all but one. The gentleman has spoken to that, and that gentleman is going to support this rule tonight.

I would suggest that it is very important that we pass this rule. I urge we vote "yes" on the previous question.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 241, nays 174, answered "present" 3, not voting 17, as follows:

[Roll No. 364]

YEAS—241

Abercrombie	Bass	Bonilla
Aderholt	Bateman	Bono
Archer	Bereuter	Borski
Armey	Berry	Boucher
Bachus	Biggert	Brady (TX)
Baker	Bilbray	Bryant
Ballenger	Bilirakis	Burr
Barr	Bliley	Burton
Barrett (NE)	Blunt	Buyer
Bartlett	Boehert	Callahan
Barton	Boehner	Calvert

Camp Houghton Pryce (OH)
 Canady Hulshof Quinn
 Cannon Hunter Radanovich
 Castle Hutchinson Rahall
 Chabot Hyde Ramstad
 Chambliss Isakson Regula
 Chenoweth-Hage Istook Reynolds
 Coble Jenkins Riley
 Coburn Johnson (CT)
 Collins Johnson, Sam
 Combest Jones (NC)
 Cooksey Kanjorski
 Cox Kasich
 Crane Kelly
 Cubin Kildee
 Cunningham King (NY)
 Davis (VA) Kingston
 Deal Knollenberg
 DeLay Kolbe
 DeMint Kuykendall
 Diaz-Balart LaFalce
 Dickey LaHood
 Dingell Largent
 Doolittle Latham
 Doyle LaTourette
 Dreier Lazio
 Duncan Leach
 Dunn Lewis (KY)
 Ehlers Linder
 Ehrlich LoBiondo
 Emerson Lucas (KY)
 English Lucas (OK)
 Everett Manzullo
 Ewing Martinez
 Fletcher Mascara
 Foley McCollum
 Forbes McCrery
 Fossella McHugh
 Fowler McInnis
 Franks (NJ) McIntyre
 Frelinghuysen McKeon
 Gallegly Metcalf
 Gekas Mica
 Gibbons Miller (FL)
 Gilchrest Miller, Gary
 Gillmor Moakley
 Gilman Mollohan
 Goode Moran (KS)
 Goodlatte Morella
 Goodling Murtha
 Goss Myrick
 Graham Nethercutt
 Granger Ney
 Green (WI) Northup
 Gutknecht Norwood
 Hall (OH) Nussle
 Hall (TX) Oberstar
 Hansen Ose
 Hastert Oxley
 Hayes Packard
 Hayworth Paul
 Hefley Pease
 Herger Peterson (MN)
 Hill (MT) Peterson (PA)
 Hilleary Petri
 Hobson Pickering
 Hoekstra Pitts
 Holden Pombo
 Horn Porter
 Hostettler Portman

NAYS—174

Ackerman Cardin
 Allen Carson
 Andrews Clayton
 Baca Clement
 Baird Clyburn
 Baldacci Condit
 Baldwin Conyers
 Barrett (WI) Costello
 Becerra Coyne
 Bentsen Cramer
 Berkley Crowley
 Berman Cummings
 Blagojevich Danner
 BlumenaUER Davis (FL)
 Bonior Davis (IL)
 Boswell DeFazio
 Boyd DeGette
 Brady (PA) Delahunt
 Brown (FL) DeLauro
 Brown (OH) Deutsch
 Campbell Dicks
 Capps Dixon
 Capuano Doggett

Holt Meeks (NY)
 Hooley Menendez
 Hoyer Millender-
 Inslee McDonald
 Jackson (IL) Miller, George
 Jackson-Lee Minge
 (TX) Mink
 Jefferson Moore
 John Moran (VA)
 Johnson, E. B. Nadler
 Jones (OH) Napolitano
 Kaptur Neal
 Kennedy Obey
 Kilpatrick Olver
 Kind (WI) Ortiz
 Kleczka Owens
 Lampson Pallone
 Lantos Pascrell
 Larson Pastor
 Lee Payne
 Levin Pelosi
 Lewis (GA) Phelps
 Lipinski Pickett
 Lofgren Pomeroy
 Lowey Price (NC)
 Luther Rangel
 Maloney (CT) Reyes
 Maloney (NY) Rivers
 Matsui Rodriguez
 McCarthy (MO) Roemer
 McCarthy (NY) Rothman
 McDermott Roybal-Allard
 McGovern Rush
 McKinney Sabo
 Meehan Sanchez
 Meek (FL) Sanders

ANSWERED "PRESENT"—3

Ganske Greenwood Kucinich

NOT VOTING—17

Barcia Klink Taylor (NC)
 Bishop Lewis (CA) Thomas
 Clay Markey Vento
 Cook McIntosh Weldon (PA)
 Filner McNulty Young (FL)
 Hastings (WA) Shuster

□ 2226

Mr. HINOJOSA changed his vote from "yea to "nay".

Messrs. LAHOOD, QUINN, BERRY, BURTON of Indiana, GILLMOR, and FORBES changed their vote from "nay to "yea".

Mr. KUCINICH changed his vote from "nay" to "present."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 197, not voting 13, as follows:

[Roll No. 365]

AYES—225

Abercrombie Bartlett Boswell
 Aderholt Bass Boucher
 Andrews Berkley Brady (TX)
 Arney Berry Bryant
 Baca Bilbray Callahan
 Bachus Bilirakis Calvert
 Baker BlumenaUER Campbell
 Barcia Blunt Canady
 Barr Bonior Cardin

Castle Horn
 Chabot Hulshof
 Chenoweth-Hage Hutchinson
 Coble Hyde
 Coburn Isakson
 Collins Istook
 Conyers Jackson-Lee
 Cooksey (TX)
 Costello Jenkins
 Cox Jones (NC)
 Coyne Kanjorski
 Cramer Kasich
 Crane Kelly
 Cubin Kennedy
 Davis (VA) Kildee
 Deal Kilpatrick
 DeFazio King (NY)
 DeLay Kleczka
 Diaz-Balart Knollenberg
 Dickey Kuykendall
 Dingell LaFalce
 Doggett Lampson
 Doolittle LaTourette
 Doyle Lazio
 Dreier Leach
 Duncan Levin
 Edwards Linder
 Ehlers Lipinski
 Emerson LoBiondo
 English Lucas (KY)
 Everett Lucas (OK)
 Fletcher Maloney (CT)
 Foley Maloney (NY)
 Forbes Manzullo
 Fossella Mascara
 Fowler McCarthy (NY)
 Frank (MA) McCollum
 Franks (NJ) McIntyre
 Frelinghuysen McKeon
 Frost McKinney
 Gallegly Meehan
 Ganske Metcalf
 Gephardt Talent
 Gibbons Mica
 Gilchrest Miller (FL)
 Gillmor Moakley
 Mollohan Mollohan
 Gilman Moran (KS)
 Goode Morella
 Goodlatte Myrick
 Gordon Nadler
 Goss Neal
 Graham Ney
 Granger Norwood
 Green (TX) Oberstar
 Greenwood Obey
 Hall (OH) Ortiz
 Hall (TX) Ose
 Hansen Pallone
 Hastert Pascrell
 Hayes Paul
 Herger Payne
 Hill (MT) Peterson (PA)
 Hilleary Petri
 Hinchey Phelps
 Hoefel Pickering
 Holden Pombo
 Holt Porter

NOES—197

Ackerman Brown (OH) Dicks
 Allen Burr Dixon
 Archer Burton Dooley
 Baird Buyer Dunn
 Baldacci Camp Ehrlich
 Baldwin Cannon Engel
 Ballenger Capps Eshoo
 Barrett (NE) Capuano Etheridge
 Barrett (WI) Carson Evans
 Barton Chambliss Ewing
 Bateman Clayton Farr
 Becerra Clement Fattah
 Bentsen Clyburn Ford
 Bereuter Combust Gejdenson
 Berman Condit Gekas
 Biggert Crowley Gonzalez
 Blagojevich Cummings Goodling
 Bliley Cunningham Green (WI)
 Boehlert Danner Gutierrez
 Boehner Davis (FL) Gutknecht
 Bonilla Davis (IL) Hastings (FL)
 Bono DeGette Hayworth
 Borski Delahunt Hefley
 Boyd DeLauro Hill (IN)
 Brady (PA) DeMint Hilliard
 Brown (FL) Deutsch Hinojosa

Hobson	Meek (FL)	Sanders	Barton	Hefley	Northup	Lewis (GA)	Peterson (PA)	Smith (WA)
Hoekstra	Meeks (NY)	Schaffer	Bentsen	Hill (IN)	Olver	Linder	Petri	Souder
Hooley	Menendez	Schakowsky	Bereuter	Hinchey	Oxley	LoBiondo	Phelps	Spence
Hostettler	Millender-	Sensenbrenner	Berkley	Hobson	Payne	Lofgren	Pickering	Stearns
Houghton	McDonald	Serrano	Blagojevich	Hoekstra	Pelosi	Lucas (KY)	Pombo	Stenholm
Hoyer	Miller, Gary	Shadegg	Boehner	Hostettler	Peterson (MN)	Lucas (OK)	Portman	Strickland
Hunter	Miller, George	Shays	Bono	Houghton	Pickett	Luther	Price (NC)	Stump
Inslee	Minge	Sherman	Borski	Hoyer	Pitts	Maloney (CT)	Pryce (OH)	Stupak
Jackson (IL)	Mink	Sisisky	Boyd	Jackson (IL)	Pomeroy	Manzullo	Rahall	Sununu
Jefferson	Moore	Skeen	Brady (PA)	Jefferson	Porter	Mascara	Ramstad	Sweeney
John	Moran (VA)	Skelton	Brown (FL)	John	Quinn	McCarthy (NY)	Rangel	Talent
Johnson (CT)	Murtha	Slaughter	Burton	Johnson (CT)	Radanovich	McCollum	Regula	Tancredo
Johnson, E. B.	Napolitano	Smith (WA)	Buyer	Johnson, Sam	Rivers	McCrery	Reyes	Tauzin
Johnson, Sam	Nethercutt	Spence	Camp	Kaptur	Rodriguez	McGovern	Reynolds	Terry
Jones (OH)	Northup	Stabenow	Carson	Kennedy	Ryan (WI)	McInnis	Riley	Thomas
Kaptur	Nussle	Stark	Chabot	Kilpatrick	Sabo	McKinney	Roemer	Thompson (MS)
Kind (WI)	Olver	Sununu	Chambliss	Kingston	Sanders	Meeks (NY)	Rogan	Thornberry
Kingston	Owens	Tanner	Clyburn	LaFalce	Sandlin	Menendez	Rogers	Thune
Kolbe	Oxley	Tauscher	Coburn	LaHood	Sawyer	Metcalf	Rohrabacher	Tiahrt
Kucinich	Packard	Terry	Condit	Lampson	Schakowsky	Mica	Ros-Lehtinen	Tierney
LaHood	Pastor	Thompson (CA)	Conyers	Lantos	Sensenbrenner	Millender-	Rothman	Toomey
Lantos	Pease	Thompson (MS)	Danner	Larson	Serrano	McDonald	Roukema	Traficant
Largent	Pelosi	Thurman	Davis (FL)	Lewis (KY)	Shadegg	Miller (FL)	Roybal-Allard	Turner
Larson	Peterson (MN)	Tiahrt	Delahunt	Lipinski	Shows	Miller, George	Royce	Udall (NM)
Latham	Pickett	Tierney	Lowey	Maloney (NY)	Sisisky	Moakley	Rush	Upton
Lee	Pitts	Towns	Dicks	Matsui	Skelton	Mollohan	Ryun (KS)	Velazquez
Lewis (CA)	Pomeroy	Udall (CO)	Dooley	McCarthy (MO)	Slaughter	Moran (KS)	Salmon	Vitter
Lewis (GA)	Price (NC)	Udall (NM)	Edwards	McDermott	Snyder	Morella	Sanchez	Walden
Lewis (KY)	Quinn	Velazquez	Engel	McHugh	Spratt	Myrick	Sanford	Walsh
Lofgren	Ramstad	Visclosky	Eshoo	McIntyre	Stabenow	Nethercutt	Saxton	Wamp
Lowey	Reyes	Walsh	Evans	McKeon	Stark	Norwood	Scarborough	Watkins
Luther	Rivers	Watkins	Farr	Meehan	Tanner	Nussle	Schaffer	Watts (OK)
Martinez	Rodriguez	Watt (NC)	Fattah	Meek (FL)	Tauscher	Oberstar	Scott	Weldon (FL)
Matsui	Rothman	Waxman	Forbes	Miller, Gary	Taylor (MS)	Obey	Sessions	Weller
McCarthy (MO)	Roybal-Allard	Wexler	Ford	Minge	Thompson (CA)	Ortiz	Shaw	Wexler
McCrery	Royce	Wickler	Fossella	Mink	Thurman	Ose	Shays	Weyland
McDermott	Rush	Woolsey	Frank (MA)	Moore	Towns	Owens	Sherman	Whitfield
McGovern	Ryan (WI)	Wu	Gephardt	Moran (VA)	Udall (CO)	Packard	Sherwood	Wicker
McHugh	Ryun (KS)	Wynn	Gonzalez	Murtha	Udall (CO)	Pallone	Shimkus	Wilson
McInnis	Sabo	Young (AK)	Green (WI)	Nadler	Watt (NC)	Pascrell	Simpson	Wise
			Gutknecht	Napolitano	Waxman	Pastor	Skeen	Wolf
			Hall (OH)	Neal	Weiner	Paul	Smith (NJ)	Wu
			Hastings (FL)		Young (AK)	Pease	Smith (TX)	Wynn

NOT VOTING—13

Bishop	Klink	Taylor (NC)
Clay	Markey	Vento
Cook	McIntosh	Young (FL)
Filner	McNulty	
Hastings (WA)	Shuster	

□ 1038

Ms. CARSON, and Messrs. OWENS, BLAGOJEVICH, HEFLEY, SPENCE and PACKARD changed their vote from "aye" to "no."

Ms. WATERS, Mrs. KELLY, Ms. BERKLEY, Ms. PRYCE of Ohio, and Messrs. BLUMENAUER, WEINER, HINCHEY, KENNEDY of Rhode Island, SCOTT, KILPATRICK, BILIRAKIS, LEVIN, FOSSELLA, and BACA changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CAMPBELL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 279, not voting 21, as follows:

[Roll No. 366]

AYES—135

Abercrombie	Archer	Ballenger
Allen	Baker	Barrett (NE)

NOES—279

Ackerman	Coyne	Graham
Aderholt	Cramer	Callahan
Andrews	Crane	Clay
Army	Crowley	Cook
Baca	Cubin	Filner
Bachus	Cummings	Goodling
Baird	Cunningham	Hastings (WA)
Baldacci	Davis (IL)	Hayes
Baldwin	Davis (VA)	Hayworth
Barcia	Deal	Herger
Barr	DeFazio	Hill (MT)
Barrett (WI)	DeGette	Hillery
Bartlett	DeLauro	Hilliard
Bass	DeLay	Hinojosa
Bateman	Deutsch	Hoeffel
Becerra	Diaz-Balart	Holt
Berry	Dickey	Hooley
Biggert	Dingell	Horn
Bilbray	Dixon	Hulshof
Bilirakis	Doggett	Hunter
Bishop	Doolittle	Hutchinson
Biley	Doyle	Hyde
Blumenauer	Dreier	Inslee
Blunt	Duncan	Isakson
Boehert	Dunn	Istook
Bonilla	Ehlers	Jackson-Lee
Bonior	Ehrlich	(TX)
Boswell	Emerson	Johnson, E. B.
Boucher	English	Jones (NC)
Brady (TX)	Etheridge	Jones (OH)
Brown (OH)	Everett	Kanjorski
Bryant	Ewing	Kasich
Burr	Fletcher	Kelly
Calvert	Foley	Kildee
Campbell	Fowler	Kind (WI)
Canady	Franks (NJ)	King (NY)
Cannon	Frelinghuysen	Frost
Capps	Gallely	Knollenberg
Capuano	Ganske	Kolbe
Cardin	Gejdenson	Kucinich
Castle	Gekas	Kuykendall
Chenoweth-Hage	Gibbons	Largent
	Gilchrist	Latham
	Gillmor	LaTourette
	Gilman	Lazio
	Goode	Leach
	Goodlatte	Lee
	Gordon	Levin
	Goss	Lewis (CA)

NOT VOTING—21

Berman	Holden	Shuster
Callahan	Jenkins	Taylor (NC)
Clay	Klink	Vento
Cook	Markey	Waters
Filner	Martinez	Weldon (PA)
Goodling	McIntosh	Woolsey
Hastings (WA)	McNulty	Young (FL)

□ 2255

Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, and Messrs. DEUTSCH, MCGOVERN, and HILLIARD changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REDUCING TIME FOR GENERAL DEBATE AND CONSIDERATION OF AMENDMENTS ON H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

Mr. CONYERS. Mr. Speaker, I ask unanimous consent during consideration of H.R. 1304 to reduce the time for general debate to 10 minutes on each side, and I ask unanimous consent to reduce the time for debate on each amendment to 5 minutes for the proponent and 5 minutes for the opponents, except for the Coburn amendment, I ask for 7½ minutes on each side.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Does the Speaker have the authority to roll the votes in the interest of saving time tonight?

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House will have the authority to postpone and cluster votes on amendments.

 QUALITY HEALTH-CARE
 COALITION ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 542 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1304.

□ 2259

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union, for the consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Pursuant to the order of the House, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

□ 2300

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL) and 5 minutes to the gentleman from Ohio (Mr. BOEHNER), and I ask unanimous consent that they be permitted to control that time.

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

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the bill, and I wanted to relate to my colleagues in the Chamber my experience on this issue, the very issue we are discussing today.

Many years before I got elected to the U.S. House, and as most of my col-

leagues know, I am a physician; we had an insurance company come to the community offering a product, they called it a PPO, Preferred Provider Organization, or network; and it had a fee schedule in it that was substantially below what was the prevailing rates in the communities. So a whole bunch of the providers, the doctors in the community, were concerned about this because this was a big company, it insured a lot of people. So we all agreed to gather together in a hotel ballroom to discuss this issue, and we invited an attorney to join us and asked him to get up first and explain to us the antitrust laws so that we would not run afoul of antitrust.

So we allowed him to speak, and he got up and he said, if you want to stay out of trouble, go home. You can't talk about this. If you discuss it at all, you can be prosecuted. So we all went home.

Now, back in those days there was one group that had about 20 doctors, a few other small groups, and then a lot of solo practitioners. Now, in that community there are four large groups, my group, which had 20 doctors, has 100 doctors, and there is virtually no solo practitioners left. That is really what this bill is about.

We are talking about the solo pediatrician, the two-man group, the family practitioner who operates alone, being able to negotiate with these insurance companies.

There are some people who will argue against this bill and say it is going to tip the playing field. The playing field is overwhelmingly in the favor of the insurance companies. We have provided them antitrust exemptions. They can trade information amongst each other. They can trade information about providers, their pricing, but the doctors cannot talk amongst themselves at all.

So what we are really talking about here is evening out the playing field, and I think it is the right thing to do. I commend the gentleman from California for moving this legislation and the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

In the spirit of us moving as rapidly as we can, is it correct that the Chair is now going to roll the votes? Has that been arrived at?

The CHAIRMAN. When we get into the amendment process, the Chair will exercise that discretion.

Mr. CONYERS. I thank the Chair.

Mr. Chairman, we are dealing with a trinity of health care bills, the Prescription Drug bill, the Patients' Bill of Rights, and this modest antitrust exemption for doctors.

Now, please remember, this is a labor exemption. The antitrust legislation was written for capital corrections and guidance. But what we are doing here is doing what the doctors need to be able to discuss how between HMO ad-

ministrators and other professionals that they are now being restricted in their ability to make decisions for their patients.

We all know about this problem. We now have the opportunity to deal with this question, and all I would like my colleagues to keep in mind is that the time has come. For several years now we have brought this measure forward. We are now debating it.

Most Americans receive their health insurance coverage through managed care plans, but we have seen the massive coalitions and consolidations of the managed care market to just a dozen health insurance competitors. As a result of this market concentration, we need to give some relief to these doctors. They are really feeling the pinch. They are depending on us. And, by the way, so are the patients. The decisions that the doctors make in the patient-doctor relationship are under a severe test at this present point.

So we respond to this problem by allowing medical professionals to jointly negotiate the terms of their contract with health care plans. There is a 3-year sunset on the bill. Please support it.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, every doctor in this country, unless they work for an HMO firm as a company doctor judging other doctors, is frustrated in this country. What the gentleman from Florida (Mr. WELDON) just described to you is a situation that does, in fact, occur. One of the things that happens is the doctor is consolidated into a group. That group as a group can decide whether or not they will or will not take an HMO contract.

The problem is that in urban areas, we have way too many doctors, and the only way an HMO or an insurance company can take advantage of that is when there is an excess of physicians. So the real answer to this problem is to, in fact, allow the marketplace to work. The problem is the former bill of the gentleman from California (Mr. CAMPBELL), which we should be voting on, which takes away the exemption from the insurance companies rather than giving it to the physicians.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. DINGELL), the Dean of the House of Representatives.

Mr. DINGELL. Mr. Chairman, I thank my old friend for yielding to me.

Mr. Chairman, this is a good piece of legislation. It shifts the balance back to the point where it is fair to the doctors and to the HMOs by whom they are employed. I think it is time that we do this. It is simple justice and simple equity, and it will improve a situation which has grown increasingly intolerable from the standpoints of doctors, of patients, and, very frankly, if

they were smart enough to know, also the HMOs.

Mr. Chairman, managed care has dramatically changed health insurance in the past 30 years. Once upon a time, it actually managed the care a patient received and because that was more efficient, it actually saving some money. But, managed care has taken this cost-saving ability to new levels and as a result has made the relationship between doctors, patients, and insurers more complicated. The balance of power has tilted away from the doctor and the patient to the insurer.

Insurance companies hold supreme power over both payment decisions and treatment decisions, potentially compromising the quality of care along the way. The Quality Health Care Coalition Act addresses providers' concerns with their unequal bargaining position with insurers—a problem which hurts the quality of care patients receive. For that reason, Congress should act to restore balance to the provider-insurer relationship.

However, passing H.R. 1304 does not relieve us of our responsibility to restore the balance to the patient-insurer relationship by enacting a meaningful, enforceable Patients' Bill of Rights that covers all Americans. The House of Representatives passed such a bill on a bipartisan basis last October. The Norwood-Dingell bill provides a fair, independent, and expeditious appeals process, and guarantees that doctors, not accountants, are making medical decisions. The bill ensures that patients have basic rights such as access to specialists, access to emergency care, access to ob-gyn care, and access to needed drugs. It also ensures that patients can hold their HMO accountable for acting irresponsibly, if those actions cause injury or death. More than nine months have passed, the conference has failed, and Congress still has not delivered a bill to the President.

The Quality Health Care Coalition Act is one step toward leveling the playing field for doctors, but Congress must finish its work for patients and get a meaningful, enforceable Patients' Bill of Rights to the President. I hope that we will see both bills signed into law this year.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. BONIOR).

□ 2310

Mr. BONIOR. Mr. Chairman, let me just say that I want to commend the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. CAMPBELL) on crafting this legislation. Not only is this good for doctors and patients, but it reinforces the idea that collective bargaining and workers coming together and being able to bargain for their work is a valuable, valuable asset in our society today.

It is not just blue collar workers or technical workers or clerical workers. We are finding more and more teachers and scientists and people of professional status involved in this kind of collective bargaining and organization. I commend them for giving this opportunity to the doctors.

Mr. Chairman, one of history's most enduring lessons is that collective bargaining is the only institution that offers Americans the voice they need to win fairness in the workplace.

Most of us understand how that's worked for blue-collar workers and clerical and technical employees—but it's just as true for professionals.

That's why, over the years, we've seen teachers, journalists and even scientists organize.

That's why I was proud to join a union when I was an adoption caseworker.

And that's why health care professionals are organizing today.

They're organizing because they understand what every family in this country knows: that American health care today is big business.

And it's a business where, all too often, the quality of patient care has taken a back seat to the demand for profit.

By passing H.R. 1304, we're giving health professionals an important new tool to fight back.

Through collective bargaining, they'll have the added clout they need to talk back to the health plans that dominate American medicine.

That's not just good for health providers—it's good for the patients who depend on them.

Because when health professionals negotiate they won't only be speaking out for themselves, they'll be bargaining for better care.

The bottom line is that joining a union doesn't undermine professionalism—it only bolsters it.

I'm proud to salute the leadership of my colleagues, TOM CAMPBELL and JOHN CONYERS, in crafting this measure.

And I'm proud to join with them in voting for H.R. 1304 today.

But, like other supporters of this bill I strongly oppose the Cox amendment to H.R. 1304.

The Cox amendment is a shameless attempt to undermine the ability of health professionals both to organize and to bargain. It will render this legislation virtually useless.

Vote "no" on the Cox amendment, and, once it's defeated, vote "yes" on H.R. 1304.

Mr. CAMPBELL. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I rise in support of H.R. 1304, because it is a bill that is simple in concept and based on fundamental principles of fair market, and the freedom and right to contract fairly as equals on a level playing field.

This legislation does nothing except remove the current artificial barriers that prevent doctors from doing what every other citizen has the right to do, and that is to bargain as equals in good faith and on a level playing field.

It is not giving them any special advantage. It is simply saying to the doctors of America as they try and practice medicine with the best interests of their patients in mind that they can negotiate as equals on behalf of their patients. That is all this bill does. It does no more and no less. That is why it enjoys the support on both sides of the aisle of a majority of Members of this House.

I urge Members to vote in support of H.R. 1304.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. Chairman, it is true that doctors are not on a level playing field. I have immense sympathy for their situation. But as well-intended as this legislation is, we have to look beyond what it says to what it will do. What it will do is drive up the cost of health care.

What we have done in America is we have disempowered patients. The reality is patients in America today cannot pick their own doctor because they are trapped in a health care plan selected by their employer.

We need to create a marketplace in health care in America today by empowering patients. Let us ask ourselves, are doctors not powerful enough, are HMOs not powerful enough, or are patients not powerful enough? The answer is that it is the patient that has been left out of this equation. They are trapped in the health care plan. They cannot get to the doctor they want.

Rather than empowering patients to go hire the doctor they want and bring down the cost of health care and get the care they need, what we are going to do is we are going to allow doctors to collectively bargain.

The net effect of that will be to increase the cost of health care and, mark my words, we will have Hillary care. We will have a single-payer system within 5 years when this bill becomes law.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from New York (Mr. NADLER), a member of the committee.

Mr. NADLER. Mr. Chairman, today's health care marketplace is dominated by six large companies who enjoy monopoly or near monopoly power in certain areas of the country. These companies possess unchallenged power in their negotiations with health care providers because providers are restricted by antitrust laws from bargaining collectively for more favorable terms.

We hear from critics of this legislation that the bill is just about helping doctors get rich, but I say it is about helping patients get quality care. When a doctor is told they may only provide the cheapest treatment available, it is the patient who suffers. When a doctor is told he may not even discuss alternative treatments not covered by the insurance plan, it is the patient who suffers. When a doctor is told he must see a dozen patients in an hour in order to make the reimbursement rates viable, it is the patient who inevitably suffers.

This bill is not about lining the pocketbooks of doctors, it is about allowing

doctors to stand up to the insurance companies and say, we will not accept conditions that harm our patients or put them in jeopardy.

Opponents argue that this bill would significantly raise costs in the health care industry because doctors will be able to extract exorbitant reimbursement rates from insurance companies if they were able to negotiate collectively. But to suggest that doctors will have these monolithic, multibillion dollar companies at their mercy defies logic and credulity.

What this bill would do, all this bill would do, is to place doctors on a somewhat less tilted, a somewhat more level playing field on which to negotiate decent rates and decent conditions for their patients.

This may be the most important bill we could pass this year. I urge its adoption.

Mr. Chairman, I rise in strong support of H.R. 1304, the Quality Health Care Coalition Act of 1999. This is a very important piece of legislation that will immensely improve the quality of patient care in this Nation.

Mr. Chairman, the health care landscape is increasingly being controlled by just a few large insurance companies. Today's health care marketplace is dominated by six large companies, who enjoy monopolies or near monopolies in certain areas of the country. These companies possess unchallenged power in their negotiations with health care providers because providers are restricted by antitrust laws from bargaining collectively for more favorable terms. It has gotten to the point where insurance companies are effectively dictating the terms of an agreement to the providers.

We hear from critics of this legislation that this bill is just about helping doctors get rich, but I say that it's about helping patients get quality care. When a doctor is told he may only provide the cheapest treatment available, it's the patient who suffers. When a doctor is told he may not even discuss alternative treatments not covered by the insurance plan, it's the patient who suffers. And when a doctor is told that he must see a dozen patients an hour in order to receive viable reimbursement rates, it's the patient who inevitably suffers.

This bill is not about lining the pocketbooks of doctors. It's about allowing doctors to stand up to insurance companies and say, "We will not accept conditions that harm our patients or put them in jeopardy." We must once again place medical decisions in the hands of doctors rather than an HMO bureaucrat who is not involved in our care.

Opponents argue that this bill would significantly raise costs in the health care industry because doctors would be able to extract exorbitant reimbursement rates from insurance companies if they were able to negotiate collectively. But to suggest that doctors will have these monolithic, multibillion dollar companies at their mercy defies credulity. What this bill would do is place doctors on a somewhat more level playing field on which to negotiate. We do not tip the scales in their favor.

Let me also mention another criticism of this bill raised by nonphysician providers such as

nurse midwives and nurse practitioners. When the Judiciary Committee held hearings on this bill, these groups, among others, expressed in important concern over H.R. 1304, namely that doctors would be able to use the collective bargaining power granted under the bill to effectively exclude them from the field or severely limit their ability to practice. That is certainly not the intent of the bill.

The purpose of this bill is to ensure that no member of the health care profession has the terms of his or her practice dictated to them. This includes all of the licensed nonphysician providers who have worked alongside doctors to provide quality care to patients. We do not want to provide a tool for one class of health care professionals to squeeze out another.

That is why I worked with Representatives FRANK and JACKSON-LEE to amend the bill in the Judiciary Committee to specifically bar doctors, or any other provider, from entering into an agreement or conspiracy which would exclude, limit the participation or reimbursement of, or otherwise limit the scope of services to be provided by any other health care professional or group of professionals.

Under this language, no member of the health care field can have the terms of their practice dictated to them by insurance companies, doctors, or anyone else. All terms will be worked out by negotiation, exactly as this bill intends. I am confident that this language fully protects all nurses and other nonphysician providers from attempts by doctors to limit their ability to practice.

Mr. Chairman, this is responsible legislation that will release doctors from the grip of insurance companies and help them negotiate terms that best serve their patients. I believe this bill will help restore confidence in the doctor-patient relationship and ensure that it is only doctors and other licensed professionals who practice medicine. I urge my colleagues to support H.R. 1304 so that all providers will be free to practice in the best interests of their patients.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Since 1974, there have been 275 mergers and acquisitions of health plans. That is why I support the work of the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. CAMPBELL). With this wave of consolidation, seven giant health care insurers have come to dominate the marketplace, and 80 percent of all Americans get their coverage through managed care.

The enormous size of these companies allows insurers to not only control the costs of but also the quality and access to health care. The health care system has become David and Goliath. We have to give David something to fight with.

In my State of Texas, although we already passed legislation that allows health care professionals to jointly ne-

gotiate, this is limited only to physicians in Texas. So national or regional health plans still have a stronger negotiating power, whereas a Federal law would help address this imbalance.

Any amendments on this bill, unfortunately, are driven by the insurance companies to destroy the bill, so I hope my colleagues will vote down these poison pill amendments. This legislation would enable medical professionals to serve their patients in the way their best medical judgment indicates. To do that, they will occasionally have to present a united front to the giant HMOs.

Mr. Chairman, this is a key vote for medicine. Therefore, I urge my colleagues to support this legislation by the Committee on the Judiciary.

Mr. CAMPBELL. Mr. Chairman, may I inquire how much time is left on each side? I have only one more speaker in the general debate, myself, and I intend to close.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 3 minutes remaining, the gentleman from California (Mr. CAMPBELL) has 1½ minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 4½ minutes remaining.

Closing comments will be in this order: The gentleman from Ohio will start first, the gentleman from Michigan will go second, and the gentleman from California has the right to close.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong support of the Campbell-Conyers Quality Health Care Coalition Act, and congratulate both of them on their really thoughtful and creative legislation.

Mr. Chairman, what this bill is really about is who do we want in charge of our health care decisions, an HMO accountant bean counter, or our doctor who knows our health needs?

This bill will level the playing field between enormous health care plans and physicians and patients, allowing physicians to come together to negotiate with health care plans over contract provisions. Patients' interests should be at the bargaining table, and this bill allows it.

Many doctors in my district tell me that insurers are imposing greatly unfair contract terms on them. They say they have no choice but to sign the contracts unless they want to risk losing many of their patients.

The choice is very clear. The patients want it, the doctors want it. The only opposition is the HMO accountants. I urge a yes vote.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

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

I rise in opposition to this bill. I have been sitting listening to this debate. It is most unusual. I hear my friends, the Democrats, my friend, the gentleman from Michigan, talk about those poor doctors feeling the pinch. We need to help those poor doctors. Yet, when Republicans bring tax cuts to the floor, they holler no, no, those are tax cuts for the wealthy. We cannot give them a break on their taxes.

What the Democrats want to do to help those poor doctors is to let them form a union. That is how we level the playing field, let them form a union.

I have finally figured out and was able to put together the pieces of the puzzle, because when those proverbial union thugs go out to break knees, they will have the doctors there to fix them. It all makes perfect sense.

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Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time. I rise in strong support of the Campbell-Conyers bill, a bill that would allow collective bargaining, not unions I would say to the previous speaker, but collective bargaining, so that doctors can deal with the one-sided, unfair arbitrary contracts that are forced upon them by the big managed care companies. Contracts that impose gag rules so that doctors cannot discuss all of their treatment options with their patients. Contracts that discourage referrals to specialists. Contracts that block appropriate tests and delay care to patients. Contracts that give financial rewards for denying care.

Mr. Chairman, in southeastern Pennsylvania where one managed care company controls 62 percent of the marketplace, they not only have offered orthopedic surgeons, as one example, a 40 percent cut in compensation, but they have also required that all doctors sign confidentiality agreements before negotiations begin as a precondition of negotiations one-on-one with the doctors. These agreements are unfair. They deny rights that doctors ought to have.

Mr. Chairman, I support the bill.

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

Mr. Chairman, I think we all know that we are going through major changes in the delivery of health care in America. Those issues have been fought out on this floor over the 10 years that I have been a Member and all of the changes are disconcerting to all involved.

First, the patients, doctors, hospitals, employers who pay the costs, in-

surance companies, everyone is in turmoil trying to find the right balance making sure the patients get what they need and trying to hold costs under control.

Every year that I have been here, we have debated Medicare and the tremendous increases in the costs of Medicare. We have been through all types of changes trying to what? Give the patients what they need while controlling the costs.

And so as we look at the situation in managed care today, we have a number of those groups in the middle with their lobbyists coming to Washington wanting us to level the playing field. Now, leveling the playing field is like beauty. It is in the eye of the beholder. Of course, they all want it level as long as it is slightly tilted toward them.

Mr. Chairman, this bill is no exception, except one small little exception. This is a big tilt, A big tilt to one group at the expense of all others that are locked into this system.

Why would we provide an antitrust exemption to one group in the medical profession with no oversight, no regulatory body overseeing their actions? Every time we have provided an antitrust exemption in the law, there has been some Federal regulatory body that has the responsibility to provide oversight. The National Labor Relations Act allows for collective bargaining. That is why we have the National Labor Relations Board to oversee these activities between labor and management.

To allow any group of Americans to go out and to form a cartel to prey on America's consumers is not good for our country. We know what happened with the OPEC cartel; we have higher prices at the gas pump today. What we are doing here is we are creating another cartel. It is a bad bill.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

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

Mr. NADLER. Mr. Chairman, I must correct the statement made a moment ago. This bill does not grant any privilege to one group. I presume the gentleman meant doctors. The bill refers to "all health care professionals," doctors, nurses, physical therapists, everybody in the field. It is not a cartel of one group. It is simply a mistaken fact and a misquote of the bill.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York, my friend.

In our economy, actors are regulated either by litigation, regulation or competition. None of those three things applies to the oligarchs of the managed care industry.

This Congress, I am confident, is going to take a step to impose the

quality control of litigation through the Patients' Bill of Rights. This bill is a very important step in imposing some competition in the health care market for the first time in a long time.

This really is about leveling the playing field. It is about reining in the conduct of the oligarchs of managed care. For that reason, I strongly support the legislation and commend the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS), my friend, for offering it.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 1 minute and 15 seconds remaining. The gentleman from California (Mr. CAMPBELL) has 1½ minutes remaining. The gentleman from California has the right to close.

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

Mr. Chairman, this Quality Health Care Coalition Act is an important antitrust exemption for doctors. I want to begin my closing remarks in general debate by merely commending the gentleman from California (Mr. CAMPBELL) for all the work that he has done on this measure and for allowing me to work with him.

Mr. Chairman, we would not be here today if we were not concerned about the doctor-patient relationship which is in crisis. We are giving an exemption that the labor movement already has. This is not ground-breaking legislation. It sunsets in 3 years. The original costs were based on a 10-year basis; and of course, it is only going to run for 3 years.

The managed care market has consolidated. Some of my colleagues may know that some doctors are in very dire circumstances. Private practices are in decline.

Mr. Chairman, I urge my colleagues to support the antitrust exemption for doctors.

Mr. CAMPBELL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I also compliment the gentleman from California (Mr. CAMPBELL) for bringing this forward. The American health care system has many players, but doctors and health care providers are essential. They are the essential players. They are on the frontline making life and death decisions every day, and they are being picked apart.

Fees are cut unilaterally. Their medical advice that they are giving to patients is being countermanded by non-doctors, and they have no say in this situation the way it has come today. We have come to this that if we do not make these changes today, we are jeopardizing the best health care system in the world. People who want to enter and stay in the medical profession are looking outward at other options because, frankly, not only is the remuneration not there, and the respect is

not there, but they are not able to carry out their advice to patients because they are being countermanded.

Mr. Chairman, that is what makes this legislation essential. I commend the gentleman from California (Mr. CAMPBELL) for bringing this to the floor tonight. I hope we will give it a resounding "yes" for American health care, for doctors, the providers, and the patients.

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

Mr. Chairman, the key point I want to stress in closing is that this does not create a union of doctors. The words "collective bargaining" only occur in the statute with reference to an anti-trust exemption already in law for unions. We do not use the words "collective bargaining" at all with regard to health care professionals.

We explicitly say "there shall be no right to strike," in case somebody thought there might be. No right to cease work that does not already exist. The bill has a 3-year sunset, and it explicitly provides the right for individuals not to be choosing an exclusive bargaining agent; and hence there is no need for the regulatory oversight such as the NLRB provides.

Ms. DELAURO. Mr. Chairman, today I cast my vote in support of the Quality Health Care Coalition Act, because I believe that physicians and other health care professionals should be on an equal playing ground when they negotiate contracts with health plans. The Quality Health Care Coalition Act would provide limited relief from the antitrust laws by allowing self-employed physicians to negotiate collectively with large managed care organizations regarding contract terms that protect patient confidentiality, increase patient choice and improve quality of care. It would restore balance in the market by increasing physicians' power to negotiate for their patients with large managed care organizations. It would not force health plans to accept terms and conditions sought by health care professionals, it would simply allow physicians to band together as a bargaining unit for purposes of negotiation.

Unfortunately, this bill has been plagued by "poison pill" amendments, designed to divide and conquer the long-time supporters of this legislation. Representative TOM COBURN, authored a poison pill amendment that attempts to limit access to legal abortions. Mr. COBURN's amendment would restrict health care professionals from discussing health insurance coverage for abortions. Many fear that this restriction could prevent physicians not only from negotiating coverage for legal abortions, but also prevent them from discussing methods and procedures for providing referrals elsewhere. I joined my pro-choice colleagues in voting against this amendment. However, this amendment passed.

As was the intention of this poison pill, this left me and my pro-choice colleagues with a Hobson's choice—an affirmative vote for physicians and patients tied to a restriction on choice or a negative vote against physicians and patients to prevent an anti-choice measure from going forward.

I voted for final passage of this legislation with the hope that the Coburn amendment will be struck when this bill reaches conference with the Senate. If this legislation proceeds through conference and reaches the President's desk with the anti-choice Coburn amendment intact, I urge the President to veto the bill.

Mr. POMEROY. Mr. Chairman, H.R. 13204, which provides a broad exemption from federal anti-trust laws for health care professionals, is intended to restore parity between providers and third-party payers. I believe that this is a good intention, and I agree that in some markets, third-party payers have taken a hold so strong as to be able to dictate health care fees and standards.

As a former state insurance commissioner, however, I know that the answer is not to completely tilt the scales in the opposite direction. No other organization or segment of our economy, except for Major League Baseball, enjoys such a broad, federal anti-trust exemption. Even the Business of Insurance is regulated under the McCarran Ferguson Act.

Unfortunately, some proponents of this legislation have misinterpreted that McCarran Ferguson Act. They have stated that this act gives the insurance industry an exemption from anti-trust laws, and that H.R. 1304 simply levels the playing field for health care providers. Mr. Chairman, I want to emphasize something for my colleagues: the McCarran Ferguson Act creates a partial exemption for the business of insurance that is regulated by state law. Activities that do not relate to the business of insurance—such as a health plan's negotiations with health care providers—are still subject to federal antitrust laws.

As a representative of rural America, I am also concerned about the effect this legislation will have on quality of care. H.R. 1304 would allow unrestrained, unregulated price fixing by all of the health care providers in a given market. Such price-fixing schemes would give physicians a monopoly within their market, permitting physicians to raise their own salaries, through higher reimbursement rates, at the expense of consumers, employers and taxpayers.

Again, let me say that I know this is not the intent of the legislation or the plan of my respected colleagues and the professional organizations who support H.R. 1304. We probably do not need antitrust consumer protections for the leading, most ethical participants in the health care market. Unfortunately, in an industry as vast as health care, there will inevitably be those of other, less reputable intentions.

For those well-intentioned physicians, legitimate antitrust mechanisms already exist under which physicians and other health care providers who have formed legitimate legal entities can collaborate and negotiate with health plans. Physicians do not need exemptions from the antitrust laws to collectively discuss quality of care issues among themselves or with these plans.

Mr. Chairman, I would be inclined to support a more moderate measure. I understand that my colleagues on the Judiciary Committee adopted an amendment that would allow H.R. 1304 to sunset in three years. In my opinion, however, three years is enough time to in-

crease both private and public health care costs and decrease quality of care. In fact, the CBO has estimated that a three-year exemption will raise insurance premiums by 1.5% by 2003 and cost the government \$1.7 billion over 5 years.

Instead I suggest that if we really want to level the playing field, we regulate these medical providers in their bargaining groups, subjecting them to oversight as we have with other organizations, from trading companies to newspaper operations.

Mr. Chairman, while well-intended, this is flawed policy. I urge my colleagues to think seriously about the effects this legislation may have on consumers, providers and payers alike. Please vote no.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 1304, The Quality Health Care Coalition Act of 1999. As we consider this bill, let us remember what a truly bipartisan piece of legislation it has been thus far. In fact, H.R. 1304 passed the Judiciary Committee by a vote of 26-2. With that in mind, I wish to applaud Congressman CAMPBELL and Congressman CONYERS for their genuinely bipartisan efforts respecting this bill.

H.R. 1304 would modify the anti-trust laws and would apply only to conduct in conjunction with good faith negotiations. The modifications would allow health care professionals to collectively settle the terms of their contracts with health care plans. I support this legislation because I believe that health care providers should be allowed to bargain collectively with health plans and insurance providers.

In my state of Texas, although we already passed legislation that allow health care professionals to jointly negotiate, this is limited only to physicians in Texas. So, national or regional health plans still have a stronger negotiating power whereas a federal law would help address this imbalance.

Since 1994, there have been 275 mergers and acquisitions of health plans. With this recent wave of consolidations, seven giant health care insurers have come to dominate the marketplace and 80% of all Americans get their coverage through managed care.

The enormous size of these companies allows insurers to not only control the cost of, but also the quality and access to health care. These powerful health plans intimidate and threaten physicians with antitrust violations in order to bar them from talking to one another and to insurers about patient care. As a result, the decisions of health care professionals have been compromised.

With the increased level of market concentration, HMOs have been practically setting the terms of contracts with health care providers, including forcing patients to accept the least expensive care and preventing patients from being fully informed of all available treatment options. Insurers should not make decisions such as these.

We rely upon health care professionals to advocate for our care. No one is comfortable with the idea of a physician who withholds treatment information! In cases where doctors are prohibited from discussing all available treatment options, it could be a matter of life or death. Health care professionals need decision-making power to determine what is best for their patients.

H.R. 1304 would provide guarantees that patients are protected from bureaucratic abuses. There is no way to predict what kind of healthcare quality issues will arise in the future. H.R. 1304 would enable healthcare providers to address managed care abuses and other patient care issues as they arise through contract negotiations.

For doctors who provide specialty services, this bill will assist them in negotiating contracts with the health care plan to make their services more readily accessible. African-American physicians especially need this bill because they face special barriers that impede their full participation in managed care networks.

African-American doctors are more likely to serve minority communities that are disproportionately low-income and severely ill. Because of these patients' special needs, African-American doctors often face the constant threat of being excluded from health plans because their patients are exceedingly sick and too costly to treat.

In my district in Houston, Texas, where 70% of the people in the 5th Ward are infected with HIV/AIDS, these patients are often poverty stricken and need special care that most managed care networks will not provide. Physicians are often forced to pay out of pocket for the cost of prescription drugs for their patients if the cost is excessive. Thus, caring for any patient with AIDS is a money-losing endeavor.

In California, a 1999 Price Waterhouse Cooper's study indicated that physicians there are filing for bankruptcy at an alarming rate because they cannot afford to provide quality care when they receive less than 50% of the cost it takes to care for a patient! These health care providers should not be punished for living up to their pledge to faithfully care for the people of America to the best of their ability.

Despite what critics may say, this bill does not allow doctors to fix the prices of their services. Price-fixing is illegal and will remain illegal under H.R. 1304. Health care professionals support this legislation because they want the ability to negotiate with HMOs in order to do their jobs and provide quality care for their patients. Although doctors will be able to join together to negotiate the terms of their contracts, they will not be able to determine the actual prices for services.

This bill simply places doctors on the same level of market power as the health care plans. In fact, the oversight currently exercised by the Department of Justice and the Federal Trade Commission would remain intact so that H.R. 1304 would not decrease their authority to prosecute health care professionals for illegal activities such as exclusive dealing or price-fixing.

Critics claim that allowing health care professionals the right to collectively bargain would permit professionals like nurse practitioners and chiropractors to be discriminated against. I continue to be approached by organizations like the Academy of Nurse Practitioners, The Texas Chiropractic Association and the American Chiropractic Association who are sincerely concerned about the negative effect this legislation will have on their ability to continually serve their patients.

As a result of their concerns I introduced an amendment, along with Representative Nadler that clarifies our objective to not sanction dis-

crimatory practices between physicians and health insurers.

This amendment, which is included in H.R. 1304 includes several important safeguards. The bill would prohibit any group of health care professionals from negotiating contract language which limits any other group of professionals from doing work that they are licensed to do under applicable scope of practice acts and regulations. In addition, Medicaid managed care plans, Medicare+Care plans and plans covering federal employees are excluded from the legislation. Finally, the bill sunsets after three years, unless re-approved by Congress.

If the insurance industry is allowed a special exemption under the antitrust laws, physicians who act on behalf of their patients should also be able to ensure that the contracts they enter are not detrimental to patient care.

Currently, the bargaining power of managed care organizations dwarfs the bargaining power of individual physicians and other professionals. As a result, insurers are able to impose contracts on a take-it-or-leave-it basis, no matter how egregious the contract terms. Physicians often have no choice but to sign the contracts offered. Otherwise, they run the risk of losing a large share of their patients and being forced out of business. These one-sided contracts often violate professional and ethical standards and prevent practitioners from providing adequate care.

Of course, the health insurers claim the bill would drive up costs. But note what they are really saying is if they take a hit in their own profits, they will seek to make up for the loss by charging patients more for the same services. With this in mind, we know that any resulting increases in medical cost will not be due to the passage of H.R. 1304, but will be the direct result of greed.

Because this bill has already been through an intense amendment process in the Judiciary committee where four amendments were adopted by a vote of 26-2, I ask my colleagues not to allow additional amendments to this important legislation. There has been a bipartisan effort to work with professional health care organizations and we should respect the work that has been done to develop this bill.

Any amendments at this point would be purely insurance driven attempts to destroy the bill. As reported by the judiciary, the bill would ensure that Congress could address any potential concerns that may arise before the legislation is re-authorized. Adding unnecessary and burdensome requirements would harm patients and effectively gut the bill.

This legislation would enable medical professionals to serve their patients in the way their best medical judgement indicates. And to do that, they will occasionally have to present a united front to a group of HMOs. Mr. Speaker, this is a key vote for medicine and therefore, I urge my colleagues to support this legislation as presented by the Judiciary.

Mr. GOODLING. Mr. Chairman, I rise in opposition to H.R. 1304. I have many concerns regarding this bill, but I wish first to focus on one: is cost. The bill before the House costs \$6.1 billion in mandatory federal funds, yet does not include a single penny to pay for it. Ordinarily, legislation like this would be subject to several Budget Act points of order for this

failure, but the rule waived all those points of order. For what does this bill spend federal money? It increases doctors' incomes!

Since the bill doesn't spell out how to pay for this \$6.1 billion benefit to doctors, the money will have to come out of the existing federal budget. My colleagues know that the federal budget includes the National School Lunch Act, a program that provides a healthy nutritious meal to millions of school age children across this country. If I had \$6 billion to spend, I think I would use some of that money for school lunches, rather than for forming doctor cartels.

My colleagues know that the federal budget includes the Individuals with Disabilities Education Act, a program ensuring that children with disabilities will receive an education. This is a program that is woefully underfunded, where we have never met our 40 percent of funding commitment. If I had \$6 billion to spend, I think I would use some of that money for educating children with disabilities instead of for hiking the net worth of doctors.

The federal budget also includes student aid programs in the Higher Education Act—programs that help students across this country attend college. If I had \$6 billion to spend, I think I would use some of that money for student aid instead of for increasing doctors' incomes. The federal budget includes healthcare; it includes Social Security; it includes aid for farmers, including crop insurance; it includes our national defense; it includes programs for literacy. If I had \$6 billion to spend, I think I would use some of that money for these worthy purposes, rather than for lining the pockets of doctors.

As a matter of fact, I can't think of a single current program, issues, or concern that should receive a lower priority than this bill.

On the issue jurisdiction, Mr. Chairman, I want the record to reflect that I have been making the point—repeatedly—for the past year that H.R. 1304 is a labor bill that should have been referred to the Workforce Committee.

I am going to include in the record a memorandum prepared by the American Law Division of the Congressional Research Service, discussing case law and House precedent in support of the Workforce Committee's jurisdiction over H.R. 1304.

I know that sometimes issues do not lend themselves to easy sound bites. Sometimes they require a bit of patience to understand. I want members to understand that this bill is a labor bill—and a very bad labor bill at that.

If this bill becomes law, health care costs will skyrocket, and Congress will have granted a group of professionals the rights of collective bargaining without any corresponding responsibilities.

H.R. 1304 allows doctors and other health care professionals to band together and collectively bargain. This is done by exempting them from the antitrust laws. The Supreme Court has held that the "nonstatutory labor exemption" which this bill extends to doctors is a concept arising in labor law, and is applicable only in the context of labor law. Simply put, H.R. 1304 is about collective bargaining, and it is a labor bill. It is a flawed labor bill because it grants rights similar to those contained in the National Labor Relations Act, but

fails to provide any mechanism to make sure those rights are effective, or fair.

Mr. Chairman, on all counts this six billion dollar special interest gift is misguided, irresponsible, and unnecessary. I urge my colleagues to vote against this legislation.

The aforementioned memorandum follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, July 12, 1999.
MEMORANDUM

To: Honorable Bill Goodling, Chairman
House Committee on Education and the
Workforce

From: Morton Rosenberg, Specialist in
American Public Law, American Law Division

Subject: Jurisdictional Basis for Referral of
H.R. 1304, the Quality Health-Care Coalition
Act of 1999 to the Committee on Edu-
cation and the Workforce

On March 25, 1999, Representative Campbell, for himself and 27 co-sponsors, introduced H.R. 1304, the Quality Health-Care Coalition Act of 1999, which was referred to the House Judiciary Committee. The purpose of the bill is stated in its preamble to be "[t]o ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relation Act." The bill makes a congressional finding that "[p]ermitting health care professionals to negotiate collectively with health care plans will create a more equal balance of negotiating power, will promote competition, and will enhance the quality of patient care." Section 2(4). The purpose of the bill is to be accomplished by treating health care professionals who are engaged in bargaining with health care plans and health insurance issuers as if they were employees in collective bargaining units under the National Labor Relation Act (NLRA) and by entitling all parties to such negotiations "to the same treatment under the antitrust laws as the treatment to which bargaining units which are recognized under the National Labor Relation Act are entitled in connection with such collective bargaining." Section 3(a). Health care professionals are denied any right to strike "not otherwise permitted by law." The proposed legislation is silent with respect to mechanisms for resolving disputes that may occur during the collective bargaining process or as to the establishment and enforcement of a legal "duty to bargain."

You inquire whether your Committee has a substantial claim to jurisdiction over H.R. 1304. From our review, it would seem that the broad authority delegated to the Committee under House Rule X(g)(6) over labor matters generally, its long history of legislative action and oversight with respect to subject matter that is the same or closely analogous to that of H.R. 1304, and the essentially labor-related nature and orientation of the bill's core operational provision, which imparts antitrust immunity to bargaining decisions over wages, hours and conditions of employment, establish a substantial basis for arguing for sequential referral of the bill to your committee.

The courts have provided significant guidance in determining the appropriate jurisdiction and authority of legislative committees. A congressional committee is a creation of its parent House and only has the power to inquire into matters within the scope of the

authority that has been delegated to it by that body. Therefore, the enabling rule or resolution which gives the committee life or particular direction is the charter which defines the grant and the limitations of the committee's power. *United States v. Rumely*, 345 U.S. 41, 44 (1953); *Watkins v. United States*, 354 U.S. 178, 201 (1957); *Gojak v. United States*, 384 U.S. 702, 708 (1966). In construing the scope of a committee's authorizing rule or resolution, the Supreme Court has adopted a mode of analysis not unlike that ordinarily followed in determining the meaning of a statute: it looks first to the words of the resolution itself, and then, if necessary, to the usual sources of legislative history. As explained by the Court in *Barenblatt v. United States*, 360 U.S. 109, 117 (1959), "Just as legislation is often given meaning by the gloss of legislative reports, administrative interpretation, and long usage, so the proper meaning of an authorization to a congressional committee is not to be derived alone from its abstract terms unrelated to the definite content furnished them by the course of congressional actions."

Thus, the starting point for analysis is the House's delegation of jurisdictional authority under Rule X. Under Rule X (g) (6) and (7) the Committee on Education and the Workforce is currently vested with jurisdiction over matters relating to "education and labor generally" and "mediation and arbitration of labor disputes," and has been so vested with the same authority for at least 30 years. In addition, Rule X(2)(b)(1) directs each standing committee to:

"Review and study on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies or entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed or eliminated. In addition, each such committee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee."

In turn, this oversight obligation of standing committees is buttressed by the express grant under Rule XI (1)(B)(1) to each committee of authority "at any time to conduct such investigations and studies as it may consider necessary and appropriate in the exercise of its responsibilities under Rule X." Thus, on its face, your Committee has been vested with broad legislative and oversight jurisdiction over laws, proposals and activities that implicate labor relations generally and collective bargaining particularly, and in the past the Committee and its immediate predecessor, the Committee on Education and Labor, has dealt with subject matter and issues directly analogous to those found in H.R. 1304.

In the 92d Congress, the Special Subcommittee on Labor of the Committee on Education and Labor held hearings on H.R. 11357, a bill to repeal the NLRA's exemption for coverage of employees of private non-profit hospitals which was added by the Taft-

Hartley Amendments of 1947. A critical issue was whether affording NLRA coverage for health care institutions would result in increased strikes which could endanger patient care. The Committee's hearings revealed that, in fact, recognition strikes and labor unrest had increased at the exempt hospitals in contrast with the situation at covered proprietary hospitals. The bill, which was unanimously reported by the full Committee and passed the House on August 7, 1972, contained a number of special provisions designed to facilitate bargaining settlements (i.e., a 90 day notice requirement of termination or expiration of a contract, a 60 day notice of termination or expiration to the Federal Mediation and Conciliation Service (FMCS), and a requirement that a health care institution and a labor organization had to participate in mediation if so directed by the FMCS), and that a health care institution had to be given a 10 day notice by a labor organization before any picketing or strike could take place. No action was taken by the Senate on that bill. An identical bill was re-introduced in the 93d Congress, H.R. 1236, and hearings were held by the Special Subcommittee in Labor on April 12 and 19, 1973. A new modified bill, H.R. 13678, was subsequently introduced, reported by the full Committee, passed the House on July 11, 1974, and was signed by the President on July 26, 1974. The new law contained the Committee proposed bargaining facilitation and picketing and strike notification provisions.

The Committee's interest in the bargaining rights of health care professionals in non-proprietary hospitals continued after the 1974 health care amendments. In the 94th Congress the Committee held a hearing to consider a National Labor Relations Board (Board) decision denying coverage of the NLRA to hospital interns, residents and fellows (housestaff) on the grounds that they were students and not employees. In the 95th and 96th Congress's the Committee held hearings on legislation to amend the NLRA to expand the definition of professional employees covered under collective bargaining provisions to include hospital interns, residents and housestaff. In the 98th Congress Committee held oversight hearings on two NLRB decisions in 1982 and 1984 involving St. Francis Hospital that adhered to earlier Board decisions with respect to NLRA coverage of housestaff employees.

In the 97th Congress the Committee held hearings to consider Health Care Financing Administration (HCFA) guidelines permitting medical reimbursement to hospitals and nursing houses for the costs of influencing employee organizing activities conducted under the NLRA.

In the 103d Congress the Committee held hearings on H.R. 226, The Live Performing Artist Labor Relations Act, a bill that would have amended the NLRA to define the employer-employee relationship between musicians and purchasers of musical services, permitted employers to enter into pre-hire agreements with unions representing live performing artists, and allowed for the establishment of employee collective bargaining rights in the performing arts industry.

In the 101st, 102d, and 103d Congresses the Committee held hearings on proposed legislation to extend coverage of the NLRA and the Fair Labor Standards Act to seamen working on foreign flag, U.S.-owned cargo vessels regularly engaged in U.S. foreign trade or on foreign flag passenger ships operating primarily from U.S. ports. The bills were intended to address alleged problems

with union organization, wages, and working conditions aboard foreign flag cruise ships whose contact with the U.S. is central to their business, and aboard U.S.-owned vessels registered with so-called flag of convenience countries allegedly for the purpose of exempting the vessels from U.S. labor laws.

Finally, reference may be made to evidence of your Committee's historic interest in the so-called nonstatutory labor exemption to the antitrust laws which is incorporated as the key operational provision of H.R. 1304. See Section 3(a). The nonstatutory labor exemption is a creation of the Supreme Court founded on its recognition that the antitrust laws could not be applied with full force to the parties to a collective bargaining relationship if the compulsory collective bargaining policies of the labor laws were to be successfully realized. To "accommodate . . . the congressional policy favoring collective bargaining under the [NLRA] and the congressional policy favoring free competition business markets," the Court recognized an implicit exemption to the antitrust laws applicable to certain conduct by unions and employers alike. *Connell Construction Co. v. Plumbers and Steamfitters, Local Union No. 100*, 421 U.S. 616, 622 (1975); See also, *Local No. 189, Amalgamated Meat Cutters v. Jewel Tea Co.*, 381 U.S. 676 (1965); *United Mine Workers v. Pennington*, 381 U.S. 657 (1965). The Supreme Court has explained that the nonstatutory exemption is a labor law concept and is part of the broad, independent body of law that encourages and protects the collective organizational and bargaining processes:

"Federal policy as . . . developed not only a broad labor exemption from the antitrust laws, but also a separate body of labor law specifically designed to protect and encourage the organizational and representational activities of labor unions. Set against his background, a union, in its capacity as bargaining representative, will frequently not be part of the class the Sherman Act was designed to project, especially in disputes with whom it bargains."

Association Gen. Contractors of California, Inc. v. California State Council of Carpenters, 459 U.S. 519, 339-40 (1983).

The rationale of the nonstatutory exemption as enunciated by the High Court mandates that concerted conduct by management or by labor organizations in a collective bargaining relationship is exempt from antitrust attack as long as it principally affects the employees' terms and conditions of employment. Labor market restraints reached through the collective bargaining process are immune from antitrust scrutiny when three conditions are met: (1) the restraints primarily affect only the parties to the collective bargaining agreement; (2) the restraints concern mandatory subjects of bargaining; and (3) agreement on the restraints was the product of bona fide arm-length bargaining or the restraints were implemented during on ongoing collective bargaining relationship.

The most recent Supreme Court articulation of these precepts and understandings was in *Brown et al. v. Pro Football, Inc.*, 518 U.S. 231 (1996). That case involved an antitrust suit by professional football players against team owners of the National Football League charging that the unilateral imposition of a salary cap on "developmental squad" players after a collective bargaining contract had expired and after an impasse in bargaining had been reached, was a violation of the antitrust laws. The Court held that employers may lawfully form multiemployer

bargaining groups and agree amongst themselves to impose controls on a labor market as long as those actions "grew out of" and were "directly related to" a multiemployer bargaining process, did not offend the federal labor laws that sanction and regulate that process, affected terms of employment subject to compulsory bargaining, and directly concerned only parties to the collective bargaining relationship. *Brown*, 518 at U.S. at 250. Neither the expiration of a collective bargaining agreement nor the reaching of an impasse serves to terminate the bargaining relationship. Thus lawful unilateral actions taken by the multiemployer group were held immune from antitrust scrutiny. In the course of its opinion, the Court reviewed the development of the implicit labor exemption, noting that it finds its support in both the history of and logic of the *federal labor laws*:

"The immunity before us rests upon what this Court has called the 'nonstatutory' labor exemption from the antitrust laws. . . . The Court has implied this exemption from federal labor statutes, which set forth a national labor policy favoring free and private collective bargaining, see 29 U.S.C. §151; *Teamsters v. Oliver*, 358 U.S. 283, 295 (1959); which require good-faith bargaining over wages, hours, and working conditions, see 29 U.S.C. §§158(a)(5), 158(d); *NLRB v. Wooster Div. of Borg-Warner Corp.*, 356 U.S. 342, 348-349 (1958); and which delegate related rule-making and interpretive authority to the National Labor Relations Board (Board), see 29 U.S.C. §153; *San Diego Building Trades Council v. Garmon*, 359 U.S. 236, 242-245 (1959).

"This implicit exemption reflects both history and logic. As a matter of history, Congress intended the labor statutes (from which the Court has implied the exemption) in part to adopt the views of dissenting Justices in *Duplex Printing Press Co. v. Deering*, 254 U.S. 443 (1921), which Justices had urged the Court to interpret broadly a different explicit 'statutory' labor exemption that Congress earlier (in 1914) had written directly into the antitrust laws. *Id.*, at 483-488 (Brandeis, J., joined by Holmes and Clarke, JJ., dissenting) (interpreting §20 of the Clayton Act, 38 Stat. 738, 29 U.S.C. §52); see also *United States v. Hucheson*, 312 U.S. 219, 230-236 (1941) (discussing congressional reaction to *Duplex*). In the 1930's, when it subsequently enacted the labor statutes Congress, as in 1914, hoped to prevent judicial use of antitrust law to resolve labor disputes—a kind of dispute normally inappropriate for antitrust law resolution. See *Jewel Tea, supra*, at 700-709 (opinion of Goldberg, J.); *Marine Cooks v. Panama S. S. Co.*, 362 U.S. 365, 370, n. 7(1960); *A. Cox, Law and the National Labor Policy* 3-8 (1960); cf. *Duplex, supra*, at 485 (Brandeis, J., dissenting) (explicit 'statutory' labor exemption reflected view that 'Congress, not the judges, was the body which should declare what public, policy in regard to the industrial struggle demands'). The implicit ('nonstatutory') exemption interprets the labor statutes in accordance with this intent namely, as limiting an antitrust court's authority to determine, in the area of industrial conflict, what is or is not a 'reasonable' practice. It thereby substitutes legislative and administrative labor-related determinations for judicial antitrust-related determinations as to the appropriate legal limits of industrial conflict. See *Jewel Tea, supra*, at 709-710.

"As a matter of logic, it would be difficult, if not impossible, to require groups of employers and employees to bargain together, but at the same time to forbid them to make among themselves or with each other any of

the competition-restricting agreements potentially necessary to make the process work or its results mutually acceptable. Thus, the implicit exemption recognizes that, to give effect to federal labor laws and policies and to allow meaningful collective bargaining to take place, some restraints on competition imposed through the bargaining process must be shielded from antitrust sanctions. See *Connell, supra*, at 622 (federal labor law's 'goals' could 'never' be achieved if ordinary anti-competitive effects of collective bargaining were held to violate the antitrust laws); *Jewel Tea, supra*, at 711 (national labor law scheme would be 'virtually destroyed' by the routine imposition of antitrust penalties upon parties engaged in collective bargaining); *Pennington, supra*, at 665 (implicit exemption necessary to harmonize Sherman Act with 'national policy . . . of promoting 'the peaceful settlement of industrial disputes by subjecting labor-management controversies to the mediatory influence of negotiation) (quoting *Fibreboard Paper Products Corp. v. NLRB*, 379 U.S. 203, 211 (1964))."

518 U.S. at 235-37 (emphasis in original).

Your committee's most recent opportunity to address the implications of the nonstatutory exemption was in the context of the 1994 Major League Baseball labor-management dispute which resulted in the cancellation of part of that year's regular season as well as the World Series. The Committee's Subcommittee on Labor-Management Relations had before it for consideration H.R. 5095, the Major League Play Ball Act of 1995, which would have required mandatory binding arbitration of the baseball strike if the strike was not resolved by the players and owners by February 1, 1995; and H.R. 4994, which would have partially created antitrust law exemption for major league baseball. The crucial issue before the Subcommittee was whether baseball's unique antitrust exemption was the cause of the sport's seemingly endemic labor unrest, and whether repeal of the exemption would be proper resolution. Uncontradicted testimony elicited at the hearing made it clear that even if baseball's judicial exemption were eliminated, the nonstatutory labor exemption would remain.

ANALYSIS AND CONCLUSION

The Committee on Education and the Workforce (and its predecessor) has been vested by the House with plenary legislative and oversight jurisdiction over matters relating to "labor generally" as well as the "mediation and arbitration of labor disputes," and over the years has engaged in legislative and oversight actions encompassing the fullest range of activities directly or indirectly within the broad purview of that assigned subject matter. H.R. 1304 attempts to deal with emerging difficulties of the key actors in the health care industry.—health care professionals, health plans, and health insurance issuers—to reconcile their divergent interests and concerns with respect to HMO's. Court decisions have raised antitrust issues with respect to certain resolutions. Also, a recent unit determination decision by a regional office of the NLRB found that a group of doctors seeking to be certified by the Board as the exclusive bargaining representative at an HMO were independent contractors and therefore not employees eligible to be covered by the NLRA.

H.R. 1304 proposes to overcome these legal difficulties by legally deeming health care professionals who wish to bargain with HMO's or insurance companies as employees in collective bargaining units under the

NLRA, and then cloaking the products of negotiations with the equivalent of the non-statutory labor exemption to the antitrust laws. Perhaps because on the face of the bill it appears to be primarily concerned with traditional antitrust law issues—Section 3 (d)(1) defines the term “antitrust laws” as referencing provisions in the Clayton Act and the Federal Trade Commission Act—it was referred to the Judiciary Committee. But in fact the principal thrust of the bill is to import a judicial construct—the implied labor antitrust exemption—that is well understood as applicable exclusively in the context of labor law. As indicated in the discussion of the Supreme Court decisions in this area, the implied exemption emanates from the national labor laws alone and when applicable displaces the antitrust laws. Also key in H.R. 1304 is the notion that health care professionals should bargain collectively with HMO’s and insurers, again a concept rooted firmly in labor relations. Thus the two essential concepts of the proposal are labor relations—related. They may be also be seen as “incomplete.” For example, though collective bargaining appears contemplated, there is no definition or requirement of a “duty to bargain,” no mechanism to resolve disputes that might arise during the bargaining process, not any enforcement mechanism to ensure good faith bargaining, which presumably is the ultimate goal of the exercise.

This is not say that any such provisions are necessary. But given the strong labor orientation of the bill, the Committee’s labor expertise and perspective could be brought to bear on the issues. As has been catalogued above, the Committee in the past has dealt with legislative proposals and engaged in oversight of activities comparable to the subject matter and concerns raised by H.R. 1304. The 1974 private non-proprietary health care institutions amendments to the NLRA and 1994 hearings on legislation dealing with the antitrust implications of the baseball strike are among the prominent and analogous examples which evidence the Committee’s past concerns in this area.

Mr. TIAHRT. Mr. Chairman, I arise today in opposition to H.R. 1304, the Quality Health Care Coalition Act. This may surprise some as I became a cosponsor of this bill last summer. I strongly believe that we need to improve the quality of and access to our nation’s health care system and support measures to do so. I originally felt that exempting negotiations between groups of health care professionals and health from antitrust laws would be an important step towards fostering continued patient safety and quality of care. Upon further reflection, however, I have changed my opinion. Despite its name, I believe that this bill has nothing to do with health care quality and will only impede efforts to improve access and quality.

This legislation will be a major burden to employers and employees—the exact people we should be trying to help. A CBO study shows that the increased costs to health insurance companies as a result of physician collective bargaining will surely be passed on to employers who provide health care coverage to their employees. This will either result in less employers providing coverage or less overall wages and benefits for employees. Neither of these is an acceptable outcome. The costs will not go towards patient care but towards sustaining doctor unionization and salary hikes. This bill also allows for physician boycotts of health plans, an outcome that

could have a devastating effect on insurance plans in rural areas that already struggle to survive. I do not see how these effects will improve the quality of our health care.

Additionally, I am disturbed by CBO’s finding that if enacted H.R. 1304 will cost the taxpayers \$3.6 billion dollars in lost revenue over the next ten years. We all know where these lost revenues will be made up—through Social Security and Medicare. We have made a pledge to protect the Social Security surplus and shore up Medicare, a pledge we must honor. We cannot support the so-called doctor cartels at the expense of our senior citizens.

I have carefully considered this bill over the last two months. Since April, as this bill approached the floor, I have not received any support for H.R. 1304 from physicians in my district. Without their urging and upon realizing the devastating effect H.R. 1304 could have on our health care system, I decided to vote against the Quality Health Care Coalition Act.

I consider my vote today a vote for increased access to health care and to move affordable health care for everyone. We all owe a debt of gratitude to the lengths physicians must go to be ready to serve our health care needs. I honor their dedication and am proud that the very highest quality health care in the world is within our borders. While I want and encourage our best and brightest to become doctors, I do not think this bill will be helpful in the long run. Therefore, I urge my colleagues, even those who at first blush might have been favorably disposed to this, to vote against H.R. 1304.

Mr. CROWLEY. Mr. Chairman, today, most American families receive their health coverage from managed care providers. In recent years, physician and patients have lost control over this market due to the rapid consolidation of managed care organizations.

I am a proud co-sponsor of the Quality Health-Care Coalition Act, which would allow health care professionals to collectively bargain the terms of patient care with Health Care Organizations. Currently, physicians are forced to accept contracts, which often contain provisions that threaten the quality of patient care. In addition, many health plans impose gag rules on physicians that force them to accept arbitrary reimbursement rates with no thought to the quality of care being provided to the patient. These days, dominant health plans are not just managing costs, they are also determining the level, type, frequency and hoops patients must jump through in order to receive their health care.

Being married to a nurse has helped me recognize the issues many health care professionals encounter each day. H.R. 1304 would help physicians and other health care professionals fight for better patient care by beginning to level the playing field between enormous, controlling managed care plans and individual physicians and other health care professionals. H.R. 1304 would provide physicians enough leverage to effectively negotiate the terms of patient care with Managed Care Organizations. In essence, this bill would restore a physician’s ability to provide quality care to patients without any interference from an HMO. Additionally, H.R. 1304 would promote the fairness and balance the health care marketplace needs and lacks today.

Those who oppose this legislation argue that patients would not be protected under this bill. However, that is a false statement. H.R. 1304 guarantees the protection of patients by requiring the U.S. General Accounting Office to study the impact of this bill over a three-year trial period before Congress would be allowed to reauthorize the bill.

The Quality Health Care Coalition Act is an important piece of legislation that would ensure the provisions of optimal health care to all patients in New York City and the rest of the country. I urge you to support this bill because all patients and their health care providers should have the right to make informed decision about their health care needs—without being subjected to the rules of an HMO.

Mr. PALLONE. Mr. Chairman, I rise in support of the Quality Health Care Coalition Act. It is a good piece of legislation and I urge all of my colleagues to join me in supporting it.

As you know, Mr. Chairman, current antitrust law prohibits health care professionals, including doctors, dentists, pharmacists, and nurses from banding together to negotiate with managed care organizations. Although this prohibition alone has stacked the deck against health care professionals seeking to protect both themselves and their patients from managed care abuse, consolidations in the health insurance industry have exacerbated this imbalance even further over the last several years.

To complement the enhanced negotiating power they have accrued through mergers and acquisitions, managed care organizations also use exclusionary contracting practices to bully health care professionals into accepting terms they surely would not accept if they were able to negotiate on a level playing field. These trends have enabled insurers to employ a “take it or leave it” approach when negotiating with health care professionals. As a result, the doctor-patient relationship has been compromised and the quality of care for all patients has suffered.

I have heard many first hand accounts of these abusive practices from the New Jersey Medical Society, the New Jersey Pharmacists Association, and countless other physicians with whom I have met over the last several years. We must put an end to them.

The Quality Health Care Coalition Act would correct this problem by giving health professionals the tools they need to band together when negotiating with managed care organizations. This enhanced negotiating power will level the playing field and allow health professionals to stand up for what’s right and make medical judgments based on patients’ medical needs rather than the managed care industry’s financial motivations.

Vote “yes” on final passage.

Mr. PAUL. Mr. Chairman, I am pleased to take this opportunity to lend my support to H.R. 1304, the Quality Health Care Coalition Act, which takes a first step towards restoring a true free-market in health care by restoring the rights of freedom of contract and association to health care professionals. Over the past few years, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to

ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Security Act (ERSIA), and the federal anti-trust laws. These interventions took control of the health care dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government's control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patents and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals' freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company.

As an OB-GYN with over 30 years in practice, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I have tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I have always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of the HMO in today's health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals to negotiate with HMOs on a level playing field, it, like existing antitrust laws, are an unconstitutional violation of medical professionals' freedom of contract and association.

Under the United States Constitution, the federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory: that federal regulators can improve upon market outcomes by restricting the rights of certain market participants deemed too powerful by the government. In fact, anti-trust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others. In fact, Mr. Speaker, I would hope

that my colleagues would see the folly of antitrust laws and support my Market Process Restoration Act (H.R. 1789), which repeals all federal antitrust laws.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. I am quite pleased that this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. Contrary to the claims of some of its opponents, H.R. 1304 in no way extends the scourge of federally-mandated compulsory unionism to the health care professions. While Congress should protect the right of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Mr. Chairman, it is my hope that Congress will follow up on its action today by empowering patients to control their health care by providing all Americans with access to Medical Savings Accounts (MSAs) and large tax credits for their health care expenses. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that they found most beneficial to them, the HMO monster would wither on the vine without the imposition of new federal regulations on the insurance industry.

In conclusion, Mr. Chairman, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to American's health care professionals. Antitrust laws are no more legitimate or constitutional in the health care market than they are on the software market. Therefore, I hope my colleagues will not just pass this bill but will also support my Market Process Restoration Act and exempt all Americans from antitrust laws. I also urge my colleagues to join me in working to promote a true free-market in health care by putting patients back in charge of the health care dollar through means such as Medical Savings Accounts (MSAs) and individual health care tax credits.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Health-Care Coalition Act of 2000".

SEC. 2. APPLICATION OF THE ANTITRUST LAWS TO HEALTH CARE PROFESSIONALS NEGOTIATING WITH HEALTH PLANS.

(a) *IN GENERAL.*—Any health care professionals who are engaged in negotiations with a health plan regarding the terms of any contract under which the professionals provide health care items or services for which benefits are provided under such plan shall, in connection with such negotiations, be entitled to the same treatment under the antitrust laws as the treatment to which bargaining units which are recognized under the National Labor Relations Act are entitled in connection with such collective bargaining. Such a professional shall, only in connection with such negotiations, be treated as an employee engaged in concerted activities and shall not be regarded as having the status of an employer, independent contractor, managerial employee, or supervisor.

(b) *PROTECTION FOR GOOD FAITH ACTIONS.*—Actions taken in good faith reliance on subsection (a) shall not be the subject under the antitrust laws of criminal sanctions nor of any civil damages, fees, or penalties beyond actual damages incurred.

(c) *LIMITATION.*—

(1) *NO NEW RIGHT FOR COLLECTIVE CESSATION OF SERVICE.*—The exemption provided in subsection (a) shall not confer any new right to participate in any collective cessation of service to patients not already permitted by existing law.

(2) *NO CHANGE IN NATIONAL LABOR RELATIONS ACT.*—This section applies only to health care professionals excluded from the National Labor Relations Act. Nothing in this section shall be construed as changing or amending any provision of the National Labor Relations Act, or as affecting the status of any group of persons under that Act.

(d) *3-YEAR SUNSET.*—The exemption provided in subsection (a) shall only apply to conduct occurring during the 3-year period beginning on the date of the enactment of this Act and shall continue to apply for 1 year after the end of such period to contracts entered into before the end of such period.

(e) *LIMITATION ON EXEMPTION.*—Nothing in this section shall exempt from the application of the antitrust laws any agreement or otherwise unlawful conspiracy that excludes, limits the participation or reimbursement of, or otherwise limits the scope of services to be provided by any health care professional or group of health care professionals with respect to the performance of services that are within their scope of practice as defined or permitted by relevant law or regulation.

(f) *NO EFFECT ON TITLE VI OF CIVIL RIGHTS ACT OF 1964.*—Nothing in this section shall be construed to affect the application of title VI of the Civil Rights Act of 1964.

(g) *NO APPLICATION TO FEDERAL PROGRAMS.*—Nothing in this section shall apply to negotiations between health care professionals and health plans pertaining to benefits provided under any of the following:

(1) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) The SCHIP program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(4) Chapter 55 of title 10, United States Code (relating to medical and dental care for members of the uniformed services).

(5) Chapter 17 of title 38, United States Code (relating to Veterans' medical care).

(6) Chapter 89 of title 5, United States Code (relating to the Federal employees' health benefits program).

(7) The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(h) *GENERAL ACCOUNTING OFFICE STUDY AND REPORT.*—The Comptroller General of the

United States shall conduct a study on the impact of enactment of this section during the 6-month period beginning with the third year of the 3-year period described in subsection (d). Not later than the end of such 6-month period the Comptroller General shall submit to Congress a report on such study and shall include in the report such recommendations on the extension of this section (and changes that should be made in making such extension) as the Comptroller General deems appropriate.

(i) DEFINITIONS.—For purposes of this section:

(1) ANTITRUST LAWS.—The term “antitrust laws”—

(A) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition, and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) HEALTH PLAN AND RELATED TERMS.—

(A) IN GENERAL.—The term “health plan” means a group health plan or a health insurance issuer that is offering health insurance coverage.

(B) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER.—The terms “health insurance coverage” and “health insurance issuer” have the meanings given such terms under paragraphs (1) and (2), respectively, of section 733(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(b)).

(C) GROUP HEALTH PLAN.—The term “group health plan” has the meaning given that term in section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1)).

(3) HEALTH CARE PROFESSIONAL.—The term “health care professional” means an individual who provides health care items or services, treatment, assistance with activities of daily living, or medications to patients and who, to the extent required by State or Federal law, possesses specialized training that confers expertise in the provision of such items or services, treatment, assistance, or medications.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106-709. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the order of the House, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

□ 2330

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in the House Report 106-709.

AMENDMENT NO. 1 OFFERED BY MR. BALLENGER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BALLENGER:

Page 3, line 9, strike “Any” and insert “Except as provided in paragraph (3) of subsection (c), any”.

Page 4, after line 20 insert the following:

(3) APPLICATION.—The exemption provided in subsection (a) shall not apply to the following:

(A) Any negotiations with a health plan regarding or relating to fees, payments, or reimbursement, including the methodology of such fees, payments, or reimbursement between health care professionals and health plans.

(B) Any negotiations with a health plan to permit health care professionals to balance bill patients.

(C) Any health care professional who has not submitted to and received approval from the Secretary of Health and Human Services for a plan that specifies policies and procedures to identify and reduce the incidence of medical errors.

(D) Any health care professional who has not disclosed to patients and prospective patients information regarding the professional's participation in such negotiations.

(E) Any acts by health care professionals to engage in boycotts.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. BALLENGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I still do not understand why this bill is not under the Fair Labor Standards Act. We all know that there has been a great expansion of HMOs. Large insurance companies seem to care more about the bottom line than the patients that they are supposed to serve.

These issues should be addressed. However, allowing doctors to unionize without a governing body or any enforcement mechanism is not the way to solve this problem.

This bill would create many opportunities for patients to be harmed by boycotts and other union tactics but would do nothing for patients. This means that, as presently written, there is absolutely nothing in this bill for patients.

Simply put, my amendment would guarantee that doctors are using their exempt status for quality care for their patients, not negotiating higher fees, which would lead to higher fees and raise health care costs, which would increase the present uninsured group in this country from 40 million to 50 million people in a very short period of time.

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

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment of the gentleman simply very effectively prevents negotiations over the quality of

healthcare, which is what we are all about here tonight.

Among other things, it would prohibit negotiations between doctors and health plans regarding fees, payments, or reimbursement.

Why? It is not always possible to separate costs from quality. And so, by forcing physicians to refrain from negotiating fees, payments, and reimbursements, this amendment cleverly forces physicians to provide less quality health care and, thus, potentially harms patients. The result is more health plan profits and more unfair tactics.

Mr. Chairman, I hope the amendment will be rejected.

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

Mr. BALLENGER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I tell my friend the gentleman from Michigan (Mr. CONYERS) this amendment is not very clever at all. It is very straightforward.

The gentleman from New York was very concerned about the precise language used over here, and maybe he did not hear himself talk, because he used the term “collective bargaining.” He said doctors need collective bargaining.

Now, if this was about moving doctors under the National Labor Relations Act, where they would get collective bargaining, where there are rights associated with responsibilities, we would not have this problem.

That is not the case. What we have got are giving people the rights without the responsibilities.

Federal Trade Commission Chairman Robert Pitofsky has said, “In every case we have brought, it is really related to doctors' income and not to patients' welfare.”

I think my colleagues can call this amendment “trust but verify.” If, in fact, the doctors are really needing this suspension of antitrust to help patients, then this amendment is exactly what it will do. Trust but verify.

One: Do not negotiate regarding fees. Do not tell us that is about patients and care. It is about money.

Two: Do not cost shift. Do not cut a deal in which the patient has to bear the extra cost in balanced billing.

Three: Hey, we got a 100,000 deaths every year. How about getting some medical error structure in place before they turn them loose in terms of the “collective bargaining.”

Let us have some truth in packaging.

And finally, this amendment says that any acts by health care professionals engaging in boycotts is not allowed.

We have all read The New York Times story about a doctor bragging about withholding medicines because the company that made the medicines

was not supporting the legislation. That is about patients' care?

Very simple. Let us help doctors help patients, but we should not let doctors help doctors without this amendment to trust but verify. That is what this is all about.

We have heard slips of the tongue over here about collective bargaining, doctors should have the right to bargain collectively. It is under the guise of patients' rights.

If they want doctors to bargain collectively, put them under the National Labor Relations Act. That gives them rights and it gives them responsibilities. This legislation does not do that.

If they believe that they get a right and they have a responsibility to go with it, then the Ballenger amendment is the trust but verify. Let them have the right, but make sure they do not abuse it, not for fees, not for patient-balanced billing, not for boycotting.

If my colleagues want it for patients, everyone should vote for the Ballenger amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

It is so instructive that the previous speaker is from California and is talking about preventing negotiations over the quality of health care.

In California, pediatricians receive as little as \$10 per month for each patient, while the average monthly cost to care for a child in the State is \$24.

Now, how can a physician provide quality care for a child when he or she cannot afford to keep their practice open and then we would add this debilitating amendment?

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

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

Mr. Chairman, let us be very clear. This is not a unionization bill. My friend and colleague the gentleman from California (Mr. THOMAS) misperceives the bill.

First of all, the bill itself has explicitly in it section 2(e), a prohibition on boycott.

Secondly, the question about putting them under the NLRA and an NLRB is appropriate only if we were creating exclusive bargaining units. That is to say that the doctors would have no one else to represent them.

We are not doing that. We are simply removing the effect of a Supreme Court opinion, which, 84 years after the passage of the Sherman Act, in my judgment, erroneously applied antitrust to what is a profession. And so, we do not need the National Labor Relations Act because we are not creating exclusive bargaining units.

Furthermore, the National Labor Relations Board does not investigate the content of contracts. It never does. It exists merely to create the fair elec-

tion process to determine the sole exclusive bargaining agent. Since we do not have an exclusive bargaining agent, there is no need for the labor model.

My friend the gentleman from California (Mr. THOMAS) misapprehends the purpose and effect and indeed the very words of the statute that we are proposing tonight.

As to the fundamental amendment by my friend the gentleman from North Carolina (Mr. BALLENGER) I simply put this, and it is as simple as can be said I think: If they want better quality of medicine, it might be that they have to pay for it.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

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

Mr. Chairman, I think it is very important for my Republican colleagues to understand that the Campbell-Conyers bill is not a bill that will make physicians join unions. It is just the opposite.

Under current law, the only way that they can negotiate a contract is if they are salaried and then they can join a union.

Under the Campbell-Conyers bill, individual practitioners can get together, negotiate on behalf of their patients without being salaried, without being in a union.

□ 2340

This is a fundamental point to this bill that my Republican colleagues need to understand. If they are worried about physicians, ultimately all of them becoming members of a union, then vote against this bill because that is ultimately what will happen if we do not establish some level of competition.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. CAMPBELL. Mr. Chairman, could the Chair inform me, unless I am mistaken, I have not used any of my time. The gentleman from Michigan (Mr. CONYERS) yielded to me.

The CHAIRMAN. The time is controlled by the gentleman from Michigan (Mr. CONYERS).

Mr. CAMPBELL. Mr. Chairman, I apologize. I misunderstood. Then I would ask my colleague, the gentleman from Michigan (Mr. CONYERS), to yield me 30 seconds.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close and the gentleman from Michigan (Mr. CONYERS) has 30 seconds remaining. The gentleman from North Carolina (Mr. BALLENGER) has 1 minute remaining.

Mr. BALLENGER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, let us listen to what people say who have to enforce the law. Federal Trade Commission Chairman Robert Pitofsky again says, the stated goal of this bill is to promote quality of patient care. The labor exemption, however, was not created to solve issues regarding the ultimate quality of products or services consumers receive. Collective bargaining rights are designed to raise the incomes and improve working conditions of union members. We do not rely on the United Auto Workers to bargain for safer cars. Joe Klein, assistant Attorney General of the Justice Department's Antitrust Division, says this about 1304: The AMA could pull every single doctor together or its local doctors and go to each and every HMO or managed care program and say we will not work for you unless you pay us X. That is unprecedented, irrational economic power.

That is all the doctors are asking for. Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this amendment effectively prevents negotiations over the quality of health care. It would prohibit negotiations regarding fees, payments or reimbursements, and therefore undercuts the whole bill. We do not want a bill or an amendment that forces physicians to provide, quote, "the least costly," unquote, care, or a bill that denies payments to health professionals for care already provided.

Mr. Chairman, I am strongly opposed to this amendment, which would require pre-approval from the FTC or the Department of Justice to health care groups which comprise 20 percent or more of a given specialty area for a particular market area before they can engage in collective negotiations. This amendment would gut the bill and decimate the beneficial aspects of the legislation.

We have never required a labor union to obtain antitrust pre-approval to have the right to collectively bargain, and there is no reason to require it in the context of health care negotiations. As a matter of fact, such a requirement would be in many respects even more onerous than current law for health care professionals. Unlike Hart-Scott-Rodino, the bill has no time frames or deadlines, so the approval process could go on indefinitely. Delays would be compounded by the provisions allowing for public comment on each application. The amendment could also necessitate large filing fees, which would in essence serve as a tax on health care.

The limitation raises several very serious concerns.

First, there is no guidance as to the meaning of what a particular specialty or subspecialty is or how the market is to be determined. Is gynecology different than fertility? Are these the same field or two separate fields? And how would the bill apply if two separate subgroups of health care providers sought to form a collective bargaining group? Would you add up the numbers for each specialty or would this create a whole new field?

Second, under the amendment, it is up to the group of health care providers to determine if the 20 percent threshold applies. How is the group supposed to have any idea what the relevant market is or what their market share is? Only the government is in a position to make these types of complex market share determinations. By placing the burden on the group of health care providers, this amendment will force every collective bargaining unit to file with the government, subjecting them all to long and expensive delays.

Third, even if these issues could be worked out—and that could take years of litigation—the bill's percentage limitation cannot be justified. Why is 20 percent the threshold? Supreme Court legal precedent says that a company or group of companies does not have market power unless they have 70 percent or more of the market. Determining market power is very much facts and circumstances based, which is why the antitrust laws have intentionally avoided arbitrary cutoffs. This bill creates an artificially low threshold, and threatens to undercut more than a century of settled antitrust law.

I would remind the proponents of this amendment that the bill provides for a three year sunset with a report by the GAO. In my opinion this negates the need for any further oversight amendment because it would be foolish for health care professionals to engage in anti-consumer conduct given that it could cause them to lose their rights under this legislation.

I urge the Members to oppose this dangerous amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BALLENGER).

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

Mr. THOMAS. 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 542, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. BALLENGER) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 106-709.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STEARNS: Page 3, line 17, insert before the period the following: “, but only if such health care professionals have received prior approval for such negotiations from the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (i).”.

Page 6, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(i) PRIOR APPROVAL.—

(1) IN GENERAL.—Health care professionals who seek to engage in negotiations with a

health plan as provided in subsection (a) must obtain approval from the Commission or the Assistant Attorney General prior to commencing such negotiations. The Commission or the Assistant Attorney General shall grant such approval if the Commission or Assistant Attorney General has determined that recognition under subsection (a) of the group of health care professionals for the purpose of engaging in collective negotiations with the health plan will promote competition and enhance the quality of patient care. The approval that is granted under this subsection may be limited in time or scope to ensure that these criteria are met. The Commission and the Assistant Attorney General shall make a determination regarding a request for approval under this paragraph within 30 days after the date it is received, if the request contains the information specified in regulations issued under paragraph (2). Failure by the Commission or Assistant Attorney General to make such determination within such 30-day period will be deemed to be an approval of the request by the Commission or the Assistant Attorney General.

(2) REGULATIONS.—The Commission, in consultation with the Assistant Attorney General, shall publish regulations implementing this subsection within six months of the effective date of this Act. Such regulations shall include the following:

(A) A description of the information that must be submitted by health care professionals who seek to obtain approval to engage in collective negotiations.

(B) Provisions for the opportunity for the public to submit comments to the Commission or the Assistant Attorney General for consideration in reviewing any request for approval by health care professionals to engage in collective negotiations under this section.

(C) Provision for a filing fee in an amount reasonable and necessary to cover the costs of the Commission and the Assistant Attorney General to implement this subsection. On an annual basis, this fee shall be updated to reflect any increases or decreases determined to be necessary to cover such costs.

(3) COORDINATION.—The Commission and the Assistant Attorney General shall coordinate so that an application is reviewed under this subsection by either the Commission or the Assistant Attorney General, but not both.

(4) EXEMPTION FOR SMALL GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection (other than subparagraph (B)), no prior approval is required under this subsection in the case of a group of health care professionals who are acting collectively with respect to a negotiation if such group constitutes less than 20 percent of the health care professionals in a specialty (or subspecialty) in the market area involved, as determined under regulations of the Commission.

(B) OVERSIGHT.—The Commission shall establish a process under which, if it receives a bona fide request that alleges that the negotiations of a group described in subparagraph (A) has not promoted competition or has not enhanced the quality of patient care, the Commission will review the request and may take such action as the Commission determines to be appropriate. Such action may include ordering that the results of the negotiations be vitiated and that the exemption under subparagraph (A) not apply to such group for such period as the Commission may specify.

Page 8, after line 8, insert the following:

(4) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(5) ASSISTANT ATTORNEY GENERAL.—The term “Assistant Attorney General” means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

Mr. CAMPBELL. Mr. Chairman, just a point of procedure, if I might. How may I go about claiming the time in opposition?

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may claim the time.

Mr. CAMPBELL. With the consent of my colleague, the gentleman from Michigan (Mr. CONYERS), I claim the time in opposition.

Mr. CONYERS. Mr. Chairman, I am pleased to give the control of the time to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I appreciate that, Mr. Chairman. How much time is that, Mr. Chairman?

The CHAIRMAN. The time in opposition will be 5 minutes.

Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. THOMAS. Mr. Chairman, is there a motion available to object to the use of the chart on the floor?

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. Chairman, I thank my colleague, the gentleman from California (Mr. THOMAS), for allowing me to have the charts here on the House floor.

Mr. Chairman, my amendment is pretty simple. It is basically asking for oversight on the Conyers-Campbell, Campbell-Conyers amendment. When we look across the landscape at different groups that have been exempted, labor unions, of course, as mentioned earlier, go to the National Labor Relations Board. If one developed a cooperative, a farming cooperative, they would have to go to the Secretary of Agriculture to certify that they did not have any monopoly practices and that they were not restraining trade.

If one were an export association or a trading company or even a fishing association, even a fishing association, they would have to go to the Secretary of the Interior or to the Federal Trade Commission.

If one is an insurance company and they tried to meet different people, insurance companies tried to meet, they would also have to be governed by anti-trust laws.

Newspapers, national defense contractors, throughout all of America, everybody has some oversight, but not in the Campbell-Conyers bill.

Now, in Texas, Governor George Bush passed a bill which had similar language to the Campbell-Conyers bill,

but it had oversight. In fact, when one looked at it, and many other States are adopting this language, provided for the doctors to be able to get together and to negotiate with HMOs; but it had oversight.

One had to go to the State attorney general to certify that their plan and what they were doing were not anti-trust, was not developing a monopoly.

So basically my amendment, which is very simple, adds a few words. It says that when they go to the HMOs and when they develop their collective strategy, that it will be certified by the Federal Trade Commission or the Justice Department. So it is very simple. It brings in that trust but verify.

So I ask my colleagues to say if they support the Campbell amendment, the Conyers amendment, why not have a little bit of trust but verify by having this group of doctors, much like everybody else in America, have some oversight; and they would have to go to the Federal Trade Commission or to the Justice Department to get certified for what they are doing?

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

Mr. CAMPBELL. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman from California (Mr. CAMPBELL) for yielding me this time.

Mr. Chairman, I rise to strongly oppose the Stearns amendment. I am not going to spend much time talking about it. It simply guts the bill. Do not vote for it.

I do want to go back and refer to the Ballenger amendment for just a moment which basically says that, okay, we will let the docs actually get together and have a discussion about this great big insurance company that comes to town, is going to take over all their practices; and we will actually let them get in a room and talk about it without prosecuting them, except they cannot talk about fees.

Now, I assure everyone that is part of the discussion. After having practiced dentistry for 25 years and fooled around a few years experimenting with this managed care environment, I can say absolutely that it is not possible to negotiate with HMOs without bringing up fees and payments.

Some HMOs have contracts that require doctors to spend no more than 12 minutes with a patient. Other HMOs pay doctors bonuses to provide the cheapest possible care, even when another treatment is more appropriate. The list goes on, such as bonuses for using HMO facilities and suppliers even when they are inferior.

Mr. Chairman, those who support this amendment, and I am talking about the Ballenger amendment, are technically correct when they say that doctors could negotiate over spending

more time with patients, providing appropriate treatments with patients, or which facility to use without specifically bringing up cost issues. But if that is all the doctor can question in this negotiation, we will see every HMO in this country switch to one of their other options, which is straight capitation.

I have actually tried to practice dentistry under these conditions, in which one is assigned a flat fee per person. Some years ago I think it was \$3.00, not \$10.00 as the gentleman from Michigan (Mr. CONYERS) said, but \$3.00. The plan does not put any standards in the contract, but the fee received is based on the same 12-minute per patient, cheapest care possible and the use of HMO facilities only.

If one does not do all of these things, they just simply go broke.

Now, the playing field out there is tilted. The gentleman from Ohio (Mr. BOEHNER) mentioned it. It is tilted. It is tilted way out of line. We have turned health care in this country over to the insurance industries. We have said, you run it, we cannot. The Federal Government will be solid about it. The States have all of their laws preempted, and by the way let us give the insurance companies an exemption from antitrust.

□ 2350

That is what we have going on out there. Health care is not better off for it. Now, we need to, if we cannot get a patient's protections bill, at least level the playing field, so these men and women who care for your bodies every day can come together in a room and actually discuss their life.

Mr. STEARNS. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) has 2 minutes and 45 seconds remaining.

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

Mr. Chairman, the gentleman from Georgia (Mr. NORWOOD) just finished a very eloquent, emotional speech. The point is that a lot of the States are already enacting these protections for the physicians, and we do not need the Federal Government to go ahead and do it. For example, Texas passed, as I mentioned earlier, an antitrust bill that exempted physicians but had oversight with the Attorney General there in the State.

Why not let the States throughout this country do what we are trying to do and let them be first? Negotiations in the States will proceed on an orderly manner, and in those States where it is not required, it will not go forward.

Mr. Chairman, I have these charts that I want to show here briefly. The myth, the bill would grant doctors the same type of labor protections afforded other workers. Other workers can obtain a labor exemption only, only if

they are employees, not independent contractors. Two, physicians who are employees are already entitled to the exemption under existing law, and, third, under H.R. 1304, physicians' collective bargaining would not be subject to the NLRA or any other NLRB oversight.

I ask my colleagues, do we want to have them have that carte blanche ability? Myth, doctors cannot organize without the exemption. Antitrust laws permit physicians to perform large group practices and IPAs now. In many areas, these groups have considerable leverage over plans, particularly when they are organized around specialties. Three, doctors already can discuss qualities and other contractual terms with each other and with health care plans.

My colleagues, let us have some oversight. They did it in the State of Texas. This bill would supersede Texas and all other States that are moving forward. So I ask you to vote for the Stearns amendment and let us have trust, but verify.

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

Mr. CAMPBELL. Mr. Chairman, I have no further speakers, except to close.

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

Mr. Chairman, let me tell my colleagues on tonight's vote, whether you are a Democrat or a Republican, we know how controversial this is. We know that a lot of the people that went on the Campbell bill decided they wanted to get off but they could not get off, and they are hoping tonight that somehow this amendment would not be brought to the floor or possibly there would be some way that they would have to vote for it.

My colleagues if we want a fair compromise to this bill and still retain our loyalty to it, then vote for the Stearns bill, because it allows you to have oversight of these doctors, without it, everything we heard from the other speakers could occur.

It does not hurt to have some verification through the antitrust measures that are in this amendment, much like even the Fishery Association has, so I urge passage of the Stearns bill.

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

Mr. Chairman, of 228 cosponsors, three have asked to come off the bill. We have 225. I do not know where my good friend, the gentleman from Florida (Mr. STEARNS), believes that people have been asking to get off the bill. Let me say eight have joined since our bill was postponed a month ago, eight new sponsors have joined.

The capitation rate can be so low in some instances that quality of health care suffers, that is just a fact. When

people say that they would try to limit negotiations only to matters unrelated to fees, they miss the fact.

If your capitation rate requires you as a general practitioner to see 10 patients per hour, then they are not providing quality care. The gentleman from Florida (Mr. STEARNS) suggests that we get the Federal Trade Commission to oversee.

Let me tell my colleagues what the Stearns amendment does. It gives the FTC the power. The gentleman did not discuss it but at page 4 in his amendment, and it is in my handout so those colleagues that come on the floor will see it, the FTC is given the authority and, I quote, to determine whether the terms are appropriate and then take such action as they think as appropriate, including the results of the negotiations be vitiated. I am not kidding. The FTC has plenary authority under the Stearns amendment to vitiate the bill, and all of its amendments. Furthermore, the FTC does not want this authority.

In testimony before the Committee on the Judiciary, the chairman of the FTC said they did not have the manpower, personpower to handle this. Furthermore, the Stearns amendment says that there is an exemption if you are 20 percent or less of a market. How is the FTC to determine if we have 20 percent or less of a market?

Mr. Chairman, I used to be in charge of the Bureau of Competition at the FTC, and we were doing mergers in 45 days with compulsory process. How do we determine whether anybody has 20 percent of a market within 30 days? That is why the chairman of the FTC testified that it could not be done, not without a huge increase in his budget.

Lastly that the doctors have existing authority; only if they integrate, that is just the point. Some doctors do not choose to be business people. They never choose to become in an IPA or an IPO, they chose to be professional doctors, we should let them be professional doctors.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. 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 542, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider Amendment No. 3 printed in House Report 106-709.

AMENDMENT NO. 3 OFFERED BY MR. COX

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COX:
Page 4, after line 20, insert the following new paragraph:

(3) PHYSICIANS' RIGHT TO CHOOSE WHETHER TO JOIN A LABOR ORGANIZATION.—Nothing in this Act shall impair the right of any health care professional to refrain from self-organizing, from forming, joining or assisting a labor organization (including an organization of other health care professionals), from bargaining collectively, or from engaging in concerted activities, and no agreement with a health care plan may require membership by a health care professional (who under existing law prior to the enactment of this Act would not have been treated as an employee) in a labor organization, including any organization of other health care professionals, as a condition of employment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. COX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

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

The physicians who support this bill do so for one reason, they wish to negotiate with HMOs and other managed care organizations in order to improve the quality of the patient care. They do not seek this legislation in order to force other doctors into a labor union if those doctors do not wish to join one. America's physicians deserve the fundamental right to choose whether to join a union or not, whether to belong to a union and whether to pay dues to it.

This amendment states clearly that even as they are gaining the right to collectively bargain, America's doctors will also be protected in their right to join a labor organization or to choose not to.

It is necessary, because this bill states that doctors will henceforth be treated as, this is the language of the bill, quote, bargaining units, which are recognized under the National Labor Relations Act in connection with such collective bargaining, but the National Labor Relations Act says that workers can be compelled to join a union as a condition of employment.

This would happen if, for example, some doctors under this bill collectively bargain with an HMO and negotiate a contract that required membership in a union as a condition of working for that HMO.

Without this amendment, a physician could be shut out from participating in a health care plan were such a collective bargain agreement negotiated with an HMO. That physician could be shut out of the health care plan simply because he or she chose not to join a

union, simply because, for example, a physician exercised her right to choose not to become a member of a union.

Unfortunately, forced unionization is a very real and very unfair fact of life under the National Labor Relations Act. This amendment makes clear the original intent of the bill's author, to allow physicians to collectively bargain and leave them free to choose whether or not to join a union.

If this bill is enacted, doctors will collectively bargain with HMOs. Doctors and HMOs will undoubtedly enter into collective bargain agreements. Under the National Labor Relations Act, those collective bargaining agreements could legally require that in order for a doctor to work at the HMO he or she must join a union.

□ 2400

This amendment will protect doctors from such compulsory unionism that is nowhere forced on them today.

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

Mr. CONYERS. Mr. Chairman, I rise in opposition, and I yield myself 1 minute.

Mr. Chairman, this may be one of the most incredible amendments of the evening, because we are now talking about mandating a Federal right-to-work law with respect to health care professionals. I say to my colleagues, we have never considered that before in any particular field, and the practical impact of the amendment would be to harm the ability of health care professionals to collectively bargain and protect patients' rights.

This is an amendment that would seek to turn pro-labor Members against H.R. 1306.

Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), our distinguished whip.

Mr. BONIOR. Mr. Chairman, most of us live in communities where we pay taxes for the cost of operating schools, for paving the streets, for picking up the garbage, and we each pay our share, so do our neighbors. Everyone does their part, everyone reaps benefits. But imagine for a moment if it were different. Imagine if our neighbors could each decide to opt out of paying their fair share. They would still get the benefits, they just would not pay for them. Well, I think it would be pretty obvious it would not take long for that system to fall apart because we could not afford a system like that.

That is exactly the kind of system that the Cox amendment would force on to the health professionals. It says you can organize, you can bargain, but you have to provide the same services for the freeloaders, those who do not want to pay, as you do to provide for those who pay their fair share.

Mr. Chairman, no one here would ever argue that individuals have a

right not to pay their taxes if they do not want to, yet this amendment tells health care professionals they would have the right not to pay their fair share of the cost of collective bargaining.

So I say to my colleagues, this amendment may not stop professionals from organizing, but make no mistake about it, this amendment will prevent them from succeeding. It is, as the gentleman from Michigan (Mr. CONYERS) has stated, an amendment that would kill the bill from the perspective of many people in this Chamber, and I hope Members will vote no on it.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the Cox amendment.

Those who are sympathetic and in support of the underlying purpose of this bill will surely see their intention defeated if this amendment is adopted. Because no rational-thinking physician would proceed to try to organize and bargain collectively if this amendment became law, because those leaders in the collective bargaining process would bear all the risk, and there is considerable risk of going up against the managed care companies, considerable risk of being ostracized, considerable risk of being leveraged in the marketplace, considerable risk of suffering professional and economic harm. Those who would be the first to step forward would bear all the risk, and then those who sat and waited to see how it turned out would yield all the benefit if they so chose.

No one, Mr. Chairman, would embark on that kind of risky venture if he or she was not assured that those who would benefit from the hard-won bargain would have to pay to support the process of winning the hard-won bargain.

So this is an amendment that if it became law would act as a significant disincentive for anyone ever stepping forward and taking advantage of the rights that are contemplated in the underlying bill.

If one is sympathetic to the principles of the underlying bill, one should oppose this amendment.

Mr. COX. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment and to debunk some of the allegations made on the other side.

We have 21 States that have right-to-work laws now, and in all of those States we have unions that are organized. To deny the right to members of a health care organization to choose for themselves whether or not to engage in collective bargaining is a fundamental principle that every Amer-

ican should have. In fact, we should not just be voting on this issue on this particular group of people; we should be bringing the legislation that I have introduced and has been cosponsored by more than 140 members for a national right-to-work law to be voted on here in the Congress.

Mr. Chairman, I strongly support this provision being added to this bill, to give people the right to choose for themselves whether or not they want to participate in something. They should not be made involuntarily to participate in collective bargaining if they choose not to do so. So this is something that has worked well for a great many people in a great many places, and to require somebody to do this against their will is tyranny. We should support this amendment.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRBACHER), my distinguished colleague.

Mr. ROHRBACHER. Mr. Chairman, I rise in strong support of H.R. 1304, and I want to note that I was an original cosponsor of H.R. 1304. Many of us who feel strongly about this also strongly support the Cox amendment.

Mr. Chairman, this bill, the base bill, is about voluntary association, the right of people to gather to work together and to form unions if they want to, yes, but to have voluntary associations, if they want to do so. It is also about the right to choose. The Supreme Court recently had two decisions based on freedom of association, the Boy Scout decision and the political parties decision.

The Cox amendment will ensure that this bill's lofty goals are actually achieved. The lofty goals of making sure that doctors are working for the benefit of the public and that the medical profession is not taken over by labor union bosses or anybody else, or managers of HMOs, but instead, the freedom of association will ensure that doctors can gather together and that they will remain true to the ideals that brought them together in the first place. Support the Cox amendment.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment. I wish the discussion was accurate. There is no coercion in this bill whatsoever. There is no requirement to unionize, to organize; there is perfect freedom in this legislation. I oppose this amendment, because there is no need for clarification.

Mr. Chairman, I stand in opposition to the amendment offered by Congressman COX to "clarify that a health care plan may not force a physician to join a union as a condition of employment."

H.R. 1304 would exempt health care professional from antitrust laws when they negotiate with health plans over fees and other terms of

any contract under which they provide health care items of service. Professionals who form coalitions for that purpose would receive the same treatment under antitrust laws that labor organizations receive for collective bargaining activities under the National Labor Relations Act.

To this point, H.R. 1304 has truly been a piece of legislation formed through the combined efforts of my colleagues who sit on the Judiciary Committee, both on the left and the right. Now, our combined efforts seem to be traveling down that destructive road called "partisanship." Let us be careful not to be divided at this point.

As it stands, H.R. 1304 makes clear its objectives. There is no ambiguity in this legislation. Hence, there is no need for clarification! This amendment is proffered to "reaffirm the right of any health care professional to refrain from self-organizing, from forming, joining, or assisting a labor organization, from bargaining collectively, or from engaging in concerted activity."

There is no language in H.R. 1304 that would minutely suggest that collective bargaining, organization, or unionization is, or may be required. Independent practitioners who wish to remain private in practice and in negotiations with health care plans may do so. This legislation would only give independent practitioners protection should they "choose" to engage in collective bargaining.

For care givers who provide speciality services, this bill will assist them in negotiating contracts with the health care plans to make their services more readily accessible. This legislation is clear in that it provides a benefit to health care providers and does not impose any requirements.

H.R. 1304 has already been through an intense amendment process in the Judiciary Committee and adopted by a vote of 26-2, I urge my colleagues not to allow additional amendments to legislation that is already crystal clear.

There has been a bipartisan effort to work with professional health care organizations and we should respect the work that has been done to develop this bill.

Any amendments at this point would be hidden attempts to destroy a very simple and important piece of legislation. As reported by the judiciary, the bill would ensure that Congress could address any potential concerns that may arise before the legislation is re-authorized. Adding unneeded language would only harm patients by delaying passage and ultimately destroying the bill.

Mr. Chairman, this legislation is clear and I press upon my colleagues the need to oppose all amendments at this point and to support the passage H.R. 1304 so the American people may begin to receive the best health care possible.

Mr. CONYERS. Mr. Chairman, I yield myself the remaining time.

The Cox amendment is nothing less than a last-minute attack on the rights of health care professionals and patients in particular. Now, notice, this is a nongermane amendment that had the rule prescribed that all points of order had not been waived would not even be in order. It is a last-grasp effort on the part of the opponents of the

bill to change the subject matter of the bill and turn pro-labor Members against the measure.

The practical impact of the amendment would be devastating to the ability of health care professionals to collectively bargain and protect patients' rights. Let us not pass tonight inadvertently the first Federal right-to-work law in our country's history.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL OR-
GANIZATIONS,

Washington, DC, June 29, 2000.

Hon. JOHN CONYERS, JR.,

House of Representatives, Washington, DC.

DEAR CONGRESSMAN CONYERS: The AFL-CIO opposes the Cox amendment to H.R. 1304, Quality Health Care Coalition Act. This amendment is clearly an attempt at passing a federal "right to work" law for doctors and health professionals.

We strenuously oppose this amendment and urge Members to vote against it.

Sincerely,

PEGGY TAYLOR,

Director, Department of Legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COX).

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

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

It is now in order to consider Amendment No. 4 printed in House report 106-709.

AMENDMENT NO. 4 OFFERED BY MR. TERRY

Mr. TERRY. 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. TERRY:

Page 4, after line 20, insert the following:

(3) NO NEGOTIATION OVER FEES.—The exemption provided in subsection (a) shall not apply to negotiations over fees.

□ 0010

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is really rather simple. This Terry-Coburn amendment states rather simply that this broad antitrust exemption should be provided, not for fees, but only for the protection of patients.

The AMA in our discussions has assured me that this bill that they support and want is not about money. In fact, they sent around a flier today to all of us saying it is about the patient,

not dollars. So, in theory, they should support this type of an amendment that still protects their rights to negotiate the quality of patients' care, but not to collaborate on fees and increase the cost.

I have met with several of the doctors back in my home district. They have shared with me that they want the ability to communicate and balance the table, to talk to the insurance companies about the quality of care, that they are concerned about being gagged in what they can and cannot talk to their patients about, or gatekeeper provisions, or medical necessity definitions. These are the types of things they would like to sit down and negotiate.

I think we should allow them that type of opportunity, because that does go to the heart of the quality of patient care. So why are they against this amendment? Maybe it is about the money. Providing quality care should never take a back seat to cost or treatment. This amendment will assure that this bill remains focused on what we all want, and that is quality of care, and is not simply increasing the cost of that care.

I urge my colleagues to vote for this simple solution that splits the difference.

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

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I urge my colleagues on both sides of the aisle to reject this amendment. Here is why: The Terry amendment would prevent negotiations over quality of care. It addresses costs.

Let me give an example of how costs can affect quality of care. As a reconstructive surgeon, if somebody has their hand cut off, I can take that patient to the operating room and under microsurgical repair sew back all the tendons, the blood vessels, put the nerves back together. That is probably a 10-hour operation, an 8- to 10-hour operation.

That HMO that I may be contracted with can determine that the payment to the surgeon for that procedure would be \$200, or maybe \$150. By their pricing, they can effectively, despite their promises to their patients, prevent those patients from getting the services paid for, covered by their plans, by simply making it impossible for that patient to get that type of care that they need. They can price a product, a health care product, so low that we effectively are not providing the service.

Yes, if that patient comes in, under medical ethics I would take the patient to the operating room and fix their

hand, but I would be essentially doing it for free.

Mr. CAMPBELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Nebraska. I have the utmost respect for him, but happen to disagree with him on this issue.

I think the gentleman from Iowa (Mr. GANSKE) was fairly eloquent on this issue. He presupposes that there is no correlation between reimbursement and quality. When I talk to a lot of the physicians in my community about their experiences on this issue, many of them share with me the same thing, that the lower and lower the reimbursement schemes that the insurance companies are essentially ramming down their throats, the way they cope is they see more and more patients in a given amount of time.

There has been some very good research out of Canada to show that physicians spend very little time seeing patients because the reimbursement is so bad that patients have to go to a doctor two, three, or four times before they finally get properly diagnosed, and the essential problem is the doctors are not spending any time with the patients.

While this bill passed with the gentleman's exception would be better than no bill, I think the gentleman's amendment does serious injury to the fundamental issue.

There are 220 cosponsors of the underlying bill. I would encourage all of them to vote no on the Terry amendment.

Mr. TERRY. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, this is an ironic twist that I am against my doctor friends in the House. I do so not without risk to myself. I was castigated at the AMA when they had the House of Delegates because I opposed the bill.

I voted for the Patients' Bill of Rights. I have worked hard to try to see that we get a bill for patients. I understand the motivation, severely, behind this bill. I think the motivation is pure.

But I do think that our obligation, and as the gentleman from Iowa (Mr. GANSKE) said, if a patient came to him, he would do it whether he got paid or not. How is it we have a health care system where we have to make a consideration about whether we get paid or not, whether or not there is a question about adequate remuneration?

The fact is that this is about money, unfortunately. To say it is about patient care is really not true, because everything I have heard from the doctors that I have talked about has been about money. Money is associated with patient care.

The question has been raised about low monthly payments for patients in an HMO, but the only way an HMO can force a doctor to accept \$10 a month for pediatric care is if there are way too many doctors in that market. So although the goals and the desires of my friends from the AMA are good, what they want to do is continue to perpetrate the maldistribution of physicians in this country.

The other thing to think about is if this bill becomes law and Members live in a rural district, half of their doctors will no longer be in the rural district because we will have set up a system where they can come to the urban areas, where many of them would rather be, and get the same treatment because we can negotiate the fees higher. So we are going to disrupt further the distribution of physicians in the country.

I am with my brothers and sisters in the medicine field. I believe this is the wrong way to solve our problem. The right way to solve our problem is the Patients' Bill of Rights. If this amendment is accepted and my amendment is accepted, I will be voting for this bill.

Mr. CAMPBELL. Mr. Chairman, I yield the balance of our time to the gentleman from Georgia (Mr. NORWOOD).

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

I want to say to my dear friend, and I mean that, the gentleman from Oklahoma (Mr. COBURN), I simply do not agree with him. I think we ought to vote this amendment down.

Is this about money? Of course it is about money. People who are going broke are concerned about that. I have been involved in managed care a few years. I can tell the Members right now it is a lot easier to stay home and go fishing than go broke, because their choice is to go broke or give bad care. That is the choices they give us.

I have always wanted to tell this story. I hate to tell it when nobody is awake. It is a story basically about what this is all about. It has occurred since I have been in Congress.

In 1996, Concordia Dental Insurance Company won the bid from the United States government to care for all the dependent personnel for our military across the country, a \$1 billion contract. There is a little town in eastern North Carolina called Jacksonville, North Carolina. One hundred thousand people live there. Thirty thousand are civilians, 70,000 belong to the Marines.

□ 0020

Now, there are only 30 dentists there, and Concordia comes to town and says, Guys, we are going to take two-thirds of your practice. We are going to cut everything that you are paid in half, your fees are cut in half. You do not have to take this contract. The gentleman

from Oklahoma (Mr. COBURN) says they could just walk away. How can they walk away? They are taking two-thirds of their practice.

They are simply saying, We want you to treat these people with quality care as long as you can. You may be out of business in a year, you may even last 2 years. These people said, No. We are not going to do this. These 30 dentists said, No, we cannot do this. We will go broke. We cannot feed our families or take care of our children's education.

What do my colleagues think happened to these people? The next thing they get is the big arm of the Federal Government from the Federal Trade Commission slamming down on their door saying, We know you are in collusion. You have got to be, because none of you will come to work for this insurance company and go broke. Something has got to be wrong. You are talking to each other. Sure you are. We are going to prosecute you.

Do my colleagues know what happened? A classmate from Harvard who was a lawyer from Concordia just happened to know a classmate of his at the Federal Trade Commission and he calls him up and he says, John, I cannot get these people to work for nothing. You need to help me do something about that. So our great Federal Trade Commission puts all of these 30 people under the threat of jail because they will not work for nothing.

Mr. Chairman, I urge my colleagues, do not pass this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

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

Mr. TERRY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. TERRY) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 106-709.

AMENDMENT NO. 5 OFFERED BY MR. COBURN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. COBURN:
Page 6, after line 10, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(h) EXEMPTION OF ABORTION AND ABORTION SERVICES.—Nothing in this section shall apply to negotiations specifically relating to requiring a health plan to cover abortion or abortion services.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. COBURN) and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

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

Mr. SMITH of New Jersey. Mr. Chairman, first of all let me begin by saying that the gentlewoman from Texas (Ms. JACKSON-LEE), my friend and colleague, misstated—was in error—when she suggested that any amendment to H.R. 1304, constituted a poison pill crafted by the insurance industry to destroy the bill.

As a strong and longstanding cosponsor of the Campbell bill, and as one speaking in favor of the pro-life Coburn amendment, nothing could be further from the truth. Our only intent in proposing this amendment is to protect innocent babies and their mothers from the violence of abortion. Abortion isn't health care—it is the dismembering and poisoning of fragile children.

Mr. Chairman, let us make no mistake about it, pro-abortion groups have long had as their goal complete assimilation of abortion into the Nation's health care system. It is clear that absent Coburn abortion providers could certainly use the exemption created by H.R. 1304 to pressure private group health plans to cover abortion. It is appropriate then, and I think it is a vital duty of this Congress, to adopt the Coburn abortion-neutral amendment if we are going to grant physicians the significant leverage in negotiations over benefits and other important issues permitted under the legislation. But we certainly should not, however unwittingly or inadvertently, permit more abortions as a consequence of this measure.

The Coburn amendment, which would simply maintain the status quo, would only exclude negotiations over abortions. That is all it would do. In other words, current antitrust law would remain in place if organizations and health care providers tried to leverage expansive abortion coverage from insurers.

Opposition to the Coburn amendment could only come from those who want abortion advocates to use this special antitrust exemption granted by H.R. 1304 to expand coverage of abortion. That is why the National Right to Life is in favor of Coburn. That is why NARAL and other pro-abortion organizations are against it. It could not be clearer.

Mr. Chairman, I strongly urge a positive vote in favor of the Coburn amendment.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 7½ minutes.

Mr. CONYERS. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this is another example of the kind of gamesmanship that we have been subjected to. The bill

says nothing about abortion. This anti-choice gag rule is a poison pill designed only to kill another bill to provide quality health care to all Americans.

How many Members have told me on the floor tonight if this amendment passes, they will vote against the bill? It is very simple. It is very obvious. To talk about leaving a rape victim without medical guidance.

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

Mr. COBURN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, the gentleman from Michigan (Mr. CONYERS), my colleague on the other side, said point blank that the bill says nothing about abortion. He is simply wrong. The language of the bill clearly provides that physicians cannot negotiate in order to preclude people from providing abortion, but in fact they can negotiate to force them.

The language of the bill is right here. I invite the gentleman to read it. It simply says if a doctor is licensed to perform an abortion, negotiations may not be held to preclude him from performing abortions, in plain language of the bill. I invite the gentleman to read it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I have been a cosponsor of this bill for nearly a year. But the amendment before us strips physicians of their right to speak about their medical, religious, and moral beliefs; and it says doctors can collectively bargain on any subject except those related to abortion and abortion services.

Every single time the anti-choice majority in this House can interfere with a women's right to access family planning or choose a legal abortion, they do. It is never enough. This bill contains no mention of any specific health service. It offers no directive about specific benefits or services that must be covered. But here we are debating women's reproductive health care once again.

We need not fear that it will be covered because this amendment would ensure it cannot even be discussed. I hope that Americans who are watching this debate will think carefully about the kind of Congress they want to elect in November. We can have a Congress that encourages responsible decision-making and access to quality reproductive health care. We can have a Congress that works to prevent the need for abortion by increasing access to effective family planning methods. Or we can continue to have a Congress like this where nearly every day it seems there is another amendment, another bill to make the right to choose obsolete.

This is what it is all about. We are gagging our doctors. We are not giving them the right to negotiate.

Mr. Chairman, I urge my colleagues to fight for quality health care for their constituents and oppose this amendment.

Mr. COBURN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me quote from the bill:

Nothing in this section shall exempt from the application of the antitrust laws any agreement or otherwise unlawful conspiracy that excludes, limits, the participation or reimbursement or other otherwise limits the scope of services to be provided by any health care professional, or group of health care professionals, with respect to the performance of services that are within their scope of practice as defined by permitted relevant law or regulation.

Well, let me tell my colleagues what that very slickly says. What that says is that health care providers have the right to retain services, but no right to exemption from antitrust laws to reduce services. So if a group, if a Catholic hospital buys a hospital that is presently performing abortions and under their conscience do not additionally want to offer that service, then in fact they will not be able to do that.

□ 0030

So that is not the intention of this author, and I understand that. That was never his intention. But that is the result and the effect is that those hospitals in this country who consciously object to the taking of unborn life can in fact be forced to perform that.

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

Mr. CONYERS. Mr. Chairman, I am pleased to yield 45 seconds to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, actually, I am sure that what I will say has already been said, but it needs to be repeated.

Actually, first of all, I am very pleased that this bill is coming to the floor. It is a good bill. It is supported by 220 Members of Congress and a myriad of associations and organizations. With the ever increasing consolidation within managed care, it is essential.

Actually, the bill does not mandate any benefit of service, nor does it force insurance companies to provide abortion coverage. So I am dismayed that the very distinguished gentleman from Oklahoma (Mr. COBURN) has offered this amendment because it drags the abortion issue into this discussion.

But what is happening with this amendment is we are dragging the abortion issue into this discussion when our debate should pivot on whether or not giving doctors the right to collectively bargain will have a beneficial or adverse consequence on the health care industry.

This should not be a discussion on the specific conscience of a doctor or a health care, but the Coburn amendment would do just that. And so, I urge defeat of the amendment.

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

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. Chairman, those of my colleagues who are supporters of this measure really have to vote against the Coburn amendment, and they have to do it for a reason of substance and a reason of process.

The substantive reason is that if they argue that this is all about freeing doctors, freeing doctors to use their individual liberty to go and negotiate with their plans, then they cannot have it both ways, they cannot say except in this one instance and be consistent.

Secondly, if they are for the bill, they cannot vote for the Coburn amendment. Because if we look at the people who voted for the rule to allow this to happen at all, nearly half of them are pro-choice Members and they will kill the bill with the Coburn amendment.

So to be consistent and support the right of doctors to individually and collectively argue for good care for their patients and to be consistent and say they want the bill to pass, they must vote against the Coburn amendment unless they are going to go home to their doctors and let them know they tried to have it both ways.

Mr. COBURN. Mr. Chairman, I yield myself 1 minute just to answer the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. Chairman, what the bill says is that they can negotiate for abortion rights but they cannot negotiate for life. That is the ultimate result of this language. And in fact, it puts in jeopardy every Catholic hospital in this country.

What it also does, to say that this is not happening is the California Medical Association has already tried to introduce this law. It is through the State of California to mandate that every health care provider and every health care organization offer abortion services.

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

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

Mr. NADLER. Mr. Chairman, I was going to use my minute to talk about how this is a total red herring and this debate should not be about abortion because the bill does not talk about abortions.

Then the amendment that I wrote and negotiated over a period of 6 months with doctors and nurses is cited by the gentleman on the other side as an abortion amendment. It has nothing to do with abortion.

The purpose of section (e) is to say that a group of doctors cannot negotiate with the HMO an agreement that

says they may not pay nurses more than x dollars an hour. It is to prevent one group of professionals, doctors generally, from saying that nurses may not do certain things that the law says they may do.

That fear was expressed by the nurses, the physical therapists, the chiropractors; and we carefully negotiated language in this section with the doctors, the nurses, the chiropractors and the physical therapists to prevent the bill from being used by one group of health care practitioners to exclude or limit the reimbursement of another group of health care practitioners.

It has nothing whatsoever to do with abortion, period. It is just completely irrelevant to it. This bill says nothing about abortion pro or con.

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

Mr. Chairman, if, in fact, the gentleman is correct, then there is nothing wrong with my amendment. If, in fact, he is incorrect, and I believe he is, that the unintended consequence is exactly as I described, we will, in fact, have the situation as I described.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect the differences that my friends have who are against abortion. I do again reaffirm that the Supreme Court has said the right to choose is the law of the land.

The Coburn amendment makes this bill more difficult and untenable than it is or may be. By preventing any negotiations between health care plans and doctors about abortion, the Coburn amendment could leave an incest victim stranded on an island of despair. Even her own psychiatrist could be prevented by an HMO to referring her to an obstetrician to exercise her constitutional protected right to choose.

It could also leave a rape victim without any medical guidance, or an emergency room doctor could be forbidden from ensuring that a health plan allows a referral to an appropriate reproductive health clinic.

By preventing any negotiations between health care plans and doctors about any abortion-related service, this extreme anti-choice amendment could prevent a physician from ensuring that an HMO provides ultrasound to mothers. It is not in this bill.

We should not vote for this amendment. We should allow the right to choose to stand on its own.

Mr. Chairman, I rise in opposition to this amendment offered by Representative COBURN to exclude "negotiations specifically relating to requiring a health plan to cover abortion or abortion services."

H.R. 1304, the Quality Health Care Coalition Act is about controlling health costs and quality and access to health care, not about limiting health care services because of a mention of abortion. It does so by amending the

antitrust laws to allow health care professionals to jointly negotiate the terms of their contracts with health care plans.

This bill is not about abortion rights. That debate has already been decided in the Supreme Court in 1973 in the landmark ruling of *Roe v. Wade*. Furthermore, just yesterday, once again the Supreme Court upheld a woman's right to choose whether or not an abortion is right for her, without the State enacting undue restrictions. By ruling the Nebraska "partial-birth" ban unconstitutional, the Court reiterated that *Roe v. Wade* is still the law of the land and cannot be undermined with ambiguous anti-abortion language.

Under the Coburn amendment, providers could not negotiate against any oppressive restrictions that appear in their contracts concerning abortion services. Such restrictions could include a ban on referring clients for abortions elsewhere, or from discussing abortion as a medically appropriate and legal option with patients.

The amendment runs counter to the spirit of the underlying legislation—the goal of which is to empower health-care providers in their negotiations with large health plans. This amendment is merely another attempt to stigmatize abortion by separating it from other medical care.

Contrary to what the amendment sponsors will argue, H.R. 1304 would not force insurance companies to provide abortion coverage. In fact, specific benefits are not usually outlined in contracts between health plans and providers. Rather, they are contained in contracts between health plans and patients or groups of patients or employers on their behalf.

H.R. 1304 would not alter this practice. The Coburn amendment, however, would silence physicians and other providers. Those who have a medical and ethical responsibility to promote the well being of their patients would be unable to advocate with health plans on their patients' behalf for comprehensive reproductive health care.

Physicians would be precluded from negotiating on their patient's behalf with hospitals to provide abortions in cases of medical emergency, or even mentioning that an abortion does not meet an adequate standard of care. Although today's Coburn amendment is limited to abortion or abortion services, it is very likely that those who seek to gag doctors from discussing abortion with their patients would soon target other reproductive health services, such as tubal ligations, sterilization, or contraception!

H.R. 1304 gives health care professionals the power to jointly negotiate contract terms to promote quality health care for their patients. H.R. 1304 would provide guarantees that patients are protected from bureaucratic abuses and help pave the way for such assurances.

Mr. Chairman, this amendment is strongly opposed by the American College of Obstetricians and Gynecologists and the American Medical Women's Association because this is an inappropriate amendment designed to kill support for this bill.

Personalized attention is what most Americans desire from their doctors, social workers and other care providers. H.R. 1304 encourages doctors to focus on the care they give to

their patients. It allows us to return to an era when physicians were able to act on behalf of their patients and not for the benefit of the bottom line for an insurance company.

I ask my colleagues not to support such outlandish tactics and to rise above this so that we might approve this most significant piece of legislation.

Mr. COBURN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, my point is said by this chart, is that, in fact, the rule of the land is that they do not provide good health care unless they are willing to terminate an unborn child. That is NARAL's position. That is where we are headed with the language as it is written in this bill.

This bill has great intention. The authors never intended this quirk of availability to be there. That was not the intention of the gentleman from California (Mr. CAMPBELL). But it is there. And unless it is fixed, what will happen is NARAL's position that they are not providing health care unless they are terminating unborn children in every health plan, every Catholic hospital in this country that are on health insurance or extended facility will be at the mercy of NARAL.

Seventy-five percent of the people in this country, the latest poll, believes it is murder to kill an unborn child. Twenty-five percent of the people in this country are wrong. They are wrong.

There is a God in heaven, and we will pay a price for what we are doing to unborn children.

Do not let this bill go out of this House without this amendment. My colleagues will doom not only those organizations that are there for life, but they will doom some of the best health care organizations in the country.

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

Mr. CONYERS. Mr. Chairman, I yield the balance of the time to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the word "abortion" does not appear. I wrote this with the gentleman from California (Mr. CAMPBELL). We can assure our colleagues that in no place does the word "abortion" appear.

I just want to emphasize that.

□ 0040

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for his leadership.

Mr. Chairman, I rise against the amendment of the gentleman from Oklahoma (Mr. COBURN). No HMO has ever required a doctor to perform an abortion. They have never required a doctor to perform an abortion. This amendment is totally unnecessary. Come on, we all know what this is about.

The Campbell-Conyers amendment, the underlying bill, is not about abortion. The Coburn amendment is irrelevant, deceptive, and transparent. Its goal has nothing to do with abortion. Its goal is to try to undermine a very thoughtful and important bill. I urge a no vote on the Coburn amendment and a yes vote for Campbell-Conyers.

Mr. Chairman, I yield to the gentleman from New York (Mrs. LOWEY), my good friend.

Mrs. LOWEY. Mr. Chairman, I would like to clarify the statement from my good friend, the gentleman from Oklahoma (Mr. COBURN), who said that unless someone is willing to terminate an unborn child they cannot practice medicine. Look at what the Greenwood amendment says, that the Committee on Rules and the gentleman would not accept. It clearly says and provides for a religious exception.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. 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 542, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 6 printed in House Report 106-709.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. DAVIS of Illinois:

Add at the end the following new subsection:

(j) SENSE OF CONGRESS.—It is the sense of Congress that decisions regarding medical care and treatment should be made by the physician or health care professional in consultation with the patient.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

PARLIAMENTARY INQUIRY

Mr. CAMPBELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may inquire.

Mr. CAMPBELL. In the absence of anyone opposed, may I claim the time for additional speakers on our side?

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may claim the time in opposition, by unanimous consent.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, that I like and support.

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from California?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

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

Mr. Chairman, first of all, I want to commend and congratulate the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS) on the introduction of a necessity whose time has come, that is, the Quality Health-Care Coalition Act.

I also want to thank the Committee on Rules for making my amendment in order. The amendment that I offer today enhances the underlying bill by expressing a sense of Congress relative to decisions regarding medical care and treatment. This amendment simply states that it is the sense of this body that decisions regarding medical care and treatment should be made primarily by the physician or health care professional in consultation with the patient.

In my congressional district I have 22 hospitals and a vast array of other health and medical research institutions and many residents with serious health and medical needs. Oftentimes health providers and patients will agree on a course of action, a course of treatment, that they consider best.

However, the HMO or insurer will have, in some cases, drafted guidelines and rules that will not allow payment for the suggested treatment prescribed by the doctor.

That leads to a situation where the doctor may have to forego his or her prescribed recommendation in order to get the patient's bill paid. In some instances, this has led to tragic consequences for patients. Quality health care is not only found in providing access. It is also found in the ability of doctors and other health providers to find remedies that may be outside the box. In other words, clinicians working for HMOs who draw guidelines to suggest that one size fits all, limit medical potential and the use of modern medical technology and does not allow for unique individual differences that patients may have.

The power of insurers to determine coverage potentially gives them the power to dictate professional standards of care for all but the wealthiest of patients. That is not appropriate. It is not good care, and it is not right.

Too many patients are suffering because HMOs have put profits ahead of

patient care. This House cannot stand silently by while insurance company decisions are superseding the recommendations of health experts and doctors.

It is time that we strengthen the doctor-patient relationship. Therefore, I would urge support for this important amendment and urge its passage. I would also suggest that on the eve of July 4, I believe that it is time that we pass a declaration of independence for this Nation's doctors, nurses and other health care providers who along with their patients ought to be able to determine the best and most appropriate course of action.

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

PARLIAMENTARY INQUIRY

Mr. OSE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OSE. Mr. Chairman, wishing to speak in favor of the gentleman's amendment, how would I go about requesting time?

The CHAIRMAN. The gentleman would proceed by asking unanimous consent for additional time, which would be granted on both sides.

Mr. OSE. Mr. Chairman, I ask unanimous consent to address the House for 2 minutes in favor of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California? Objection is heard.

Is any Member in the Chamber seeking to control time in opposition?

Mr. DAVIS of Illinois. Mr. Chairman, could I inquire of the Chair how much time I have left?

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) has 1 minute remaining.

Mr. DAVIS of Illinois. Mr. Chairman, then I would be pleased to yield the 1 minute that I have remaining to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the gentleman from Illinois (Mr. DAVIS) for his very cordial provision of time.

Mr. Chairman, I rise in support of the gentleman's amendment, and I just wish to relate the impact in my district of the lack of available physician or health care professional assistance within the Medicare HMO sector of the health care market. The consequence that I am referring to is HCFA's interpretive nature on reimbursement rates that are allowed to Medicare HMOs and the like, and the consequence on doctors for providing service.

I saw a study today that estimates that HCFA has exacted over \$50 billion over congressional intent by virtue of BBA-97. To the extent that we can return control of these decisions to a doctor and the patient, this is a step in the right direction, and I heartily endorse it.

The CHAIRMAN. Is there any Member seeking time in opposition?

Mr. THOMAS. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

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

Mr. Chairman, I do so to enter into a colloquy with my colleague, the gentleman from Illinois (Mr. DAVIS), only for clarification purposes.

I do believe that the sense of this resolution is to make sure that medical decisions are made by the medical professionals, but I do have some concern about the wording because it says that it is the sense of Congress that decisions regarding medical care and treatment should be made by the physician or, and here is my concern, health care professional. We had heard some discussion earlier on another amendment that this legislation was not just about physicians; that it was about other health care professionals as well.

□ 0050

I am concerned about the class that would be covered by the term health care professional, because it is possible that some of those categories may, in fact, be jobs that we would not want to have the decision making and treatment recommendation in their hands. So was the intent of the gentleman from Illinois (Mr. DAVIS) in terms of expanding beyond physicians the decision-making capability regarding medical care and treatment?

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, the intent is oftentimes medical providers work as a team. The physician is generally the lead person on the team, and so the language is not restricted to a physician in a situation where only he or she is working alone, but also as they work as members of a team who might be working on a particular problem.

Mr. THOMAS. Reclaiming my time, I thank the gentleman for the clarification. I still have difficulty with the language, because the word between physician and health care professional is not "and," it is "or." So that it could be the physician or the health care professional, and the health care professional, depending on the way we define it, could be the candy stripper in the hospital, and the candy stripper in the hospital is the health care professional, and they make decisions regarding medical care and treatment.

Does Congress want to go on record that it is the sense of Congress that the orderly, that the cook, that the person who is doing menial tasks but is classified as the health care professional is going to make decisions regarding medical care and treatment. Is that what we are doing it?

Mr. DAVIS of Illinois. If the gentleman would continue to yield, the definition of health care professional reads in the bill: The term health care professional means an individual who provides health care items or services, treatment, assistance with activities of daily living or medications to patients and who to the extent required by State or Federal law possesses specialized training that confers expertise in the provision of such items or services, treatment, assistance, or medications.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, that means that somebody who is trained in giving someone a bath, because they are incapable of doing that is one of the activities of daily living that would be classified as the health care professional and, therefore, Congress believes that they should make medical care and treatment decisions; that is what the sense of Congress says.

I think it is fairly early in the morning, and we are getting a little carried away in terms of what we want to do. If we want to say as a Congress, people who give people baths ought to be able to make medical decisions about their care and treatment, vote yes on this sense of Congress.

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

Mr. THOMAS. I yield to the gentleman from Iowa.

Mr. GANSKE. I say to the gentleman from California (Mr. THOMAS) maybe one way to resolve this at this late hour is simply that it sounds as if basically these people, health professionals, this is covered within the extent of the duties that are described generally within their job.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I think the gentleman from Iowa (Mr. GANSKE) will find that is about the all-inclusive description of health care professionals I have heard, including people who give people baths.

Mr. GANSKE. If the gentleman will continue to yield. Again, I would not have a problem with a person whose job it is to give a patient a bath, if that is the only thing we are talking about.

Mr. THOMAS. I understand that, but this says the sense of Congress is that decisions regarding medical care and treatment, it does not say how we take a bath.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

Mr. THOMAS. No, no, I was on my feet.

The CHAIRMAN. The gentleman will suspend.

Mr. THOMAS. I was on my feet.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) did not call for a recorded vote. The Chair moved the further proceedings.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 542, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 by Mr. BALLENGER of North Carolina;

Amendment No. 2 by Mr. STEARNS of Florida;

Amendment No. 3 by Mr. COX of California;

Amendment No. 4 by Mr. TERRY of Nebraska; and,

Amendment No. 5 by Mr. COBURN of Oklahoma.

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

AMENDMENT NO. 1 OFFERED BY MR. BALLENGER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentleman from North Carolina (Mr. BALLENGER) 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 vote was taken by electronic device, and there were—ayes 71, noes 345, not voting 19, as follows:

[Roll No. 367]

AYES—71

Arney	Dreier	Myrick
Ballenger	Dunn	Nussle
Bartlett	Ewing	Packard
Barton	Gekas	Pease
Bass	Goodling	Pitts
Bateman	Goss	Pomeroy
Bereuter	Gutknecht	Pryce (OH)
Biggert	Hastert	Radanovich
Bliley	Hayworth	Ramstad
Blunt	Hoekstra	Rogers
Boehner	Hostettler	Ryan (WI)
Bonilla	Houghton	Ryun (KS)
Bono	Hulshof	Sanford
Burton	Johnson (CT)	Schaffer
Buyer	Kingston	Sensenbrenner
Cannon	Knollenberg	Shadegg
Castle	Kolbe	Stump
Chabot	LaHood	Sununu
Coble	Largent	Terry
Coburn	Lewis (KY)	Thomas
Combest	Linder	Tiahrt
Cunningham	McCrery	Watkins
DeLay	McKeon	Watt (NC)
DeMint	Miller, Gary	

NOES—345

Abercrombie	Bentsen	Brady (TX)
Ackerman	Berkley	Brown (FL)
Aderholt	Berman	Brown (OH)
Allen	Berry	Bryant
Andrews	Bilbray	Burr
Baca	Bilirakis	Callahan
Bachus	Bishop	Calvert
Baird	Blagojevich	Camp
Baker	Blumenauer	Campbell
Baldacci	Boehert	Canady
Baldwin	Bonior	Capps
Barcia	Borski	Capuano
Barr	Boswell	Cardin
Barrett (NE)	Boucher	Carson
Barrett (WI)	Boyd	Chambliss
Becerra	Brady (PA)	Chenoweth-Hage

Clayton	Hyde	Peterson (PA)	Wexler	Wilson	Wu	Sanford	Stearns	Toomey
Clement	Insee	Petri	Weygand	Wise	Wynn	Sensenbrenner	Stump	Watkins
Clyburn	Isakson	Phelps	Whitfield	Wolf	Young (AK)	Shadegg	Sununu	Wicker
Collins	Istook	Pickering	Wicker	Woolsey		Shays	Terry	Young (AK)
Condit	Jackson (IL)	Pickett				Souder	Thomas	
Conyers	Jackson-Lee	Pombo				Spence	Tiahrt	
Cooksey	(TX)	Porter	Archer	Klink	Shuster			
Costello	Jefferson	Portman	Clay	Markey	Stark			
Cox	Jenkins	Price (NC)	Cook	Martinez	Taylor (NC)			
Coyne	John	Quinn	Filner	McIntosh	Vento			
Cramer	Johnson, E. B.	Rahall	Fowler	McNulty	Young (FL)			
Crane	Jones (NC)	Rangel	Hastings (WA)	Meek (FL)				
Crowley	Jones (OH)	Regula	Johnson, Sam	Meeks (NY)				
Cubin	Kanjorski	Reyes						
Cummings	Kaptur	Reynolds						
Danner	Kasich	Riley						
Davis (FL)	Kelly	Rivers						
Davis (IL)	Kennedy	Rodriguez						
Davis (VA)	Kildee	Roemer						
Deal	Kilpatrick	Rogan						
DeFazio	Kind (WI)	Rohrabacher						
DeGette	King (NY)	Ros-Lehtinen						
Delahunt	Kleczka	Rothman						
DeLauro	Kucinich	Roukema						
Deutsch	Kuykendall	Roybal-Allard						
Diaz-Balart	LaFalce	Royce						
Dickey	Lampson	Rush						
Dicks	Lantos	Sabo						
Dingell	Larson	Salmon						
Dixon	Latham	Sanchez						
Doggett	LaTourette	Sanders						
Dooley	Lazio	Sandlin						
Doolittle	Leach	Sawyer						
Doyle	Lee	Saxton						
Duncan	Levin	Scarborough						
Edwards	Lewis (CA)	Schakowsky						
Ehlers	Lewis (GA)	Scott						
Ehrlich	Lipinski	Serrano						
Emerson	LoBiondo	Sessions						
Engel	Lofgren	Shaw						
English	Lowe	Shays						
Eshoo	Lucas (KY)	Sherman						
Etheridge	Lucas (OK)	Sherwood						
Evans	Luther	Shimkus						
Everett	Maloney (CT)	Shows						
Farr	Maloney (NY)	Simpson						
Fattah	Manzullo	Sisisky						
Fletcher	Mascara	Skeen						
Foley	Matsui	Skelton						
Forbes	McCarthy (MO)	Slaughter						
Ford	McCarthy (NY)	Smith (MI)						
Fossella	McCollum	Smith (NJ)						
Frank (MA)	McDermott	Smith (TX)						
Franks (NJ)	McGovern	Smith (WA)						
Frelinghuysen	McHugh	Snyder						
Frost	McInnis	Souder						
Gallegly	McIntyre	Spence						
Ganske	McKinney	Spratt						
Gejdenson	Meehan	Stabenow						
Gephardt	Menendez	Stearns						
Gibbons	Metcalf	Stenholm						
Gilchrest	Mica	Strickland						
Gillmor	Millender-	Stupak						
Gilman	McDonald	Sweeney						
Gonzalez	Miller (FL)	Talent						
Goode	Miller, George	Tancredo						
Goodlatte	Minge	Tanner						
Gordon	Mink	Tauscher						
Graham	Moakley	Tauzin						
Granger	Mollohan	Taylor (MS)						
Green (TX)	Moore	Thompson (CA)						
Green (WI)	Moran (KS)	Thompson (MS)						
Greenwood	Moran (VA)	Thornberry						
Gutierrez	Morella	Thune						
Hall (OH)	Murtha	Thurman						
Hall (TX)	Nadler	Tierney						
Hansen	Napolitano	Toomey						
Hastings (FL)	Neal	Towns						
Hayes	Nethercutt	Traficant						
Hefley	Ney	Turner						
Herger	Northup	Udall (CO)						
Hill (IN)	Norwood	Udall (NM)						
Hill (MT)	Oberstar	Upton						
Hillery	Obey	Velazquez						
Hilliard	Oliver	Visclosky						
Hinche	Ortiz	Vitter						
Hinojosa	Ose	Walden						
Hobson	Owens	Walsh						
Hoefel	Oxley	Wamp						
Holden	Pallone	Waters						
Holt	Pascrell	Watts (OK)						
Hooley	Pastor	Waxman						
Horn	Paul	Weiner						
Hoyer	Payne	Weldon (FL)						
Hunter	Pelosi	Weldon (PA)						
Hutchinson	Peterson (MN)	Weller						

NOT VOTING—19

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam

Klink
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Meeks (NY)

Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0113

Messrs. LARSEN, BARCIA, GOOD-LATTE, GREEN of Wisconsin, LATHAM, and SHAYS changed their vote from "aye" to "no."

Mr. HOEKSTRA and Mr. LINDER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 542, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Florida (Mr. STEARNS) 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 94, noes 320, not voting 21, as follows:

[Roll No. 368]

AYES—94

Armye	Dooley	Lewis (KY)
Ballenger	Dreier	Lucas (OK)
Barton	Ehlers	Luther
Bass	Ehrlich	McCrery
Bereuter	Gekas	McInnis
Biggert	Goodlatte	McKeon
Bilirakis	Goodling	Mica
Bliley	Goss	Miller, Gary
Blunt	Green (WI)	Mink
Boehner	Hansen	Moran (KS)
Bonilla	Hastert	Myrick
Bono	Hayworth	Northup
Brady (TX)	Hefley	Nussle
Burton	Herger	Oxley
Buyer	Hill (IN)	Packard
Cannon	Hoekstra	Pease
Castle	Hostettler	Pitts
Chabot	Hulshof	Pombo
Coble	Hutchinson	Pomeroy
Coburn	Johnson (CT)	Portman
Combest	Kingston	Pryce (OH)
Crane	Knollenberg	Radanovich
Cunningham	Kolbe	Ramstad
Davis (FL)	Largent	Ryan (WI)
DeLay	Larson	Ryun (KS)
DeMint	Latham	Salmon

NOES—320

Abercrombie	Evans	Lowey
Ackerman	Everett	Lucas (KY)
Aderholt	Ewing	Maloney (CT)
Allen	Farr	Maloney (NY)
Andrews	Fattah	Manzullo
Baca	Fletcher	Mascara
Bachus	Foley	Matsui
Baird	Forbes	McCarthy (MO)
Baker	Ford	McCarthy (NY)
Baldacci	Fossella	McCollum
Baldwin	Frank (MA)	McDermott
Barcia	Franks (NJ)	McGovern
Barr	Frelinghuysen	McHugh
Barrett (NE)	Frost	McIntyre
Barrett (WI)	Gallegly	McKinney
Bartlett	Ganske	Meehan
Bateman	Gejdenson	Meeks (NY)
Becerra	Gephardt	Menendez
Bentsen	Gibbons	Metcalf
Berkley	Gilchrest	Millender-
Berman	Gillmor	McDonald
Berry	Gilman	Miller (FL)
Bilbray	Gonzalez	Miller, George
Bishop	Goode	Minge
Blagojevich	Gordon	Moakley
Blumenauer	Graham	Mollohan
Boehler	Granger	Moore
Bonior	Green (TX)	Moran (VA)
Borski	Greenwood	Morella
Boswell	Gutierrez	Murtha
Boucher	Gutknecht	Nadler
Boyd	Hall (OH)	Napolitano
Brady (PA)	Hall (TX)	Neal
Brown (FL)	Hastings (FL)	Nethercutt
Brown (OH)	Hayes	Ney
Bryant	Hill (MT)	Norwood
Burr	Hillery	Oberstar
Callahan	Hilliard	Obey
Calvert	Hinche	Oliver
Camp	Hinojosa	Ortiz
Campbell	Hobson	Ose
Canady	Hoefel	Owens
Capps	Holden	Pallone
Capuano	Holt	Pascrell
Cardin	Hooley	Pastor
Carson	Horn	Paul
Chambliss	Hoyer	Payne
Chenoweth-Hage	Hunter	Pelosi
Clayton	Hyde	Peterson (MN)
Clement	Insee	Peterson (PA)
Clyburn	Isakson	Petri
Collins	Istook	Phelps
Condit	Jackson (IL)	Pickering
Conyers	Jackson-Lee	Pickett
Cooksey	(TX)	Porter
Costello	Jefferson	Price (NC)
Cox	Jenkins	Quinn
Coyne	John	Rahall
Cramer	Johnson, E. B.	Rangel
Crowley	Jones (NC)	Regula
Cubin	Jones (OH)	Reyes
Cummings	Kanjorski	Reynolds
Danner	Kaptur	Riley
Davis (IL)	Kasich	Rivers
Davis (VA)	Kelly	Rodriguez
Deal	Kennedy	Roemer
DeFazio	Kildee	Rogan
DeGette	Kilpatrick	Rogers
Delahunt	Kind (WI)	Rohrabacher
DeLauro	King (NY)	Ros-Lehtinen
Deutsch	Kleczka	Rothman
Diaz-Balart	Kucinich	Roukema
Dickey	Kuykendall	Roybal-Allard
Dicks	LaFalce	Royce
Dingell	LaHood	Rush
Dixon	Lampson	Sabo
Doggett	Lantos	Sanchez
Doolittle	LaTourette	Sanders
Doyle	Lazio	Sandlin
Duncan	Leach	Sawyer
Dunn	Levin	Saxton
Edwards	Lewis (CA)	Schaffer
Emerson	Lewis (GA)	Schakowsky
Engel	Linder	Scott
English	Lipinski	Serrano
Eshoo	LoBiondo	Sessions
Etheridge	Lofgren	Shaw

Terry	Tiaht	Walden	Scott	Strickland	Walsh	Hastert	McIntyre	Schaffer
Thomas	Toomey	Watkins	Serrano	Stupak	Wamp	Hayes	McKeon	Sensenbrenner
			Sessions	Sweeney	Waters	Hayworth	Metcaif	Sessions
	NOES—338		Shaw	Talent	Watt (NC)	Hefley	Mica	Shadegg
Abercrombie	Fattah	Lucas (KY)	Shays	Tanner	Watts (OK)	Herger	Miller, Gary	Sherwood
Ackerman	Fletcher	Lucas (OK)	Sherman	Tauscher	Waxman	Hill (MT)	Moakley	Shimkus
Aderholt	Foley	Luther	Sherwood	Tauzin	Weiner	Hilleary	Mollohan	Shows
Allen	Forbes	Maloney (CT)	Shimkus	Taylor (MS)	Weldon (FL)	Hobson	Moran (KS)	Simpson
Andrews	Ford	Maloney (NY)	Shows	Thompson (CA)	Weldon (PA)	Hoekstra	Murtha	Skeen
Baca	Fossella	Manzullo	Simpson	Thompson (MS)	Weller	Holden	Myrick	Skelton
Bachus	Frank (MA)	Mascara	Sisisky	Thornberry	Wexler	Hostettler	Nethercutt	Smith (MI)
Baird	Franks (NJ)	Matsui	Skelton	Thune	Weygand	Hulshof	Ney	Smith (NJ)
Baker	Frelinghuysen	McCarthy (MO)	Slaughter	Thurman	Whitfield	Hunter	Northup	Smith (TX)
Baldacci	Frost	McCarthy (NY)	Smith (MI)	Tierney	Wicker	Hutchinson	Norwood	Souder
Baldwin	Gallely	McCollum	Smith (NJ)	Towns	Wilson	Hyde	Nussle	Spence
Barcia	Ganske	McDermott	Smith (TX)	Trafficant	Wise	Isakson	Oberstar	Stearns
Barr	Gejdenson	McGovern	Smith (WA)	Turner	Wolf	Istook	Ortiz	Stenholm
Bateman	Gephardt	McHugh	Snyder	Udall (CO)	Woolsey	Jenkins	Oxley	Stump
Becerra	Gibbons	McInnis	Spence	Udall (NM)	Wu	John	Packard	Stupak
Bentsen	Gilchrest	McIntyre	Spratt	Upton	Wynn	Jones (NC)	Pease	Sununu
Berkley	Gillmor	McKinney	Stabenow	Velazquez	Young (AK)	Kanjorski	Peterson (MN)	Talent
Berman	Gilman	Meehan	Stearns	Visclosky	Vitter	Kasich	Peterson (PA)	Tancredro
Berry	Gonzalez	Meeks (NY)	Stenholm			Kildee	Petri	Tauzin
Bilbray	Goode	Menendez		NOT VOTING—19		King (NY)	Phelps	Taylor (MS)
Bishop	Gordon	Metcaif				Kingston	Pickering	Terry
Blagojevich	Graham	Mica	Archer	Klink	Shuster	Knollenberg	Pitts	Thomas
Blumenauer	Granger	Millender-	Clay	Linder	Stark	Kucinich	Pombo	Thornberry
Boehert	Green (TX)	McDonald	Cook	Markey	Taylor (NC)	LaFalce	Portman	Thune
Bonior	Greenwood	Miller (FL)	Filner	Martinez	Vento	LaHood	Quinn	Tiaht
Borski	Gutierrez	Miller, George	Fowler	McIntosh	Young (FL)	Largent	Radanovich	Toomey
Boswell	Gutknecht	Minge	Hastings (WA)	McNulty		Latham	Rahall	Trafficant
Boucher	Hall (OH)	Mink	Johnson, Sam	Meek (FL)		LaTourette	Regula	Upton
Boyd	Hall (TX)	Moakley				Leach	Reynolds	Vitter
Brady (PA)	Hansen	Mollohan				Lewis (CA)	Riley	Walsh
Brady (TX)	Hastings (FL)	Moore				Lewis (KY)	Roemer	Wamp
Brown (FL)	Hayes	Moran (KS)				Linder	Rogan	Watkins
Brown (OH)	Hefley	Moran (VA)				Lipinski	Rogers	Watts (OK)
Bryant	Herger	Morella				LoBiondo	Rohrabacher	Weldon (FL)
Burr	Hill (IN)	Murtha				Lucas (KY)	Ros-Lehtinen	Weldon (PA)
Callahan	Hill (MT)	Nadler				Lucas (OK)	Royce	Weller
Calvert	Hilleary	Napolitano				Manzullo	Ryan (WI)	Weygand
Camp	Hilliard	Neal				Mascara	Ryun (KS)	Whitfield
Campbell	Hinchee	Nethercutt				McCollum	Salmon	Wicker
Canady	Hinojosa	Ney				McCrery	Sanford	Wilson
Capps	Hobson	Northup				McHugh	Saxton	Wolf
Capuano	Hoeffel	Norwood				McInnis	Scarborough	Young (AK)
Cardin	Holden	Oberstar						
Carson	Holt	Obey						
Chambliss	Hooley	Olver						
Chenoweth-Hage	Horn	Ortiz						
Clayton	Houghton	Ose						
Clement	Hoyer	Owens						
Clyburn	Hunter	Pallone						
Collins	Hutchinson	Pascarell						
Condit	Hyde	Pastor						
Conyers	Inslee	Paul						
Cooksey	Isakson	Payne						
Costello	Istook	Pelosi						
Coyne	Jackson (IL)	Peterson (MN)						
Cramer	Jackson-Lee	Peterson (PA)						
Crowley	(TX)	Petri						
Cubin	Jefferson	Phelps						
Cummings	Jenkins	Pickering						
Cunningham	John	Pickett						
Danner	Johnson, E. B.	Pombo						
Davis (FL)	Jones (NC)	Porter						
Davis (IL)	Jones (OH)	Portman						
Davis (VA)	Kanjorski	Price (NC)						
Deal	Kaptur	Quinn						
DeFazio	Kasich	Rahall						
DeGette	Kelly	Rangel	Aderholt	Calvert	Dreier	Abercrombie	DeGette	Jackson-Lee
Delahunt	Kennedy	Regula	Arme	Camp	Duncan	Ackerman	Delahunt	(TX)
DeLauro	Kildee	Reyes	Bachus	Canady	Dunn	Allen	DeLauro	Jefferson
Deutsch	Kilpatrick	Reynolds	Baker	Cannon	Ehlers	Andrews	Deutsch	Johnson (CT)
Diaz-Balart	Kind (WI)	Riley	Ballenger	Chabot	Ehrlich	Baca	Dicks	Johnson, E.B.
Dickey	King (NY)	Rivers	Barcia	Chambliss	Emerson	Baird	Dingell	Jones (OH)
Dicks	Kleczka	Rodriguez	Barr	Chenoweth-Hage	English	Baldacci	Dixon	Kaptur
Dingell	Kucinich	Roemer	Barrett (NE)	Coble	Everett	Baldwin	Doggett	Kelly
Dixon	Kuykendall	Rogan	Bartlett	Coburn	Ewing	Barrett (WI)	Dooley	Kennedy
Doggett	LaFalce	Rohrabacher	Barton	Collins	Fletcher	Bass	Edwards	Kilpatrick
Dooley	LaHood	Ros-Lehtinen	Bateman	Combust	Forbes	Becerra	Engel	Kind (WI)
Doolittle	Lampson	Rothman	Bereuter	Costello	Fossella	Bentsen	Eshoo	Kleczka
Doyle	Lantos	Roukema	Berry	Cox	Gallely	Berkley	Etheridge	Kolbe
Duncan	Larson	Roybal-Allard	Bilirakis	Crane	Gekas	Berman	Evans	Kuykendall
Edwards	LaTourette	Royce	Bliley	Cubin	Gillmor	Bernman	Farr	Lampson
Ehlers	Lazio	Rush	Blunt	Cunningham	Goode	Evans	Fattah	Lantos
Ehrlich	Leach	Sabo	Boehner	Danner	Goodlatte	Farr	Foley	Larson
Emerson	Lee	Salmon	Bonilla	Davis (VA)	Goodling	Boehert	Ford	Lazio
Engel	Levin	Sanchez	Borski	Deal	Goss	Bonior	Frank (MA)	Lee
English	Lewis (CA)	Sanders	Brady (TX)	DeLay	Graham	Bono	Frank (NJ)	Levin
Eshoo	Lewis (GA)	Sandlin	Bryant	DeMint	Green (WI)	Boswell	Frelinghuysen	Lewis (GA)
Etheridge	Lipinski	Sawyer	Burr	Diaz-Balart	Gutknecht	Boucher	Frost	Lofgren
Evans	LoBiondo	Saxton	Burton	Dickey	Hall (OH)	Boyd	Gejdenson	Lowey
Everett	Lofgren	Scarborough	Buyer	Doolittle	Hall (TX)	Bouche	Gephardt	Luther
Farr	Lowey	Schakowsky	Callahan	Doyle	Hansen	Brady (PA)	Gibbons	Maloney (CT)
						Brown (FL)	Gilchrest	Maloney (NY)
						Brown (OH)	Gilman	Matsui
						Campbell	Gonzalez	McCarthy (MO)
						Capps	Gordon	McCarthy (NY)
						Capuano	Granger	McDermott
						Cardin	Green (TX)	McGovern
						Carson	Greenwood	McKinney
						Castle	Gutierrez	Meehan
						Clayton	Hastings (FL)	Meeks (NY)
						Clement	Hill (IN)	Menendez
						Clyburn	Hilliard	Millender-
						Condit	Hinchee	McDonald
						Cooksey	Hoyer	Miller (FL)
						Coyne	Houghton	Miller, George
						Cramer	Hoyer	Minge
						Crowley	Inslee	Mink
						Cummings	Jackson (IL)	Moore
						Davis (FL)		Moran (VA)
						Davis (IL)		Morella
						DeFazio		Nadler
								Napolitano
								Neal

NOT VOTING—19

□ 0133

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. COBURN
The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Oklahoma (Mr. COBURN) 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 213, noes 202, answered “present” 1, not voting 19, as follows:

[Roll No. 371]

AYES—213

Aderholt	Calvert	Dreier
Arme	Camp	Duncan
Bachus	Canady	Dunn
Baker	Cannon	Ehlers
Ballenger	Chabot	Ehrlich
Barcia	Chambliss	Emerson
Barr	Chenoweth-Hage	English
Barrett (NE)	Coble	Everett
Bartlett	Coburn	Ewing
Barton	Collins	Fletcher
Bateman	Combust	Forbes
Bereuter	Costello	Fossella
Berry	Cox	Gallely
Bilirakis	Crane	Gekas
Bliley	Cubin	Gillmor
Blunt	Cunningham	Goode
Boehner	Danner	Goodlatte
Bonilla	Davis (VA)	Goodling
Borski	Deal	Goss
Brady (TX)	DeLay	Graham
Bryant	DeMint	Green (WI)
Burr	Diaz-Balart	Gutknecht
Burton	Dickey	Hall (OH)
Buyer	Doolittle	Hall (TX)
Callahan	Doyle	Hansen

NOES—202

Abercrombie	DeGette	Jackson-Lee
Ackerman	Delahunt	(TX)
Allen	DeLauro	Jefferson
Andrews	Deutsch	Johnson (CT)
Baca	Dicks	Johnson, E.B.
Baird	Dingell	Jones (OH)
Baldacci	Dixon	Kaptur
Baldwin	Doggett	Kelly
Barrett (WI)	Dooley	Kennedy
Bass	Edwards	Kilpatrick
Becerra	Engel	Kind (WI)
Bentsen	Eshoo	Kleczka
Berkley	Etheridge	Kolbe
Berman	Evans	Kuykendall
Biggett	Farr	Lampson
Bilbray	Fattah	Lantos
Bishop	Foley	Larson
Blagojevich	Ford	Lazio
Blumenauer	Frank (MA)	Lee
Boehert	Franks (NJ)	Levin
Bonior	Frelinghuysen	Lewis (GA)
Bono	Frost	Lofgren
Boswell	Gejdenson	Lowey
Boucher	Gephardt	Luther
Boyd	Gibbons	Maloney (CT)
Brady (PA)	Gilchrest	Maloney (NY)
Brown (FL)	Gilman	Matsui
Brown (OH)	Gonzalez	McCarthy (MO)
Campbell	Gordon	McCarthy (NY)
Capps	Granger	McDermott
Capuano	Green (TX)	McGovern
Cardin	Greenwood	McKinney
Carson	Gutierrez	Meehan
Castle	Hastings (FL)	Meeks (NY)
Clayton	Hill (IN)	Menendez
Clement	Hilliard	Millender-
Clyburn	Hinchee	McDonald
Condit	Hoyer	Miller (FL)
Cooksey	Houghton	Miller, George
Coyne	Hoyer	Minge
Cramer	Inslee	Mink
Crowley	Jackson (IL)	Moore
Cummings		Moran (VA)
Davis (FL)		Morella
Davis (IL)		Nadler
DeFazio		Napolitano
		Neal

Obey	Rush	Thompson (CA)
Oliver	Sabo	Thompson (MS)
Ose	Sanchez	Thurman
Owens	Sanders	Tierney
Pallone	Sandin	Towns
Pascrell	Sawyer	Turner
Pastor	Schakowsky	Udall (CO)
Payne	Scott	Udall (NM)
Pelosi	Serrano	Velazquez
Pickett	Shaw	Visclosky
Pomeroy	Shays	Walden
Porter	Sherman	Waters
Price (NC)	Sisisky	Watt (NC)
Pryce (OH)	Slaughter	Waxman
Ramstad	Smith (WA)	Weiner
Rangel	Snyder	Wexler
Reyes	Spratt	Wise
Rivers	Stabenow	Woolsey
Rodriguez	Strickland	Wu
Rothman	Sweeney	Wynn
Roukema	Tanner	
Roybal-Allard	Tauscher	

ANSWERED "PRESENT"—1

Paul

NOT VOTING—19

Archer	Johnson, Sam	Shuster
Clay	Klink	Stark
Cook	Markey	Taylor (NC)
Filner	Martinez	Vento
Fowler	McIntosh	Young (FL)
Ganske	McNulty	
Hastings (WA)	Meek (FL)	

□ 0139

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Chairman, I will not offer a motion to recommit. As the lead cosponsor of the bill, I wish that the Coburn amendment had been defeated but notwithstanding its adoption I am asking everyone to vote aye on final passage.

This vote is not being scored by the pro choice committee.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, pursuant to House Resolution 542, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the

Whole? If not, the question is on the amendment.

The amendment was agreed to. The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 136, answered "present" 2, not voting 20, as follows:

[Roll No. 372]

AYES—276

Abercrombie	Doolittle	Jenkins
Ackerman	Doyle	John
Aderholt	Duncan	Johnson, E. B.
Allen	Edwards	Jones (NC)
Andrews	Ehrlich	Kanjorski
Baca	Emerson	Kaptur
Bachus	Engel	Kasich
Baker	English	Kelly
Baldacci	Etheridge	Kennedy
Barcia	Evans	Kildee
Barr	Everett	Kind (WI)
Bartlett	Farr	King (NY)
Bentsen	Fattah	Kleczka
Berry	Fletcher	Kolbe
Bilbray	Foley	Kucinich
Bishop	Forbes	Kuykendall
Blagojevich	Ford	LaFalce
Blumenauer	Fossella	Lampson
Boehert	Frank (MA)	Lantos
Bonior	Franks (NJ)	LaTourette
Borski	Frelinguysen	Lazio
Boswell	Frost	Leach
Boucher	Galleghy	Levin
Boyd	Ganske	Lewis (CA)
Brady (PA)	Gejdenson	Lewis (KY)
Brown (FL)	Gephardt	Linder
Brown (OH)	Gibbons	Lipinski
Bryant	Gilchrest	LoBiondo
Burr	Gillmor	Lucas (KY)
Callahan	Gilman	Lucas (OK)
Calvert	Gonzalez	Maloney (CT)
Camp	Goode	Maloney (NY)
Campbell	Goodlatte	Manzullo
Canady	Gordon	Mascara
Capuano	Graham	Matsui
Cardin	Granger	McCarthy (NY)
Carson	Green (TX)	McCollum
Chambliss	Green (WI)	McDermott
Chenoweth-Hage	Greenwood	McGovern
Clayton	Hall (OH)	McIntyre
Clement	Hall (TX)	McKinney
Clyburn	Hansen	Meehan
Collins	Hayes	Menendez
Condit	Hefley	Mica
Conyers	Hill (IN)	Miller (FL)
Cooksey	Hill (MT)	Moakley
Costello	Hilleary	Mollohan
Coyne	Hilliard	Moore
Cramer	Hinche	Moran (KS)
Crowley	Hinojosa	Moran (VA)
Cubin	Hoefel	Morella
Cummings	Holden	Murtha
Danner	Hooley	Nadler
Davis (FL)	Horn	Napolitano
Davis (IL)	Hoyer	Neal
Davis (VA)	Hulshof	Nethercutt
Deal	Hunter	Ney
DeFazio	Hutchinson	Norwood
Delahunt	Hyde	Oberstar
DeLauro	Isakson	Obey
Diaz-Balart	Istook	Olver
Dickey	Jackson-Lee	Ortiz
Dicks	(TX)	Ose
Dingell	Jefferson	Pallone

Pascrell	Salmon	Tanner
Pastor	Sanders	Tauscher
Paul	Sandin	Tauzin
Payne	Sawyer	Taylor (MS)
Peterson (MN)	Saxton	Thompson (CA)
Peterson (PA)	Scarborough	Thompson (MS)
Petri	Scott	Thornberry
Phelps	Serrano	Thune
Pickering	Sessions	Tierney
Pickett	Shaw	Trafficant
Pombo	Shimkus	Turner
Porter	Shows	Udall (CO)
Price (NC)	Simpson	Udall (NM)
Rahall	Sisisky	Upton
Regula	Skelton	Vitter
Reyes	Slaughter	Wamp
Reynolds	Smith (MI)	Weiner
Riley	Smith (NJ)	Weldon (FL)
Rivers	Smith (TX)	Weller
Rodriguez	Snyder	Weygand
Roemer	Souder	Whitfield
Rogan	Spratt	Wicker
Rohrabacher	Stabenow	Wilson
Ros-Lehtinen	Stenholm	Wise
Rothman	Strickland	Wolf
Roukema	Stupak	Wu
Royce	Sweeney	Wynn
Rush	Talent	
Ryan (WI)	Tancredo	

NOES—136

Armey	Goss	Pitts
Baird	Gutierrez	Pomeroy
Baldwin	Gutknecht	Portman
Ballenger	Hastings (FL)	Pryce (OH)
Barrett (NE)	Hayworth	Quinn
Barrett (WI)	Herger	Radanovich
Barton	Hobson	Ramstad
Bass	Hoekstra	Rangel
Bateman	Holt	Rogers
Bereuter	Hostettler	Roybal-Allard
Berkley	Houghton	Ryun (KS)
Berman	Inslee	Sabo
Biggart	Jackson (IL)	Sanchez
Bilirakis	Johnson (CT)	Sanford
Bliley	Jones (OH)	Schaffer
Blunt	Kilpatrick	Schakowsky
Boehner	Kingston	Sensenbrenner
Bonilla	Knollenberg	Shadegg
Bono	LaHood	Shays
Brady (TX)	Largent	Sherman
Burton	Larson	Sherwood
Buyer	Latham	Skeen
Cannon	Lee	Smith (WA)
Capps	Lewis (GA)	Stearns
Castle	Lofgren	Stump
Chabot	Lowey	Sununu
Coble	Luther	Terry
Coburn	McCarthy (MO)	Thomas
Combest	McCrery	Thurman
Cox	McHugh	Tiahrt
Crane	McInnis	Toomey
Cunningham	McKeon	Towns
DeGette	Meeks (NY)	Velazquez
DeLay	Millender-	Visclosky
DeMint	McDonald	Walden
Deutsch	Miller, Gary	Walsh
Dixon	Miller, George	Waters
Doggett	Minge	Watkins
Dooley	Mink	Watt (NC)
Dreier	Myrick	Watts (OK)
Dunn	Northup	Waxman
Ehlers	Nussle	Weldon (PA)
Eshoo	Oxley	Wexler
Ewing	Packard	Woolsey
Gekas	Pease	Young (AK)
Goodling	Pelosi	

ANSWERED "PRESENT"—2

Becerra Owens

NOT VOTING—20

Archer	Klink	Shuster
Clay	Markey	Spence
Cook	Martinez	Stark
Filner	McIntosh	Taylor (NC)
Fowler	McNulty	Vento
Hastings (WA)	Meek (FL)	Young (FL)
Johnson, Sam	Metcalf	

□ 0157

Mr. THOMAS changed his vote from "aye" to "no."

Mr. ROYCE and Mr. PORTER changed their vote from "no" to "aye." So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF THE HOUSE AND SENATE FOR INDEPENDENCE DAY DISTRICT WORK PERIOD

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 541 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 541

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period.

SEC. 2. House Resolutions 469 and 482 are laid on the table.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MOAKLEY).

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. REYNOLDS. Mr. Speaker, pursuant to the rule, I call up from the Speaker's table the Senate concurrent resolution (S. Con. Res. 125) and ask for its immediate consideration in the House.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to

reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The Senate concurrent resolution is not debatable.

Without objection, the previous question is ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 10, 2000

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

June 29, 2000.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 10, 2000.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 12, 2000

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 12, 2000.

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

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that notwith-

standing any adjournment of the House until Monday, July 10, 2000, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

APPOINTMENT AS MEMBERS TO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act, the Chair announces the Speaker's appointment of the following Member of the House to the Abraham Lincoln Bicentennial Commission:

Mr. LAHOOD, Illinois, and in addition, Ms. Joan Flinspach, Fort Wayne, Indiana;

Mr. James R. Thompson, Chicago, Illinois.

COMMUNICATION FROM THE HON. RICHARD A. GEPHARDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Member of Congress:

WASHINGTON, DC,

June 29, 2000.

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

DEAR MR. SPEAKER: Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (P.L. 106-173), I hereby appoint the following individuals to the Abraham Lincoln Bicentennial Commission: Mr. David Phelps, IL, and Ms. Louise, Taper, CA.
Yours Very Truly,

RICHARD A. GEPHARDT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and June 30 on account of a graduation in the family.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today after 11:15 p.m. on account of illness.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and June 30 on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

The following Members (at the request of Mr. REYNOLDS) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, June 30.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported and that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache reservation in the State of New Mexico; and for other purposes.

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, pursuant to Senate Concurrent Resolution 125, 106th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 125, 106th Congress, the House stands adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning hour debates.

Thereupon, (at 2 o'clock and 6 minutes a.m.), pursuant to Senate Concurrent Resolution 125, the House adjourned until Monday, July 10, 2000 for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8429. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1999, through March 31, 2000, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

8430. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Response Plans for Marine Transportation-Related Facilities Handling Non-Petroleum Oils [USCG-1999-5149] (RIN: 2115-AF79) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8431. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Pier 54, Hudson River, New York [CGD01-00-145] (RIN: 2115-AA97) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8432. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Acushnet River, Annisquam River, Fore River and Tauton River, MA [CGD01-00-135] (RIN: 2115-AE47) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8433. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations: Columbia River, OR [CGD13-00-008] (RIN: 2115-AE47) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8434. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Atlantic Ocean, Virginia Beach, VA [CGD05-00-015] (RIN: 2115-AA97) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8435. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: York River, VA [CGD05-00-019] (RIN: 2115-AA97) [CGD05-00-019] received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8436. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Regulations: SAIL BOSTON 2000, Port of Boston, MA [CGD01-99-191] (RIN: 2115-AA97, AA98, AE46) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee of Conference. Conference report on H.R. 4425. A bill making appropriations for military construction,

family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106-710). Ordered to be printed.

Mr. COMBEST: Committee on Agriculture. H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; with an amendment (Rept. 106-711 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4541. Referral to the Committees on Banking and Financial Services and Commerce extended for a period ending not later than September 6, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 4782. A bill to provide for the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Republic of Georgia; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. THOMAS, Mrs. BONO, Mr. THOMPSON of California, Mr. RADANOVICH, Mr. HERGER, Mr. FOLEY, and Mr. PACKARD):

H.R. 4783. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. GREEN of Wisconsin, and Mr. LAHOOD):

H.R. 4784. A bill to provide for the establishment of a Midwest Clean Air Gasoline Reserve to ensure the availability of gasoline in the Midwest; to the Committee on Commerce.

By Mrs. KELLY:

H.R. 4785. A bill to amend title 38, United States Code, to revise the provisions of law relating to the payment of accrued benefits by the Department of Veterans Affairs in the case of the death of a veteran with a pending claim for an increase in service-connected disability rating; to the Committee on Veterans' Affairs.

By Mr. BARR of Georgia (for himself, Mr. ISAKSON, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. BISHOP, and Mr. LEWIS of Georgia):

H.R. 4786. A bill to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. ROBERTS Post Office Building"; to the Committee on Government Reform.

By Mr. BARR of Georgia (for himself, Mr. ISAKSON, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. BISHOP, and Mr. LEWIS of Georgia):

H.R. 4787. A bill to designate the Federal building located at 600 East First Street in Rome, Georgia, as the "Lawrence Patton McDonald Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Nebraska (for himself and Mr. MINGE):

H.R. 4788. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act; to the Committee on Agriculture.

By Mr. CARDIN (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. WYNN, Mr. EHRLICH, and Mr. GILCREST):

H.R. 4789. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Resources.

By Mr. CHAMBLISS (for himself, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, Mr. PICKERING, Mr. GREEN of Wisconsin, Mr. THUNE, and Mr. HANSEN):

H.R. 4790. A bill to recognize hunting heritage and provide opportunities for continued hunting on public lands; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. GIBBONS, and Mr. QUINN):

H.R. 4791. A bill to amend title 38, United States Code, to establish a presumption of service connection for the occurrence of hepatitis C in certain veterans; to the Committee on Veterans' Affairs.

By Mr. INSLEE (for himself, Mr. PALLONE, Mr. PASCRELL, Mr. BAIRD, Mr. SMITH of Washington, Mr. DICKS, Mr. McDERMOTT, and Mr. HOLT):

H.R. 4792. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. DEAL of Georgia, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. COLLINS, Mr. LEWIS of Kentucky, Mr. COBLE, Mr. SPENCE, Mr. TAUZIN, Mr. DUNCAN, Mr. DOOLITTLE, Mr. HORN, Mr. HOLDEN, Mrs. MINK of Hawaii, Mr. PETERSON of Minnesota, Mr. RILEY, Mr. GUTKNECHT, Mr. SHERWOOD, Mr. FOLEY, Mr. DICKEY, Mr. SHOWS, Mr. GIBBONS, Mr. SESSIONS, Mr. EHRLICH, Mr. COMBEST, Mr. PICKERING, Mr. PAUL, Mr. BISHOP, Mr. BAKER, Mr. WAMP, Mr. BARR of Georgia, Mr. GOODE, Mr. CANNON, Mr. HILLEARY, Mr. SCHAFFER, Mr. CAMPBELL, Mr. WISE, Mr. KIND, Mr. LATHAM, and Ms. DANNER):

H.R. 4793. A bill to amend title XIX of the Social Security Act to waive the obstetrician requirement insofar as it prevents DSH designation in the case of certain rural hospitals; to the Committee on Commerce.

By Mr. LARSON (for himself, Mr. GILCREST, Mr. MALONEY of Connecticut, Mr. SKELTON, Mrs. MORELLA, Mr. WEINER, Mr. HINCHEY, Mr. BORSKI, Mr. WEYGAND, Mr. GILMAN, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mr. BRADY of Pennsylvania, Mr. GEJDENSON, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. KELLY, Mr. BOUCHER, Mr. WYNN,

Mr. ABERCROMBIE, Mr. CARDIN, Mr. DAVIS of Virginia, Mr. McGOVERN, Mr. HOYER, Mr. OBERSTAR, Mr. CASTLE, Mr. SWEENEY, Mr. EHRLICH, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. CUMMINGS):

H.R. 4794. A bill to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War; to the Committee on Resources.

By Mr. LAZIO:

H.R. 4795. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking and Financial Services.

By Mr. LAZIO:

H.R. 4796. A bill to extend the Stamp Out Breast Cancer Act; to the Committee on Government Reform, and in addition to the Committees on Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself and Mr. FLETCHER):

H.R. 4797. A bill to amend title XI of the Social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mr. MCCOLLUM, Mr. CONYERS, Ms. ROSLEHTINEN, Mr. MENENDEZ, Mr. KING, Ms. PELOSI, Mr. HORN, Mr. SERRANO, Mrs. BONO, Mr. FARR of California, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. MEEHAN, Ms. VELÁZQUEZ, Mr. DELAHUNT, Mr. DOOLEY of California, Mrs. THURMAN, Mr. THOMPSON of California, Mr. CONDIT, Mr. WEINER, Mrs. CAPPAS, Mr. WAXMAN, Mr. MATSUI, Mr. MORAN of Virginia, Mrs. MINK of Hawaii, Mrs. MCCARTHY of New York, Ms. SANCHEZ, Ms. MCCARTHY of Missouri, Ms. RIVERS, Ms. WOOLSEY, Mr. PAYNE, and Mrs. NAPOLITANO):

H.R. 4798. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4799. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. HANSEN, and Mr. DELAY):

H.R. 4800. A bill to require the Secretary of the Interior to identify appropriate lands within the area designated as Section 1 of the Mall in Washington, D.C., as the location of a future memorial to former President Ronald Reagan, to identify a suitable location, to select a suitable design, to raise pri-

vate-sector donations for such a memorial, to create a Commission to assist in these activities, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota (for himself and Mr. POMBO):

H.R. 4801. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. SESSIONS, Mr. NORWOOD, Mrs. MYRICK, Mr. FOLEY, Mr. BAKER, Mr. GILMAN, Mr. MCCOLLUM, and Mr. MICA):

H.R. 4802. A bill to clarify Congressional intent regarding the relationship between State and Federal law governing controlled substances; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4803. A bill to amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes; to the Committee on Banking and Financial Services.

By Mr. STUPAK:

H.R. 4804. A bill to require that fines paid to the United States as a result of motor fuel price investigations shall be rebated to consumers in the form of reductions in Federal motor fuel excise taxes; to the Committee on Ways and Means.

By Mr. WATKINS (for himself, Mr. THORNBERRY, Mr. SKEEN, Mr. SESSIONS, Mr. SMITH of Texas, Mr. COMBEST, and Mr. YOUNG of Alaska):

H.R. 4805. A bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and elderly, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Resources, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 4806. A bill to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. COBURN (for himself, Mr. WAXMAN, Mr. BILIRAKIS, Mr. GREENWOOD, Mr. BROWN of Ohio, Mr. STUPAK, Mr. ARMEY, Mr. BILBRAY, Mr. NORWOOD, Mr. COX, Mr. ROGAN, Mr. BARRETT of Wisconsin, Mrs. BONO, Mr. FOLEY, Mr. SHAYS, Mr. HINCHEY, Mr. WEYGAND, Mr. DEUTSCH, Mr. BURR of North Carolina, Mrs. MORELLA, Mr. WELDON of Florida, Mr. SHADEGG, and Mr. STEARNS):

H.R. 4807. A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White

Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes; to the Committee on Commerce.

By Mr. LAFALCE:

H.R. 4808. A bill to establish the New York Canal National Heritage Corridor as an affiliated unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. PETRI (for himself, Mr. GEORGE MILLER of California, Mr. SKEEN, Mr. BOEHLERT, Ms. SLAUGHTER, and Mr. MARTINEZ):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress regarding the importance and value of education in United States history; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself, Mr. KUCINICH, Mr. LANTOS, Mr. HOBSON, Mr. BILBRAY, Ms. SLAUGHTER, Mr. LARSON, Mr. McNULTY, Mr. MENENDEZ, Mr. KNOLLENBERG, Mr. SMITH of New Jersey, Mr. BORSKI, Mr. KOLBE, Mr. KING, Mr. PALLONE, and Mr. DOYLE):

H. Con. Res. 367. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on International Relations.

By Mr. WATTS of Oklahoma (for himself and Mr. LEWIS of Georgia):

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; to the Committee on House Administration.

By Mr. HASTINGS of Florida:

H. Res. 543. A resolution expressing the sense of the House of Representatives regarding the recent summit held by the Presidents of South Korea and North Korea; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

360. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 37 memorializing the Twentieth Legislature of the State of Hawaii for the responsible use of agricultural biotechnology for the benefit of Hawaii's people; to the Committee on Agriculture.

361. Also, a memorial of the Legislature of the State of Georgia, relative to Senate Resolution No. 478 memorializing the Congress of the United States to address potential federal monetary assessments that could be placed on southeastern peanut growers, including Georgia peanut growers, when the 2000 peanut crop is harvested; and for other purposes; to the Committee on Agriculture.

362. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 207 memorializing the Congress of the United States to establish the national United States Military Museum at Fort Belvoir, Virginia; to the Committee on Armed Services.

363. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 310 memorializing the Congress of the United States to amend the Fair Credit Reporting

Act to prohibit credit reporting agencies from using information related to the number of inquiries in a consumer's credit report to determine the consumer's overall rating; to the Committee on Banking and Financial Services.

364. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial No. 5 urging the Congress of the United States to amend the employee retirement income security act of 1974 to grant authority to all individual states to monitor and regulate self-funded employer-based health plans in order to provide greater consumer protection and effect health care reform; to the Committee on Education and the Workforce.

365. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 385 memorializing the Congress of the United States to enact the Solid Waste Interstate Transportation and Local Authority Act of 1999 (HR 1190) that gives state and local governments additional authority to regulate the importation of municipal solid waste into their jurisdictions; to the Committee on Commerce.

366. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 30 urging the Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as originally proposed, and to adopt a second phase of emission standards for heavy duty vehicles and reductions in the sulfur content of highway diesel fuel; to the Committee on Commerce.

367. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 111 memorializing the Congress of the United States to pursue the establishment of a State-Province relations of friendship between the State of Hawaii of the United States of America and the Province of Thua Thien-Hue of the Socialist Republic of Vietnam; to the Committee on International Relations.

368. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution memorializing the Congress of the United States to work toward a solution to the problem in Cyprus; to the Committee on International Relations.

369. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 123 memorializing the United States House of Representatives to speedily pass S. 1052 relating to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

370. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 41 memorializing the federal government to recognize an official political relationship between the United States government and the Native Hawaiian people; further memorializing the United States Congress and President to articulate and implement a federal policy of Native Hawaiian self-government with a distinct, unique, and special trust relationship and to implement reconciliation pursuant to Public Law 103-150; to the Committee on Resources.

371. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 71 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States to allow for voluntary school prayer; to the Committee on the Judiciary.

372. Also, a memorial of the Legislature of the State of Kansas, relative to House Con-

current Resolution No. 5059 memorializing the Congress of the United States to propose submission to the states an amendment to the Constitution of the United States of America restricting the ability of the federal judiciary to mandate any state or subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

373. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 36 requesting Exxon Mobil Corporation to pay claimants for court-ordered damages resulting from the Exxon Valdez oil spill; to the Committee on the Judiciary.

374. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 103 memorializing the Congress of the United States to provide federal funding for expansion of certain highway rest stops; to the Committee on Transportation and Infrastructure.

375. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 284 memorializing the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; to the Committee on Ways and Means.

376. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 283 memorializing the Congress of the United States to enhance the benefits for individuals eligible for North American Free Trade Agreement (NAFTA) transitional adjustment assistance; to the Committee on Ways and Means.

377. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions urging the Congress to enact legislation to increase the per capita allocation of private activity bonds from 50 to 75 dollars and the housing tax credit cap from \$1.25 to \$1.75; to the Committee on Ways and Means.

378. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 158 memorializing the Congress of the United States regarding voluntary, individual, unorganized, and non-mandatory prayer in public schools; jointly to the Committees on Education and the Workforce and the Judiciary.

379. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 28 memorializing the United States Congress to support legislation to extend medicare coverage to prescription drugs for the elderly and disabled; jointly to the Committees on Ways and Means and Commerce.

380. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 73 memorializing the United States Congress to support legislation to extend medicare coverage to prescription drugs for the elderly and disabled; jointly to the Committees on Ways and Means and Commerce.

381. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Resolution No. 6 memorializing the President of the United States and the Congress to work together to reform the financial structure of the Coal Industry Retiree Health Benefit Act; jointly to the Committees on Ways and Means and Education and the Workforce.

382. Also, a memorial of the General Assembly of the Commonwealth of Virginia,

relative to House Joint Resolution No. 168 memorializing the Congress of the United States to protect senior assets from liquidation to meet eligibility requirements for federal medical and long-term care benefits; jointly to the Committees on Ways and Means and Commerce.

383. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 163 memorializing the the Congress of the United States to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; jointly to the Committees on Ways and Means and Commerce.

384. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 7 memorializing the Congress of the United States to adopt a program which will provide prescription drug coverage to Medicare beneficiaries; jointly to the Committees on Ways and Means and Commerce.

385. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 374 memorializing the President and the Congress of the United States to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promised and rightly deserve; jointly to the Committees on Ways and Means and Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. KELLY introduced a bill (H.R. 4809) for the relief of Thomas J. Sansone, Jr.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. KOLBE and Mr. LOBIONDO.
 H.R. 123: Mr. JONES of North Carolina and Mr. HULSHOF.
 H.R. 141: Mr. PAYNE, Mr. GEORGE MILLER of California, and Mr. ROTHMAN.
 H.R. 148: Mr. SCARBOROUGH.
 H.R. 175: Mr. EDWARDS
 H.R. 531: Mr. PASTOR.
 H.R. 534: Mrs. MORELLA and Mr. PETERSON of Minnesota.
 H.R. 755: Mr. GEORGE MILLER of California.
 H.R. 870: Mr. COOK.
 H.R. 1102: Mr. GALLEGLEY.
 H.R. 1129: Mr. HOLT.
 H.R. 1217: Mr. DEAL of Georgia.
 H.R. 1229: Mr. MASCARA.
 H.R. 1248: Mr. HOLDEN.
 H.R. 1275: Mr. JACKSON of Illinois, Mr. BRADY of Pennsylvania, Mr. NADLER, Mr. LAHOOD, Mr. UPTON, Mr. CHABOT, Ms. LOFGREN, Mr. CARDIN, Mr. BLAGOJEVICH, and Mr. BILIRAKIS.
 H.R. 1387: Mr. BLUMENAUER.
 H.R. 1452: Mr. COSTELLO.
 H.R. 1590: Ms. MCKINNEY.
 H.R. 1595: Mr. PAYNE.
 H.R. 1621: Ms. MCCARTHY of Missouri and Mr. MOORE.
 H.R. 1795: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TIERNEY, Mr. CAMPBELL, and Mr. ANDREWS.
 H.R. 1824: Mr. FLETCHER.

H.R. 1837: Mr. BORSKI.
 H.R. 1885: Mr. VISLOSKEY.
 H.R. 2121: Mr. BALDACCI, Ms. VALÁZQUEZ, and Ms. MCCARTHY of Missouri.
 H.R. 2129: Mr. BORSKI, Mr. HEFLEY, Mr. MCCREERY, Mr. TANCREDO, Mr. HILL of Montana, Mr. SCARBOROUGH, Mr. PETRI, Mrs. EMERSON, Mr. GRAHAM, and Mr. DUNCAN.
 H.R. 2308: Mr. BLAGOJEVICH.
 H.R. 2341: Mr. WALSH, Mr. ENGEL, Mr. LAMPSON, and Mr. SERRANO.
 H.R. 2362: Mr. DAVIS of Virginia.
 H.R. 2594: Mr. FILNER and Ms. CARSON.
 H.R. 2702: Mr. RANGEL.
 H.R. 2870: Mr. HOLT.
 H.R. 2906: Mr. SCHAFFER and Mr. EVANS.
 H.R. 3003: Mr. COYNE.
 H.R. 3082: Mr. HOBSON.
 H.R. 3091: Mr. ORTIZ.
 H.R. 3100: Mr. HOBSON.
 H.R. 3180: Ms. LEE.
 H.R. 3192: Mr. MALONEY of Connecticut and Ms. KILPATRICK.
 H.R. 3195: Mrs. CHRISTENSEN.
 H.R. 3225: Mr. DUNCAN.
 H.R. 3301: Mr. POMBO.
 H.R. 3308: Mr. PETERSON of Minnesota.
 H.R. 3327: Mr. RADANOVICH.
 H.R. 3433: Mr. TOWNS, Mr. SANDERS, and Mr. GALLEGLEY.
 H.R. 3514: Mr. MALONEY of Connecticut, Mr. ANDREWS, and Mr. BLAGOJEVICH.
 H.R. 3570: Mr. MCGOVERN.
 H.R. 3580: Mr. PAYNE, Mr. WICKER, Mr. ISAKSON, Mr. CAMPBELL, Ms. ROYBAL-ALLARD, Mr. MENENDEZ, Mr. WATT of North Carolina, and Mr. ETHERIDGE.
 H.R. 3625: Mr. COSTELLO, Mr. MCINTYRE, Mr. PHELPS, and Ms. PRYCE of Ohio.
 H.R. 3650: Ms. LEE.
 H.R. 3667: Mr. MEEHAN.
 H.R. 3676: Mr. GONZALEZ, Mr. DEMINT, Ms. SANCHEZ, Mr. BOYD, Mr. BACA Ms. WOOLSEY, Mrs. NORTUP, Mr. ENGLISH, Mr. SNYDER, Mr. JENKINS, Mr. WELDON of Pennsylvania, Mr. LAHOOD, and Mr. MCHUGH.
 H.R. 3677: Mr. WALSH.
 H.R. 3698: Mr. LAMPSON, Mr. STRICKLAND, Mr. HINOJOSA, Mr. ISAKSON, Mr. PICKERING, Mr. WICKER, and Mr. SHERWOOD.
 H.R. 3826: Mr. PAYNE.
 H.R. 3842: Mr. ENGEL, Mr. RODRIGUEZ, Mr. DOOLEY of California, Ms. HOOLEY of Oregon, Mr. ROGERS, Mr. CAPUANO, Mr. WYNN, and Mr. ROTHMAN.
 H.R. 3875: Mr. RAMSTAD.
 H.R. 3896: Mr. LOBIONDO.
 H.R. 3915: Mr. PITTS, Mr. BAKER, Mr. BAIRD, Mr. HOBSON, and Mr. MOAKLEY.
 H.R. 4004: Mr. CLEMENT, Mr. KENNEDY of Rhode Island, and Mr. BARRETT of Wisconsin.
 H.R. 4011: Ms. SCHAKOWSKY.
 H.R. 4049: Mr. RYAN of Wisconsin.
 H.R. 4057: Ms. WATERS, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. KILDEE, Mr. GEJDERSON, Mr. LAFALCE, and Mr. SPENCE.
 H.R. 4077: Mrs. MYRICK.
 H.R. 4082: Mr. CLEMENT.
 H.R. 4094: Mr. EDWARDS, Mr. WISE, Mr. STUPAK, Mr. HILLIARD, Mr. LUCAS of Kentucky, Ms. STABENOW, Mr. UNDERWOOD, Mr. HILL of Indiana, Mr. BERRY, Mr. WATT of North Carolina, and Mr. LATOURETTE.
 H.R. 4106: Mrs. EMERSON.
 H.R. 4113: Mr. BAKER, Mr. TANCREDO, Mr. KOLBE, Mr. RYUN of Kansas, and Mr. PITTS.
 H.R. 4143: Mr. WATT of North Carolina.
 H.R. 4157: Ms. SANCHEZ.
 H.R. 4167: Ms. DANNER, Mr. FATTAH, Mr. PAYNE, Mrs. MEEK of Florida, and Ms. BROWN of Florida.
 H.R. 4207: Ms. MILLENDER-MCDONALD and Mr. UDALL of New Mexico.

H.R. 4215: Mr. GOODE.
 H.R. 4239: Mr. MEEHAN, Mr. ENGEL, and Mr. HINCHEY.
 H.R. 4259: Mr. DIAZ-BALART.
 H.R. 4277: Mr. JONES of North Carolina and Mr. DEUTSCH.
 H.R. 4278: Mr. PALLONE.
 H.R. 4328: Mr. WATTS of Oklahoma and Mr. HOBSON.
 H.R. 4359: Ms. MCKINNEY and Mr. RANGEL.
 H.R. 4366: Mr. HINCHEY, Mr. BLUMENAUER, Mr. PAYNE, Mr. DEFAZIO, Mr. SAXTON, Mr. JOHN, Mr. COOK, Mr. LEVIN, Mr. PASCRELL, and Mr. FILNER.
 H.R. 4384: Mr. BONILLA, Mr. SHAYS, Mr. BONIOR, Mr. KINGSTON, Mr. MINGE, and Mr. BACA.
 H.R. 4393: Mrs. TAUSCHER.
 H.R. 4441: Mr. CUMMINGS.
 H.R. 4481: Mr. MOLLOHAN and Mr. KIND.
 H.R. 4483: Mr. BRADY of Pennsylvania.
 H.R. 4495: Mr. CANADY of Florida, Mr. HINCHEY, Mrs. MORELLA, Mr. ROMERO-BARCELO, and Mr. WAMP.
 H.R. 4502: Mr. CANADY of Florida, Mr. OSE, Mr. FLETCHER, Mr. SMITH of Michigan, and Mr. SCHAFFER.
 H.R. 4511: Mr. BUYER, Mr. CANADY of Florida, Mr. DUNCAN, Mr. TAUZIN, Mr. FLETCHER, Mr. ISAKSON, and Mr. WATKINS.
 H.R. 4539: Mr. KENNEDY of Rhode Island, Mr. ROMERO-BARCELO, Mr. EVANS, Mr. STENHOLM, Mr. SANDERS, and Ms. CARSON.
 H.R. 4550: Mr. BISHOP.
 H.R. 4560: Mr. HASTINGS of Washington.
 H.R. 4565: Mr. BOYD, Mr. HYDE, Mr. WALDEN of Oregon, and Mr. EHLERS.
 H.R. 4571: Mr. FRANK of Massachusetts, Mr. DEUTSCH, Mr. WEXLER, Ms. BERKLEY, Mr. FORBES, Mr. GILMAN, and Mr. FOLEY.
 H.R. 4593: Ms. KAPTUR and Mr. WATT of North Carolina.
 H.R. 4652: Mr. KLECZKA, Mr. GOODLING, and Mr. PASTOR.
 H.R. 4654: Mr. ROGAN and Mr. HOSTETTTLER.
 H.R. 4655: Mr. BARRETT of Wisconsin.
 H.R. 4659: Mr. BARTLETT of Maryland, Mr. WOLF, Mrs. WILSON, Mr. RUSH, and Mrs. ROUKEMA.
 H.R. 4660: Mr. REYES.
 H.R. 4669: Mr. CAMP.
 H.R. 4675: Ms. KAPTUR and Mr. WATT of North Carolina.
 H.R. 4677: Mr. OBERSTAR.
 H.R. 4712: Mrs. CUBIN.
 H.R. 4719: Mr. CARDIN and Mr. CUNNINGHAM.
 H.R. 4734: Mr. ROMERO-BARCELO.
 H.R. 4739: Ms. NORTON.
 H.R. 4750: Mrs. BONO, Mrs. KELLY, and Mr. RAMSTAD.
 H.R. 4759: Mr. WELDON of Florida, Mr. JENKINS, and Mr. HANSEN.
 H.R. 4770: Mr. BORSKI.
 H.R. 4776: Mr. RILEY, Mr. WHITFIELD, and Mr. JONES of North Carolina.
 H.J. Res. 102: Mr. OWENS, Ms. LEE, Mr. PAYNE, Mr. TIERNEY, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mrs. JONES of Ohio, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. FATTAH, Ms. CARSON, Mrs. CHRISTENSEN, Ms. BROWN of Florida, Mr. TOWNS, Mr. JEFFERSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. WYNN, Mr. SHAYS, Mr. PORTMAN, Mr. MICA, Mr. QUINN, Mrs. FOWLER, Mr. GIBBONS, Mr. GILCHREST, Mr. PETRI, Mr. LARGENT, Mr. TAUZIN, Mr. HERGER, Mr. GANSKE, Mr. HOBSON, Mr. HILL of Montana, and Mr. THOMAS.
 H. Con. Res. 74: Ms. BALDWIN.
 H. Con. Res. 177: Mr. MINGE.
 H. Con. Res. 319: Mr. BEREUTER.
 H. Con. Res. 321: Mr. DEFAZIO, Mr. NUSSLE, Mr. GIBBONS, and Mr. BALDACCI.

H. Con. Res. 340: Mr. BONIOR.
 H. Con. Res. 357: Mr. BLUNT.
 H. Con. Res. 363: Ms. GRANGER.
 H. Res. 536: Mr. BONIOR.
 H. Res. 537: Ms. MCCARTHY of Missouri, Mr. TANNER, Mr. LATOURETTE, and Mr. NEAL of Massachusetts.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: Chaka Fattah, Robert A. Brady, Bill Pascrell, Jr., David D. Phelps, Ed Pastor, Jesse L. Jackson, Jr., Robert Wexler, Lucille Roybal-Allard, Albert Russell Wynn, Stephanie Tubbs-Jones, Peter Deutsch, David Wu, James E. Clyburn, Charles B. Rangel, Norman Sisisky, and Bart Stupak.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1304

OFFERED BY: MR. STEARNS

AMENDMENT No. 2: Page 3, line 17, insert before the period the following: “, but only if such health care professionals have received prior approval for such negotiations from the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (i).”.

Page 6, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(i) PRIOR APPROVAL.—

(1) IN GENERAL.—Health care professionals who seek to engage in negotiations with a health plan as provided in subsection (a) must obtain approval from the Commission or the Assistant Attorney General prior to commencing such negotiations. The Commission or the Assistant Attorney General shall grant such approval if the Commission or Assistant Attorney General has determined that recognition under subsection (a) of the group of health care professionals for the purpose of engaging in collective negotiations with the health plan will promote competition and enhance the quality of patient care. The approval that is granted under this subsection may be limited in time or scope to ensure that these criteria are met. The Commission and the Assistant Attorney General shall make a determination regarding a request for approval under this paragraph within 30 days after the date it is received, if the request contains the information specified in regulations issued under paragraph (2). Failure by the Commission or Assistant Attorney General to make such determination within such 30-day period will be deemed to be an approval of the request by the Commission or the Assistant Attorney General.

(2) REGULATIONS.—The Commission, in consultation with the Assistant Attorney General, shall publish regulations implementing this subsection within six months of the effective date of this Act. Such regulations shall include the following:

(A) A description of the information that must be submitted by health care professionals who seek to obtain approval to engage in collective negotiations.

(B) Provisions for the opportunity for the public to submit comments to the Commis-

sion or the Assistant Attorney General for consideration in reviewing any request for approval by health care professionals to engage in collective negotiations under this section.

(C) Provision for a filing fee in an amount reasonable and necessary to cover the costs of the Commission and the Assistant Attorney General to implement this subsection. On an annual basis, this fee shall be updated to reflect any increases or decreases determined to be necessary to cover such costs.

(3) COORDINATION.—The Commission and the Assistant Attorney General shall coordinate so that an application is reviewed under this subsection by either the Commission or the Assistant Attorney General, but not both.

(4) EXEMPTION FOR SMALL GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection (other than subparagraph (B)), no prior approval is required under this subsection in the case of a group of health care professionals who are acting collectively with respect to a negotiation if such group constitutes less than 20 percent of the health care professionals in a specialty (or subspecialty) in the market area involved, as determined under regulations of the Commission.

(B) OVERSIGHT.—The Commission shall establish a process under which, if it receives a bona fide request that alleges that the negotiations of a group described in subparagraph (A) has not promoted competition or has not enhanced the quality of patient care, the Commission will review the request and may take such action as the Commission determines to be appropriate. Such action may include ordering that the results of the negotiations be vitiated and that the exemption under subparagraph (A) not apply to such group for such period as the Commission may specify.

Page 8, after line 8, insert the following:

(4) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(5) ASSISTANT ATTORNEY GENERAL.—The term “Assistant Attorney General” means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

H.R. 4461

OFFERED BY: MR. BERRY

AMENDMENT No. 66: On page 31, line 14, strike “\$693,000”; and on page 36, line 13, strike “41,015,000” and replace with “41,708,000”.

H.R. 4461

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 67: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in the Act may be expended for vaccine-related Federal advisory committees (Vaccines and Related Biological Products Advisory Committee, Advisory Committee on Immunization Practices, and the National Vaccine Advisory Committee) that grants waivers on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

H.R. 4461

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT No. 68: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in the Act may be expended for a vaccine-related Federal advisory committees (Vaccines and Related Biological Products Advisory Committee) that grants waivers on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

H.R. 4461

OFFERED BY: MR. COBURN

AMENDMENT No. 69: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may, with respect to enforcement under the Federal Food, Drug, and Cosmetic Act, be expended to provide to any person a warning notice regarding the importation into the United States of a drug that is legally available in the United States.

H.R. 4461

OFFERED BY: MR. GILMAN

AMENDMENT No. 70: Page 85, after line 15, insert the following new section:

SEC. ____ . The Secretary of Agriculture shall use \$15,000,000 of the funds of the Commodity Credit Corporation to provide compensation to producers of onions whose farming operations are located in a county designated by the Secretary as a disaster area for drought in 1999 and who suffered quality losses to their 1999 onion production due to, or related to, drought. Payments shall be made on a per hundredweight basis on each qualifying producer's pre-1996 production of onions, based on the 5-year average market price for yellow onions.

H.R. 4461

OFFERED BY: MR. HAYES

AMENDMENT No. 71: Page 31, after line 5, insert the following:

ADMINISTRATIVE PROVISION

Any limitation established in this title on funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT No. 72: Page 85, after line 15, insert the following new section:

SEC. ____ . Within available funds, the Secretary of Agriculture is urged to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting the fuel needs of the Department of Agriculture.

H.R. 4461

OFFERED BY: MR. METCALF

AMENDMENT No. 73: Page 6, line 16, insert after the dollar amount “(decreased by \$40,000)”.

Page 57, line 24, insert after the second dollar amount “(increased by \$40,000)”.

H.R. 4461

OFFERED BY: MR. VISCLOSKEY

AMENDMENT No. 74: Strike Section 734 and insert as Section 734:

None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was

adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol. *Provided further*, the limitation established in this section shall not apply to any activity otherwise authorized by law.

EXTENSIONS OF REMARKS

A TRIBUTE TO DEPUTY SHERIFF JAMES HUNT

HON. MIKE McINTYRE

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. McINTYRE. Mr. Speaker, I rise today I pay tribute to Deputy Sheriff James Hunt of my home county—Robeson County—in the great state of North Carolina. Deputy Hunt was recently named National Deputy Sheriff of the Year. Deputy Hunt is the first North Carolinian to receive this award and was chosen from among thousands of applicants. He proudly serves under the outstanding leadership of my friend and my sheriff, Sheriff Glenn Maynor.

On September 23, 1998, Hunt was monitoring traffic on Interstate 95 with two other officers. After clocking a car at excessive speed, Deputy Hunt and others chased the vehicle several miles until it stopped. Upon this, one of the officers proceeded to get in the vehicle and a scuffle ensued. Deputy Hunt then ran to the car and pulled the suspect out of the car. At that time, the suspect proceeded to stick a .357 Magnum into Deputy Hunt's chest and pulled the trigger. This bullet proceeded through Hunt and struck one of his colleagues in the thigh. Seconds later, another shot went into Deputy Hunt's chest. At that time, Hunt fell to the ground and crawled to cover his colleague who had been wounded. The suspect was then apprehended.

Fighting for his life every second of the way, Deputy Hunt was taken to the local hospital where he underwent surgery for four hours. After staying in the hospital for three weeks and losing half of his colon and six feet of his small intestines, Deputy Hunt returned home to be with his wife, Lisa.

Mr. Speaker, after such an ordeal, most folks in this situation would probably look for another career or desk job. But not Deputy Sheriff James Hunt. He now works the same beat as he did on that night of September 23, 1998.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?"

Robeson County Sheriff Deputy James Hunt will truthfully be able to answer each of these questions in the affirmative! He is indeed a man of courage, judgment, integrity, and dedication. Deputy Hunt, may God's strength, joy, and peace be with you and your family as you

continue your service and commitment to your fellow citizens.

IN MEMORY OF MY PERSONAL FRIEND—PATRICIA KRONGARD

HON. SCOTT McINNIS

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I now rise to honor the life and memory of an outstanding American, my friend Patricia Krongard. Sadly, Pat succumbed to lung disease earlier this month after a prolonged medical battle. As family and friends mourn her passing, I would like to pay tribute to this beloved wife, mother and friend. She was a great American who will be missed by many. Even so, her life was a remarkable one that is most deserving of both the recognition and praise of this body.

Since her birth in 1940, Pat has been a fixture of the Baltimore community. Along with her late husband Buzzy Krongard—who amongst other things once served as a counselor to the director of the Central Intelligence Agency—Pat gave generously of her time and energies to the Baltimore community. Her service included founding the Mounted Patrol Foundation to support the mounted patrol of the Baltimore Police Department, organizing the Peabody Institute's springtime fair, serving on the Advisory Board of the State Juvenile Service Administration, and finally, working right up until the time of her death to create a Board of Visitors for the University of Maryland Hospital for Children. These, it turns out, are only a few of the many causes that Pat devoted herself to during her accomplished life. Still, each point to the underlying generosity that marked the life of this humanitarian.

In addition to her distinguished service to the Baltimore community, Pat was also a renowned photographer. Pat traveled around the world, from Afghanistan, Nepal, Russia and China, taking striking pictures of foreign places and people. According to a beautifully written obituary that recently ran in the Baltimore Sun, Pat's photographs "reflected a sympathetic curiosity, with a portfolio of portraits of law enforcement officers across the country and artists around the world." Many of her photographs were displayed at the Johns Hopkins Hospital. In addition, Pat worked closely by my side on the campaign trail on many occasions over the years, shooting an assortment of photographs of me and my family. In every case, her work was the highest quality. Pat's photographic skills brought her great distinction and were rightly a source of pride.

While her accomplishments as a photographer and humanitarian are many, Pat's lasting legacy rests in her family. Pat was the

mother of two—Alexander Lion Krongard and Randall Harris Krongard—and the proud grandmother of two more. In her sons and grandchildren, Pat's love and generosity will unquestionably endure.

As you can see, Mr. Speaker, Pat was a beautiful human being who lived an accomplished life. Although friends and family are profoundly saddened by her premature passing, each can take solace in the wonderful life that she led.

I know I speak for everyone who knew Pat well when I say she will be greatly missed.

TRIBUTE TO COMMANDER JOHN C. SCORBYP—HONORING HIM ON HIS CHANGE-OF-COMMAND

HON. SCOTT McINNIS

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. McINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to one of the Navy's most well-loved and admired skippers, Commander Jack Scorby, as he celebrates his Change-Of-Command. Commander Scorby has been the embodiment of service, success and sacrifice during his time as the Commanding Officer of Fleet Air Reconnaissance Squadron TWO. He clearly deserves the praise and recognition of this body as he, his officers and squadron celebrate his Change-Of-Command.

If ever there were a person who embodied the spirit and values that make America great, it is Commander Jack Scorby. The Commander has distinguished himself by his exceptional leadership and service to his country as the Commanding Officer of Fleet Air Reconnaissance Squadron TWO from July 1999 to July 2000. The Commander was responsible for the overseas-based reconnaissance squadron comprised of over 450 sailors and 8 aircraft. His squadron was placed on the tip of the spear, providing continuous deployed reconnaissance support to all our U.S. assets. In fact, his area of responsibility covered half the world.

Under his leadership, the VQ-2 flew over 4000 flight hours from sites supporting multiple operations. These include combat flights during Operations Allied Force and Northern Watch, as well as numerous flights during Operations Joint Guardian, Deliberate Forge and Joint Forge. Commander Scorby not only prepared the squadron to be ready to fly the next generation of reconnaissance planes, but also the Commander's forward-thinking game plan put the VQ-2 well-ahead of the power curve, ensuring no interruptions to the nation's reconnaissance support.

As a result of his compassionate and people-oriented leadership, the VQ-2 enlisted retention rate during his tour was 20% above

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Navy standard and advancement was one of the highest, at 41%. The VQ-2 also received the top three awards that a command can receive during his command tour. They include: the Battle "E" for overall command excellence, the Golden Wrench Award for maintenance excellence and the Safety "S" for safety excellence. Perhaps one of the most telling effects about the Commander's leadership is how well-respected he is by his squadron; officers and enlisted personnel alike. At the squadron Christmas dinner, all-hands spontaneously gave him a standing ovation that lasted over 5 minutes.

As Commander Scorby celebrates his Change of Command, Mr. Speaker, I wanted to take this opportunity to say thank you and congratulations on behalf of the United States Congress. In every sense, Commander Scorby is a great American who deserves the praise and admiration of us all. The Commander is one of the nation's best and an officer we can all be proud of. My thanks to him for a job well done.

THE MOODY TROJANS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to the Moody Trojans, runners-up in the 2000 Texas High School Class 5-A Baseball Championship. While not taking the top spot in the state, this season for "Moody Magic" has been one for the record books.

While the prize proved elusive, the Trojans marched impressively on their journey to the championship game. The team completed the season with a 38-4-1 record, were ranked number one in the state poll, and reached the third highest ranking in the nation.

Moody's fans were as relentless as their team. They cheered the players on, chanting "Moody Magic," blowing horns, yelling, clapping and stomping their feet. Like the Trojans of old, they didn't give up until the battle was done.

Logistics proved to be a part of the game, with rain delays holding up the game from Friday until Monday. The burden of the delays fell directly on the Moody players since their opponents could drive home after each delay, while the Trojans wandered around their Austin hotel.

The season brought forth twin themes for Moody, one of spirituality, and one of inspiration. They drew inspiration from a movie, *The Gladiator*. The certainty that Trojans were warriors and that warriors fought the good fight marked the last three weeks of the season. The foremost theme for the Trojans, however, was one of spirituality. These are warriors with a deep faith.

"Si quieres puedes" (If you want to, you can) was written underneath the bill of a player's cap. This team did indeed want to win. They prayed silently on the field and in the dugout, and looked to a tiny laminated drawing of Jesus Christ in the dugout for motivation.

The Moody Magic was part inspiration and part spirituality that drew this team close. They

rose to number three in the nation and number one in the state. They prayed together, won together and lost together; but through it all they kept their faith. While their opponent was awarded gold medals for the championship, they prayed that the experience will make them better people.

These young people have learned the very best lessons sports can teach. They learned that winning is great, but winners on the field are made from teamwork and faith; and winners in life are those who master the fundamentals, never lose their faith, and put their whole effort into every endeavor.

All these young men have learned this lesson, and eight of Moody's seniors will leave for college soon where they will play ball and employ the lessons they learned in the Moody dugout and on the ballfields of Corpus Christi.

I want to include the leadership of the school and the coaches in this victory: Interim Superintendent Sandra Lanier-Lerma, Principal Conrado Garcia, Athletic Director Richard Avilia, and coaches Steve Castillo, Gene Flores, Corky Gallegos, and Allan Lynch.

I ask the House to join me today in commending this outstanding group of young champions from "Moody Magic" who have learned the most important lessons of competition, faith and dignity.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise reluctantly to oppose this bill and the short-sighted cuts it makes to the budgets of the agencies and employees under the Subcommittee's jurisdiction.

This bill shortchanges many of the agencies responsible for local law enforcement, patent and trademarks, advanced technology programs, international peacekeeping, and trade monitoring and compliance. In particular, it severely constrains the operations of the Patent and Trademark Office, which safeguards our nation's intellectual property rights.

At a time when inventions in the fields of science and technology have driven our nation's economy, we should not be cutting back funding for this critical mission. Maintaining a sufficient investment in the PTO is absolutely vital to the future of our economic growth and prosperity.

The Committee's bill also provides insufficient funding to combat the threat of terrorism and withholds \$100 million of our assessments for participation in the United Nations and other international organizations. It cuts the

Administration's request for the COPS program by half. It also fails to provide sufficient funding for the Commission on Civil Rights and the Small Business Administration.

In addition, this bill contains some hidden riders that undermine our nation's gun enforcement laws and language undermining the Justice Department's current lawsuit to recover funds from the tobacco industry.

The bill includes a provision for the second straight year that would place a moratorium on using funds in the bill to pay overtime to Justice Department attorneys. The attorneys who work for the Justice Department are some of the most dedicated civil servants anywhere on earth. They must often leave their homes and families for weeks at a time to try cases in distant parts of the country. They are involved in stressful cases, often involving serious organized crime or complex litigation.

By denying these lawyers compensation for their overtime hours, we are denying them what other attorneys in the Federal government rightfully earn. It is clearly a hypocrisy to have the Justice Department, the very agency tasked with enforcing our laws, attempt to bypass the law to avoid paying overtime compensation to its lawyers who carry out the laws of our nation.

This bill also fails to provide funding for anti-gun violence media campaigns that replicate Richmond's "Project Exile," and does not appropriate money to expand research into "smart gun" technology.

Mr. Chairman, for all these reasons, I urge my colleagues to reject this bill and look for a better approach to funding the agencies in this bill.

IN RECOGNITION OF THE B.B. COMER MEMORIAL LIBRARY, ON RECEIPT OF THE NATIONAL AWARD FOR LIBRARY SERVICES

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RILEY. Mr. Speaker, it is with great pride and a sense of duty that I rise today to recognize one of the finest institutions in the State of Alabama, and in the United States.

The National Institute of Museum and Library Services has established an annual Award for Library Services. In this, the first such year of this award, only four Libraries from across the United States have been selected. One of the Libraries chosen to receive this distinguished award is the B.B. Comer Memorial Library. This Library is located in one of the most viable, vibrant areas in East Central Alabama, a community known as the City of Sylacauga.

The B.B. Comer Memorial Library is a product of the Great Depression in 1936. It has evolved from 250 donated books in the back room of a local bank to a free public library that serves parts of four counties and partners with over thirty organizations.

Libraries are learning centers. They are places where families can seek and find vital information. They are the necessary centerpiece of any public educational system. They

are a place where friends meet, greet, and engage in dialogue. Libraries address the educational, medical, and entertainment needs of the communities they serve.

It is with a feeling of honor and pleasure that I stand here today and salute the B.B. Comer Memorial Library. I commend its director, Ms. Shirley Spears, for her dedicated service. I recognize the board members for the leadership they have provided. In addition, I want to tip my hat to the library staff and all the volunteers and thank each one of them for the job they have done. Sylacauga should be proud of what they have built. For what they have built is an award winning Library Institution.

PERSONAL EXPLANATION

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Ms. VELÁZQUEZ. Mr. Speaker, due to an error by the House Tally Clerk, I was incorrectly shown as voting "no" on Rollcall No. 103, and "not voting" on Rollcall No. 104. I was present during both Rollcall votes and during voting for Rollcall No. 103, I voted "yes", and during Rollcall No. 104, I voted "no". I ask that this statement be entered into the RECORD.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mrs. MYRICK. Mr. Speaker, due to other commitments, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

June 22, 2000: Rollcall vote 315, on the Campbell amendment to H.R. 4690, I would have voted nay; rollcall vote 316, on the Hinchey amendment to H.R. 4690, I would have voted nay; rollcall vote 317, on the Scott of Virginia amendment to H.R. 4690, I would have voted nay; and rollcall vote 318, on the DeGette amendment to H.R. 4690, I would have voted nay.

June 23, 2000: Rollcall vote 319, on the Waxman amendment to H.R. 4690, I would have voted nay; rollcall vote 320, on the Davis of Virginia amendment to H.R. 4690, I would have voted nay; and rollcall vote 321, on the Coble amendment to H.R. 4690, I would have voted aye.

INTRODUCING THE RONALD REAGAN RECOGNITION ACT OF 2000

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce the Ronald Reagan Recognition Act of 2000.

Recent news reports indicate that the Interior Department is moving toward a complete moratorium on future memorials in the area known as the Mall in Washington, DC.

Mr. Speaker, we can argue the merits of that proposal, but one thing is clear: Under Article IV of the U.S. Constitution, Congress, not the Interior Department, has the authority to dispose of federal lands. A decision this important, about how, whether, and where American heroes are memorialized on federal lands, should be made by, and in consultation with, Congress.

One other thing is very clear: One such American hero, who is deserving of recognition among our great American statesmen, is Ronald Wilson Reagan, 40th President of the United States.

Although President Reagan is, thankfully, still very much alive, he is not well. The scourges of Alzheimer's disease have greatly diminished his once tremendous mind. I am sure all my colleagues join me in wishing President and Mrs. Reagan long lives and good health. But tomorrow is promised to no one.

We must not stand idly by and wait while the Interior Department eliminates the possibility of a future memorial to President Reagan, robbing future generations of Americans of the opportunity to recognize the tremendous contributions of this great American, and to do so in the midst of the other great Presidents and heroes memorialized on the Mall.

We must not stand by and deprive this generation of Americans of the opportunity to honor President Reagan themselves, in this small way.

Mr. Speaker, the Washington Mall is the family album of the American people. It is where their heroes are remembered, and where great accomplishments are celebrated. President Reagan is deserving of both honors.

Ronald Reagan is an American hero deserving of recognition by this and future generations of Americans and visitors to the Mall from around the world.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that as President, Ronald Reagan initiated policies that won the cold war, protected and restored freedom and Democracy around the globe, lowered taxes on American citizens, tamed the economic threats of inflation and economic stagnation, and ushered in an unprecedented era of peace and prosperity across the nation, and his contributions merit permanent memorialization.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that the legacies of President Reagan include restoring faith in our system of Democracy and capitalism, returning pride in being an American, and renewing the honor and decency of the American Presidency, and are deserving of national recognition.

Future visitors to a Ronald Reagan Memorial on the Mall should be reminded that the contributions of former President Reagan, and his status as a pre-eminent twentieth-century American statesman and one of the greatest American Presidents, merit and require a permanent memorialization alongside the other great American leaders memorialized on the Mall in Washington, DC.

To accomplish these goals, this bill requires the Secretary of the Interior to identify appropriate lands within the area designated as section 1 of the Mall in Washington, DC, as the location of a future memorial to former President Reagan, requires identification of a suitable location, and selection of a suitable design, authorizes raising private-sector donations for such a memorial, and creates a commission to assist in these activities.

Money spent on the memorial would be raised from private sector donors. A commission would be created to oversee the process. And a suitable site on the Mall would be selected, and marked as the "Future Site of the Ronald Reagan Memorial."

By statute, the memorial to President Reagan on the Mall will still not occur until 25 years after his death—hopefully long, long in the future. But we must begin the process now, while it is still possible.

Remembering that the policies of President Reagan are responsible for the peace and prosperity we now enjoy is especially fitting now, while some national political figures are running around the country trying to take credit for the results. I find it a little like the rooster taking credit for the sunrise.

The many benefits of Ronald Reagan's policies of limited government, lower taxes, and a strong national defense are still very evident today. Those policies are why this nation is in the good shape we're in today.

The fact that some people seem to have forgotten this is the strongest argument yet to begin the steps toward creating this memorial.

I can think of no greater tribute, and no more fitting tribute, to a man who has done so much for his nation.

Quite frankly, Mr. Speaker, it is the least we can do.

THE CALALLEN WILDCATS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. ORTIZ. Mr. Speaker, today I pay tribute to the Calallen Wildcats, the 2000 Texas High School Class 4-A Baseball Champions. In a herculean effort in the sixth inning of the final game they came from behind, sending the game into extra innings to win.

In the championship game, they fell behind, rallying to a tie in the sixth inning, sending the game into extra innings before winning the state championship. The young men who won this championship deserve great credit for holding together to bring home this important win. Some of the seniors on this winning team have been playing together since they were 5 years old, so they have been a team longer than most baseball teams have played together.

I am proud of the 4-A champs; these players kissed medals and fought back tears as they savored their win. This was the sixth time in the past eight years that the Wildcats made it to the state's final four teams, but this was the first to come home with the state Class 4-A title.

These young players played and enjoyed this series for themselves, the perfect ending

to a season in which the Wildcats first won 38 games, then earned the No. 1 ranking in Texas and finally won a state championship. Calallen is the first South Texas team to win a state championship since Orange Grove claimed the 3-A title in 1994.

These young men didn't just play ball well. They had to be patient for years. They fell short of the title in 1998 and again in 1999, but the third time was a charm. Their game was canceled due to rain Friday. We have had a drought for years in South Texas, and the two other rain delays they sat through seemed pretty cruel. But they never gave up.

But when an opposing hitter grounded out, the Calallen Wildcats at long last became Class 4-A state champions in extra innings. Nothing, including the rain, could dampen the Wildcats fans' excitement. They waited through two rain delays. They stood and cheered the team on, even as rain poured down on the field and stadium.

When the Wildcats won, the joy was palatable as far away as the players' hometown. A WalMart employee got the call that Calallen had won from a Kingsville manager who attended the game. She immediately made an announcement over the store loudspeaker and shoppers stopped to cheer, clap and wipe tears from their eyes. It was a beautiful moment.

This victory belongs to the entire community. They all pulled together, hoped together, and prayed together and the Calallen Wildcats came back to Corpus Christi as the State Champions. These guys learned the important lesson of knowing that champions must have patience, skill, and heart. They learned that victory comes from within.

I want to include the leadership of the school and the coaches in this victory: Superintendent Dr. James Warlick, Principal Mike Sandroussi, Athletic Director Phil Danaher, and Coaches Steve Chapman, Danny Fogg, Dough Edwards, and Mark Soto.

I ask my colleagues to join me today in offering our congratulations to a team of outstanding young men and outstanding young ball players, the 2000 Texas High School Class 4-A Baseball Champions.

LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to this bill and the short-sighted cuts it makes to the budgets of the agencies and employees under the Subcommittee's jurisdiction.

There is a lot of smoke and mirrors in this bill. Even with the funding restored by the Manager's amendment, this bill is deficient in

many critical areas. The bill's total appropriation is still \$9.8 million less than the current year's appropriation.

It would still leave the Congressional Research Service, an office that every Member of Congress relies upon to serve our constituents, underfunded and ill-equipped to fulfill its mission.

I spoke in strong opposition to this bill when we considered it in the Appropriations Committee because it would have gutted the agencies funded in this bill and resulted in up to 1,700 employees being laid off.

This would mean RIFs and lay-offs of the hardworking men and women who work for the Capitol Police, the Library of Congress, GAO, GPO and the other agencies in this bill. To many of you, these are faceless individuals whose work may not be directly felt.

However, to me, not only are many of these individuals my constituents, but they are also devoted Federal employees who have foregone higher paying jobs in the private sector because they believe in public service. They have families and mortgages and do good work. They have been subjected to possible RIFs because this Congress wants to provide a tax cut rather than maintain the current funding and cost-of-living adjustment for these agencies.

On another matter, the proposed amendment to establish a lockbox on this bill is a budgetary gimmick. It has the gloss of sounding fiscally responsible, but it actually ties the hands of this Committee and forces irresponsible cuts in order to provide a large tax cut.

Mr. Chairman, I urge my colleagues to reject this bill and look for a better approach to funding the agencies in this bill.

IN RECOGNITION OF THE EXCELLENCE OF ANDERSON HIGH SCHOOL'S NATIONAL ENERGY EDUCATION DEVELOPMENT PROJECT TEAM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to honor Anderson High School's NEED (National Energy Education Development) Project Team. Anderson High School is in Ohio's Second Congressional District, and its team was recognized as the Senior Level School of the Year by the NEED Project at the 2000 Youth Awards Program for Energy Achievement. The NEED Project is a nonprofit education association dedicated to developing and distributing comprehensive, hands-on energy education programs to schools nationwide. NEED encourages and rewards student leadership by sponsoring a Youth Awards Program for Energy Achievement.

Anderson High School's NEED Project Team was chosen as the Senior Level School of the Year for its outstanding work to promote energy awareness through the design and delivery of objective, multi-sided energy education programs. The team participants are Jayne Everson, Steve Grindle, Matt Radcliffe, David Drabousky, Mike Jurek, and David Zitt.

Also fundamental to the team's success are student webmasters William Hawkins III and Martine Lamy and student game designer Brian Huneke. The team, led by its dedicated faculty advisor, Jeff Rodriguez, traveled to Washington, D.C. to receive its award on June 26, 2000.

The work of Anderson High School's NEED Project Team includes: evaluation of energy conservation improvements at its school; research of scientific applications for solar energy; and the presentation of energy education workshops and carnivals at local elementary schools, middle schools, high schools, and colleges and universities.

The team also developed and implemented an outstanding website (www.LearnAboutEnergy.org) to raise energy awareness to thousands of students, educators, and others around the world in classrooms ranging from Australia to Switzerland. The material on its website focuses on objective energy related education for students in middle school. It features games that teach the fundamentals of energy, including "Energy Jeopardy" and "What's My Name?"; an energy fact of the day; energy discussion boards; greeting cards about energy; and Internet broadcasts.

The website also provides valuable tools for teachers. It offers links to online energy facts and information on how to conserve energy at home; an online textbook; energy lesson plans; quizzes to test students' knowledge of different types of energy; PowerPoint presentations about energy; and contact information for additional teaching resources.

We are very proud of the accomplishments of Anderson High School's NEED Project Team. All of us in the Cincinnati area congratulate these students and their advisor on receiving the Senior Level School of the Year award.

IN SUPPORT OF PASSAGE OF
MEDICARE COVERAGE OF VISION
REHABILITATION SERVICES (H.R.
2870)

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CAPUANO. Mr. Speaker, I rise today in support of passage of my bill, H.R. 2870, the Medicare Vision Rehabilitation Coverage Act. As Congress considers its health care initiatives, I would like to highlight a proposal that would help over 6 million seniors in the United States receive services necessary for maintaining their independence. The Medicare Vision Rehabilitation Coverage Act would provide access to vision rehabilitation services for Medicare beneficiaries who report some level of vision impairment and would end up saving Medicare funds.

H.R. 2870 would extend Medicare coverage to orientation and mobility specialists, rehabilitation teachers and low vision therapists. These professionals provide critical specialized rehabilitation services to help people with a vision impairment to be able to adjust the loss of sight and carry out normal daily activities. These services can restore a person's

independence, improve their quality of life and save unnecessary suffering and expense by preventing injuries.

Vision loss has a powerful impact on one's daily life. It affects an individual's ability to communicate through reading and writing, manage simple household tasks, move around safely and handle medication. In addition, vision that cannot be corrected by medical or surgical intervention or corrective lenses, is a major contributing factor to falls among older adults which can cause hip fractures and other injuries.

The Framingham Eye Study reports that 18 percent of all hip fractures in the elderly are a result of vision impairment. This year alone, it is estimated that 63,000 hip fractures will occur due to vision loss. The cost incurred for the medical treatment of a hip fracture is \$35,000. Therefore, the total estimated cost of medical treatment for hip fractures this year alone is \$2.2 billion. Conservative estimates illustrate that 20% of these hip fractures could have been prevented if elderly persons suffering from vision impairment had access to vision rehabilitation services. This would save \$441 million annually for the federal government.

Savings to Medicare also occur by reducing the need for in-home and nursing home care. By providing the skills and services to those with vision impairment, Medicare promotes quality of life and independence for the individual. I know first-hand, the cost factors and emotional strain related to the loss of independence and need for additional health care services due to vision impairment. My mother, who suffers from vision impairment, benefited tremendously from the rehabilitation services provided by the Greater Boston Aid to the Blind.

Studies by the National Center for Health Statistics and others find age-related visual impairment to be second only to arthritis/rheumatism as a cause of disability. In addition, the Alliance for Aging Research found visual impairment as one of four conditions leading older citizens to lose their independence. Medicare must provide its beneficiaries with the ability to live a normal life. Please join me and nearly 80 other cosponsors in this effort by including vision rehabilitation professionals in Medicare reform legislation.

DEPARTMENTS OF COMMERCE,
JUSTICE, AND STATE, THE JUDI-
CIARY, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2001

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. ABERCROMBIE. Mr. Chairman, I would like to thank Chairman YOUNG, Ranking Mem-

ber OBEY, Subcommittee Chairman REGULA, Ranking Member SERRANO, and the other Members of the Commerce, Justice, State, and the Judiciary Appropriations Subcommittee and Appropriations Committee for their obvious hard efforts in producing H.R. 4690. I have strong reservations about the funding cuts that the bill imposes on the National Oceanographic and Atmospheric Administration. The bill funds NOAA at a level 61 percent below the Administration's request and could result in the elimination of 1,000 NOAA jobs. If this happens, it will have a devastating effect on the critical research, fisheries management, water quality, and community-based educational programs which are absolutely necessary to our country's vitality and continued strength.

Mr. Chairman, this country is witnessing the largest federal government surplus in history. I believe that part of this money should be returned to the American people. I believe that we should be investing part of the surplus in America's future. NOAA plays an essential role in the lives of all Americans. From issuing weather forecasts to managing our nation's ocean and living marine resources, NOAA contributes significantly to the nation's economic and environmental health. Nearly one out of every six jobs is marine-related and one-third of our Gross Domestic Product is produced in ocean and coastal areas.

I am particularly upset that the Committee has chosen to cut all funding, \$16 million requested by the Administration, for coral reef research and conservation efforts. Coral reefs truly are the "rainforests of the oceans." There have been many concerted efforts by the Administration, Congress, states, and local communities to protect and safely manage corals. Since the release by the Coral Reef Task Force of its National Action Plan in March, NOAA and its Federal, state, territorial, and local partners have moved forward to improve our protection of these valuable and fragile areas. I am presently involved in bipartisan legislation that will contribute to the effective stewardship of coral reefs. NOAA is an important partner in the process, since many corals fall within its purview. All of the efforts supported by NOAA will be terminated at the proposed funding level, and threaten to harm the ecological and economic stability in our nation's waters where corals reside.

Mr. Chairman, some may ask whether we can afford, or even need, all the services that NOAA provides. However, at a time when there is an even greater need for accurate weather information to protect the lives of our people and the well-being of our agricultural communities, at a time when our fisheries are at risk, at a time when development is booming in coastal communities, and at a time when we have the additional financial resources, I ask, how can we afford not to provide the Administration's request for NOAA, which has the capability to provide the expertise which is so vitally important to the continued stewardship of our marine resources? NOAA has been a valuable federal partner in contributing to our nation's economic potency by providing the knowledge required for effective stewardship of our coastal resources. Investing in NOAA will ensure we can continue to safely conserve our coastal and oceanic re-

sources for generations to come. I sincerely hope that these concerns will receive consideration when the House goes to conference with the Senate on H.R. 4690.

LEHIGH VALLEY HERO JOHN
FINNEGAN, JR.

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. TOOMEY. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mr. John Finnegan, Jr. Mr. Finnegan, who only moved to the Lehigh Valley four years ago, has displayed an extraordinary dedication to the people of his community. The Director of Consulting Services at Dun and Bradstreet, Mr. Finnegan serves as a member of the Board of Supervisors of Hanover Township, Northampton County. He has served as the chief fund-raiser for the township's bicentennial committee, and on its parks and recreation board. His hard work and diligence have made a tremendous difference in the life of his community.

In addition to his civic and corporate involvement, Mr. Finnegan's personal actions also serve as a model for others to follow. He has been a coach for Little League baseball and hockey leagues, serving as a role model and mentor to the youth of the Lehigh Valley. Coordinator for his neighborhood crime watch, Mr. Finnegan has become an invaluable resource to the constituents of my district in the short time he has lived there. I applaud Mr. Finnegan for his devotion to the Lehigh Valley community. John Finnegan is a Lehigh Valley Hero.

HONORING WILLIAM G. TERRELL—
NEW JERSEY UAW CAP DIRECTOR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PALLONE. Mr. Speaker, it is my great pleasure to rise today to honor a man who has spent the last 35 years of his life representing the interests of working men and women in the State of New Jersey.

William G. Terrell, Friday, retires as UAW International Representative Community Action Programs (CAP) Director for the State of New Jersey.

For the last several decades, Bill Terrell has spent a majority of his time improving the quality of life for thousands of workers in the State of New Jersey. Throughout his career in organized labor, Mr. Terrell has held numerous positions within the UAW, culminating with his current position as CAP Director since 1985.

Bill Terrell has been a tireless advocate on behalf of autoworkers throughout the State of New Jersey, as well as the nation as a whole. He has played an active role in UAW contract negotiations, workplace safety and ensuring

New Jersey's automobile plants continue production in our State. He is a constant supporter of organized labor and works extremely hard to ensure that all workers have a voice.

With Bill Terrell's retirement, the NJ UAW is losing a worker, a family man, and a leader. I want to offer Mr. Terrell my congratulations and thanks for his outstanding career of service. It is with men like Bill Terrell that our nation's labor movement is such a huge success. He will be sorely missed.

THE HISTORIC SUMMIT OF THE
TWO KOREAS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. GILMAN. Mr. Speaker, today I congratulate South Korean President Kim Dae-jung in the aftermath of the historic summit. This is an historic moment and holds a glimmer of promise for the Korean people and for peace and stability in Northeast Asia. This is a watershed event in the history of Korea and will hopefully lead to a significant reduction in tensions on the peninsula.

According to media coverage, the summit has already produced potentially significant results. The two leaders reportedly have reached an understanding in the following four areas:

Social and economic cooperation, including South Korean investment in North Korea;

The easing of tensions between the two Koreas;

Steps toward the reunification of families; and

The eventual reunification of the peninsula.

I look forward, as we all should, to viewing the details that accompany these understandings with real hope that the two Koreas are on a path toward true and lasting peace. While this summit is only a first step, I am pleased and encouraged by its apparent success. I urge the leaders of North and South Korea to remain committed to this historic process that they have initiated.

Finally, Mr. Speaker, let me close by quoting from President Kim's airport speech in Seoul. Before he boarded the plane for Pyongyang, he said:

I want to embark on the trip with a heart burning with love for our people and a calm attitude so that I can look straight at reality. I hope that it will be a turning point in efforts to remove threats to war and terminate the Cold War . . . so that 70 million Korean people in the north and south can live in peace.

Mr. Speaker, we hope that President Kim is correct and I invite my colleagues to join in wishing him success in this important endeavor.

RECOGNIZING WORLD IMPACT,
INC.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Fresno Chapter of World Impact, Inc. for their effect on the Fresno Community.

World Impact is a nationwide, interdenominational, Christian discipling and church-planting ministry dedicated to ministering God's love in the inner cities of America. The organization nurtures urban disciples who will join in teaching others the gospel. World Impact, Inc. also develops indigenous disciples of Christ in the inner city through ministry to children, teenagers and adults who are committed to Christ and to making Him known to others.

Currently, the Fresno Chapter shares the gospel of Jesus Christ in five ministry areas in Fresno, California. They minister to about 250 children and 40 teenagers weekly from these areas and also hold Bible studies for adults. In addition to their five ministry areas, they also have a community center, which includes a gymnasium, recreation rooms, a kitchen, offices, and classrooms. The community center offers Bible classes year round, as well as other community activities.

Mr. Speaker, I want to recognize the Fresno chapter of World Impact, Inc. for their contributions to the community, and I urge my colleagues to join me in wishing the organization many more years of continued success.

CONGRATULATIONS TO GAIL
NAUGHTON, PH.D., INVENTOR OF
THE YEAR

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CUNNINGHAM. Mr. Speaker, today I congratulate my constituent, Gail Naughton. Today, the Intellectual Property Owner's Association will name Dr. Naughton Inventor of the Year. As the first individual woman to win this award, Dr. Naughton is being honored for the process she invented to produce human tissues and organs outside the human body.

Traditionally, growing cells in a laboratory consisted of placing cells on a flat surface with a growth medium. In this process, cells behaved differently than their natural counterparts. Dr. Naughton's invention utilizes stroma cells, which are the cells that form the surrounding matrix of the tissue. Using a three-dimensional scaffolding, which is placed in a specially designed "bioreactor", Dr. Naughton was able to simulate the body making it possible for cells to form a tissue matrix that was virtually undistinguishable from those found in nature. Dr. Naughton's pioneering work in tissue engineering has defined a new industry dedicated to helping the millions of people who suffer tissue loss or end-stage organ failure. In addition, cartilage, heart tissue and other organs can be bioengineered with this

unique human-based technology, which has the potential of addressing the significant shortage of world wide donor organs.

Dr. Naughton is the co-founder and President and Chief Operating Officer of Advanced Tissue Sciences, Inc. in La Jolla, California where she has developed product technology to help patients and to respond to the growing need for transplant tissues and organs. A mother of three, she received her MS in histology in 1978 and Ph.D. in 1981, both from NYU. She has been published extensively in the field of tissue engineering and is the holder of 26 U.S. patents. Through the Advanced Tissue Sciences, Dr. Naughton has produced various therapeutic products such as Transcyte™, which is used to treat second and third degree burns, and Dermagraft™, which is used for the treatment of diabetic foot ulcers. These products represent advancements in bioengineering, manufacturing, and cytopreservation in an emerging industry.

Dr. Naughton is also on the advisory boards of the Department of Bioengineering at Johns Hopkins University and Georgia Institute of Technology, and is a member of the industrial liaison board at the University of California, San Diego, the Georgia Institute of Technology, MIT, and the University of Washington. She is also a member of the board of Directors of Scripps Bank in La Jolla, California, the San Diego Burn Institute and the Charles H. and Anna S. Stern Foundation. In 1999, she received a "Woman Who Mean Business" award from the San Diego Business Journal.

Gail Naughton deserves our congratulations for this tremendous achievement. I know that she is proud of her accomplishments, and I am proud to have her as my constituent.

SEVERE SHORTAGE OF APPROVED
ANIMAL DRUGS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PICKERING. Mr. Speaker, I rise today in order to bring attention to a problem faced by livestock and food animal producers, animal and pet owners, zoo and wildlife biologists, and the animals themselves, which unfortunately goes largely unnoticed except by those who are directly affected.

There currently exists a severe shortage of approved animal drugs for use in minor animal species. These minor animal species include animals other than cattle, horses, chickens, turkeys, dogs, and cats. In addition, there also exists a similar shortage of drugs and medicines for major animal species for diseases that occur infrequently or which occur in limited geographic areas. Due to the lack of availability of these minor use drugs, millions of animals go either untreated or treatment is delayed. This results not only in unnecessary animal physical and human emotional suffering but may threaten human health as well.

Because of limited market opportunity, low profit margins involved, and enormous capital investment required, it is generally not economically feasible for drug manufacturers to

pursue research and development and then approval for drugs used in treating minor species and infrequent conditions and diseases.

In addition to the animals themselves, without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease throughout an entire stock of its fellow specie causing severe economic hardship to struggling ranchers and farmers.

For example, Mr. Speaker, sheep ranchers lost nearly \$45 million worth of livestock alone in 1999. The sheep industry estimates that if it had access to effective and necessary drugs, growers' reproduction costs for their animals would be cut by up to 15%. In addition, feedlot deaths would be reduced to 1-2% adding approximately \$8 million of revenue to the industry.

The catfish industry, a top agriculture industry in my home state of Mississippi generating enormous economic opportunity in the State, especially in the impoverished Mississippi Delta, estimates its losses at \$60 million per year attributable to diseases for which drugs are not available. The U.S. aquaculture industry overall, including food as well as ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only 5 drugs approved for use in treating aquaculture diseases resulting in tremendous economic hardship and animal suffering.

Mr. Speaker, joined with my colleagues Mr. HALL of Texas, Mr. COMBEST of Texas, Mr. STENHOLM of Texas, and Mr. POMBO of California, I resolve to correct this unfortunate situation by introducing the Minor Animal Species Health and Welfare Act of 2000. This legislation will allow pharmaceutical companies the opportunity to develop and approve minor use drugs which are vitally needed by a plethora of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. The Animal Drug Availability Act of 1996 required the Food and Drug Administration (FDA) to provide Congress with a report, describing administrative and legislative proposals to improve and enhance the animal drug approval process for minor uses and minor species of new animal drugs. This report by FDA, delivered to Congress in December 1998, laid out nine proposals. Eight of FDA's proposals required statutory changes. The bill my colleagues and I introduce today reflects the changes called for in FDA's minor species/minor use report. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals. Furthermore, it creates a program very similar to the successful Human Orphan Drug Program that has, over the past 20 years, dramatically increased the availability of drugs to treat rare human diseases. Mr. Speaker, besides providing benefits to livestock producers and animal owners, this measure will develop incentives and sanctioning programs for the pharmaceutical industry while maintaining and ensuring public health.

The Minor Animal Species Health and Welfare Act is supported by the Food and Drug Administration, the American Farm Bureau Federation, the Animal Health Institute, the

American Veterinary Medical Association, and virtually every organization representing all genres of minor animal species. Mr. Speaker, this is vital legislation which is needed now. This Act will alleviate much animal suffering, it will promote the health of minor animal species while protecting and promoting human health, it will benefit pets and promote the emotional security of their owners, benefit various endangered species of aquatic animals, and will reduce economic risks and hardships to farmers and ranchers. This is common-sense legislation which will benefit millions of Americans from farmers and ranchers to pet owners. I call on all my colleagues in this House to support the Minor Animal Species Health and Welfare Act of 2000.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SMITH of Washington. Mr. Speaker, on Friday, June 23, I was unable to vote because of family issues. Had I been present, I would have voted: "Aye" on the Waxman amendment to H.R. 4690; "Aye" on the Davis amendment to H.R. 4690; "Aye" on the Coble amendment to H.R. 4690.

EARTHQUAKE IN TURKEY

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SENSENBRENNER. Mr. Speaker, on June 6, the citizens of Turkey were once again reminded that the ground beneath them is not always stable. An earthquake, which registered 5.9 on the Richter scale, shook the Cankiri province in Central Anatolia, but its reverberations were felt in Ankara, Bolu, Duzce, Kirikkale, Corum and Kastamonu. There were at least three casualties, and 81 people injured, and considerable damage to buildings nearby.

I visited Turkey last January, after it had experienced significant, earthquakes in August and November of 1999 resulting in the death of more than 17,000 people and the estimated loss of property of \$40 billion. The Turkish people impressed me with their resilience and strength. Individuals from all walks of life rallied to assist those that had been less fortunate.

This latest earthquake is another example of the difficult task ahead for the Turkish Government and its people. The good news is that some of the world's foremost scientists in both Turkey and the U.S. have been studying the Anatolian fault, which runs east to west along the length of Turkey. This cooperation between our two nations has not only led to an increased understanding of the potential earthquake dangers in Turkey but also in the United States.

Unfortunately, most earthquake experts suspect that another severe earthquake will hit

Turkey in the next two decades. The earthquake is likely to hit near Istanbul along the Anatolian fault. Such a quake is likely to be devastating. More needs to be done to prepare for this eventuality.

The Turkish Daily News reported that the Turkish government, which was criticized for being late to take measures after the 1999 earthquakes, was prompt to reacting to the June 6 quake. Officials said that with the lessons they had learned from the previous disaster, they were well organized and fulfilled their promise to send immediate help to the region.

I hope this portends well for the future. Dealing with the destructive power of earthquakes—as Turkey and so much of the World has discovered—is something that requires immense advance planning.

By continuing to work together, U.S. and Turkish scientists can help by increasing our understanding of the phenomena, enabling generalized predictions and improved building design. I look forward to continuing this close working relationship between U.S. and Turkish scientists.

During this difficult and challenging period, our hearts and thoughts are with the citizens of Turkey. Working together, I hope we can reduce the pain of these terrible earthquake tragedies.

IN TRIBUTE TO R. LEE TAYLOR

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. WOLF. Mr. Speaker, today I honor a man whose genius has touched many people in the Shenandoah Valley of Virginia and who, with the establishment of the Glass-Glen Burnie Museum, will continue to touch the lives of all Americans for centuries to come.

In 1952, R. Lee Taylor was brought to Winchester, Virginia by his friend and employer Julian Wood Glass, Jr. to assess the state of Glass's ancestral home, Glen Burnie, which had been built by Winchester's founder, Colonel James Wood. Lee Taylor was charged with the restoration of the historic house and the creation of a landscape plan to enhance the site. By the time of his death in May, the landscape plan had been realized. Today, the 25 acres of expansive lawns and 14 individual gardens surrounding the 18th century house stand as testimony to Lee Taylor's vision, determination and hard work.

For the last three years of his life, Lee Taylor participated in the transition of Glen Burnie from private home to public institution. Since opening in 1997, tens of thousands of people have visited the site now known as "Glen Burnie, Historic House, Gardens & Julian Wood Glass, Jr. Collection." In the last days of his life, Mr. Taylor participated in the selection of renowned architect Michael Graves to design a new museum to be built on the property in celebration of the Shenandoah Valley. Called the "Museum of the Shenandoah Valley," the new facility will interpret the region's history, art and culture and tell how, over three centuries, people have made their home in the

Shenandoah Valley scheduled to open in 2003.

Lee Taylor's talents were not limited to horticulture. He was nationally known as the creator of miniature houses and rooms. His genius had been recognized in articles in *Nutshell News* and *Treasures in Miniature*. Mr. Taylor bequeathed more than one dozen miniatures to the new Museum of the Shenandoah Valley.

Mr. Taylor was a champion of preservation in the northern Shenandoah Valley. He served on the governing board of Belle Grove, the National Trust for Historic Preservation site in Middletown, Virginia. He was a charter board member of Preservation of Historic Winchester. Both of these organizations recognized Mr. Taylor's contributions with special awards. Mr. Taylor also served on the Winchester-Frederick County Historic Resources Advisory Board as well as the Community History Advisory Board of Shenandoah University.

Lee Taylor will be remembered as a truly gentle man. When not helping others, he could generally be found in his garden. He was always generous with his time and horticultural knowledge—encouraging even the most timid novice gardener to turn the first spade of dirt, to plant the first seed.

Today, because of Lee Taylor's vision, Glen Burnie is a peaceful refuge for all who visit.

Mr. Speaker, today I pay tribute to R. Lee Taylor as Glen Burnie's first Curator of Gardens and creator of an experience of uncommon beauty. Lee Taylor took a seed and planted it, and all that has grown will enrich our lives for many years to come. In his honor, I encourage all to go to Glen Burnie in Winchester, Virginia and to discover the magic of the gardens that Lee Taylor created.

TRIBUTE TO FBI SPECIAL AGENTS
RONALD A. WILLIAMS AND JACK
R. COLER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. OXLEY. Mr. Speaker, twenty-five years ago last Monday, FBI Special Agents Ronald A. Williams and Jack R. Coler were mercilessly gunned down on South Dakota's Pine Ridge Reservation. The agents were pursuing a fugitive on June 26, 1975; one of the three people in the vehicle the agents were tracking was Leonard Peltier. A fugitive from justice wanted for attempted murder, Peltier and his associates abruptly emerged from their vehicle and opened fire on the agents. Williams and Coler were shot point blank in the head, and died instantly. Peltier was captured after several months, and now serves two consecutive life sentences at Leavenworth.

Time and again, Peltier rightly has been denied parole for his heinous crimes, most recently just two weeks ago. Each of his appeals has failed. Even after a quarter century, and amid the constant barrage of liberal Hollywood actors glorifying this murderer, the American people have not forgotten Peltier's fatal assaults. Leonard Peltier slaughtered two young FBI special agents at the beginning of

their careers, for which he deserves to spend the remainder of his life in prison.

As a fellow former FBI special agent, I am honored today to recognize the supreme sacrifice of Ronald A. Williams, age 27, and Jack R. Coler, age 28. These slain heroes gave their lives in defense of justice for all. I join law enforcement officers throughout the nation in saluting their memories on this day. Their fidelity, bravery, and integrity live on in their comrades.

I commend to my colleagues' attention the following statement by FBI Director Louis Freeh.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC June 26, 2000.

STATEMENT OF FBI DIRECTOR LOUIS J. FREEH

On behalf of the men and women of the FBI, and in memory of all who have lost their lives in the line of duty, I would like to observe the 25th anniversary of the brutal slaying of Special Agents Ronald A. Williams and Jack R. Coler.

Twenty-five years ago today, these two outstanding Special Agents of the FBI were summarily executed by a gunman in South Dakota. Ron Williams and Jack Coler had been searching for a robbery suspect near Pine Ridge on 6/26/75 when they were shot from a distance of 250 yards. They were grievously wounded and on the ground when the killer approached and shot them, one after the other, at point blank range, through their faces.

The FBI cannot forget this cold blooded crime, nor should the American people. I was a new Special Agent, still in training school, when this horrific crime was enacted. Its cold blooded disregard for law and order ensured that it would never be forgotten, its criminal nature never obscured.

In February 1976, Leonard Peltier was arrested and charged with the murder of these two agents. The evidence was unarguable and conclusive. On 4/18/77, he was found guilty of the first-degree murders of Williams and Coler and sentenced on 6/1/77 to two consecutive life terms. All his many appeals to the U.S. Court of Appeals for the Eighth Circuit have failed. The Supreme Court of the United States has twice denied Peltier's petitions for review of his case. Most recently, on 6/12/2000, his parole board held its regular 2-year statutory review of the case, pending the full hearing it is required to hold in 2008. Once again, parole for Leonard Peltier was not recommended. It is a testament to the American judicial system and the American people that 25 years have not been able to erase or soften the facts of the case. The rule of law has continued to prevail over the emotion of the moment, the cornerstone attribute of our criminal justice system.

The men and women of the FBI—and law enforcement officers everywhere—put their lives on the line on a daily basis to protect the American people. They, with me, would like to remind the nation of the fidelity, bravery, and integrity of Agents Williams and Coler who 25 years ago today lost their lives but not their places in our hearts.

A TRIBUTE TO CONANT HALSEY
FOR 47 YEARS OF MUSICAL EX-
CELLENCE AT THE REDLANDS
BOWL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. LEWIS of California. Mr. Speaker, I would like today to call your attention to nearly five decades of dedication to music and love of community by Mr. Conant K. Halsey, who has guided the Summer Music Festival of the Redlands Bowl through decades when many local concert series declined—and has helped make it into a regional event attended by 100,000 people each year.

The Redlands Bowl Summer Music Festival was created in 1924 by founder Grace Stewart Mullen, and is the nation's oldest continuing outdoor concert series that has never charged admission. Thanks in large part to the financial expertise of Conant Halsey, the festival has also never asked for government funding for operations—it has survived and prospered entirely on the donations and volunteer work from those who love good music in the surrounding communities.

Halsey, a stockbroker who came West for his health, joined the board of the Redlands Community Music Association in 1953, and took over as chairman when Grace Mullen died in 1967. Under his guidance, the association created an endowment fund that is now self-sustaining—the festival only uses income, not principal. When he joined the board, the annual budget was \$50,000—now it is \$317,000.

In a white dinner jacket and bow tie, Conant Halsey has been a fixture at many of the 940 concerts he has helped stage in the past 47 years. He has made the announcements, led children in the Pledge of Allegiance, and greeted visitors from other states and foreign countries.

Mr. Chairman, the City of Redlands is known for its grace and appreciation of culture in no small part because of the continuing success of the Redlands Bowl summer concerts. After 47 years of helping guide that dedication to excellent music, Conant Halsey is retiring from the board on June 30 at the bowl's first concert of the 21st Century. I ask you and my colleagues to please join me in offering our congratulations on this tremendous accomplishment, and wish Mr. Halsey well in years to come.

ENERGY AND WATER DEVELOP-
MENT APPROPRIATIONS ACT,
2001

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

Mr. WELLER. Mr. Chairman, I rise today to give my strong support to H.R. 4733, the Energy and Water Development Appropriations Act of 2001. The legislation supports two important priorities, the restoration of the Kankakee River and the construction of the Tunnel and River Project.

The Energy and Water Development Appropriations Act of 2001 provides resources to continue environmental cleanup and restoration of the Kankakee River, a critical habitat for wildlife and one of Illinois' greatest treasures. For years, the Kankakee River has been choked by sand and sedimentation. This legislation continues the funding of studies to clean up the River and solve its problems.

Mr. Chairman, I am especially pleased that the Appropriations Committee has provided \$600,000 for the ongoing Army Corps of Engineers Feasibility Study of the Kankakee River and \$300,000 for the State Line Sand Removal Project. The goals of these projects will be to restore the natural hydrology and aquatic habitat back to the river, the removal of excessive sand buildup, the restoration of adjacent wetlands, and the reintroduction of native mussels into their natural habitat. The cleanup and restoration of the Kankakee River deserves high priority; the legislation before us today recognizes the importance of this project.

Additionally, the Committee awarded \$7.8 million for the construction funding for the McCook and Thornton Reservoir projects of the Metropolitan Water Reclamation District of Greater Chicago. The McCook and Thornton Reservoirs are part of the Chicago Underflow Plan, a comprehensive flood protection and water quality protection plan for the Chicago metropolitan area.

Mr. Chairman, this system has been enormously effective in achieving its goals as evidenced by the elimination of 86 percent of combined sewage pollution in a 325 square mile area. The result of this progress is the dramatic increase in water quality of the Chicagoland waterways and the protection of Lake Michigan, our drinking water source. 131,000 home owners rely on the continued construction of the "Deep Tunnel" flood relief and clean water project. This appropriation will add to the \$30 million already appropriated for flood relief in the South Suburbs and will eventually produce \$104 million in savings and benefits annually.

Mr. Chairman, I commend the hard work of Chairman PACKARD and Chairman YOUNG and urge my colleagues to support this good legislation.

AMENDING INTERNAL REVENUE CODE TO REQUIRE 527 ORGANIZATIONS TO DISCLOSE POLITICAL ACTIVITIES

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. CASTLE. Mr. Speaker, tonight the House of Representatives has the opportunity to ensure that meaningful campaign finance

reform is passed in time for this year's election. H.R. 4762 is the campaign finance bill with the best chance to pass both Chambers and be signed into law that has reached the floor in years. Last week, when I testified before the Ways and Means Committee, I said that I would help lead the fight to pass legislation that would rein in the section 527 groups if the House could not pass more comprehensive disclosure legislation. I will do so tonight. In this case, we cannot afford to make the perfect the enemy of the good.

Section 527 organizations, set up under section 527 of the Tax Code, are established to engage in political activities, which influence our political process by funding election-related communications without having to disclose their donors. H.R. 4762 is needed because current campaign laws are wholly unable to adequately regulate the torrent of political advertising by groups exploiting this loophole in both our tax and election laws. Huge sums of money are being spent to influence the election system. While spending by individuals has been protected by Supreme Court rulings and the problem of soft money continues because a lack of will by Congress to address it, we now have a troubling new trend in campaign finance spending by groups operating under unique designations in our tax code such as section 527.

While I would have liked to cover more groups engaging in electioneering communications, I am pleased that we will have the opportunity to pass significant legislation that will tackle the 527 stealth political organization problem. I worked very hard with my colleagues in both the House and Senate to develop broader legislation. I extend my thanks to Senators MCCAIN, SNOWE, LIEBERMAN, and FEINGOLD, and Representatives HOUGHTON, SHAYS, GRAHAM, MEEHAN, and DOGGETT for their efforts. We explored many possible alternatives, and I believe that we have laid the groundwork for further legislation in this area.

Tonight we will vote on H.R. 4762, language taken from Senator JOHN MCCAIN's legislation, which has already passed the Senate. This legislation requires section 527 organizations, that have gross receipts of more than \$25,000 dollars, to disclose their top donors. Whether or not we agree with the message of any advertisement campaign, I hope we can agree that voters have the right to know who is paying for any campaign-related ad and who is trying to influence their vote. Our Constitution protects every American's right to be heard. Yet today, more than ever, voters are faced with new-style political organizations, operating free from coverage by Federal election law, that are spending millions on campaign ads without having to disclose their donors. The 2000 general election cycle is fast approaching and section 527 political groups are expanding at a rapid pace and could be a dominant force in the 2000 election.

I am convinced this bill will curb some of the most blatant abuses, and will allow the public to know who is supporting these groups that are now operating behind a veil of secrecy. I urge you to join me in supporting H.R. 4762 in an effort to restore integrity to our election process and return the election process to the American people. It is a real step forward, and we should take it.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES/ APPROPRIATIONS ACT, 2001

SPEECH OF

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. NETHERCUTT. Mr. Chairman, I have discussed with the gentleman from Kentucky the fact that the National Marine Fisheries Service (NMFS) is conducting an economic mitigation study associated with the Lower Snake River in my congressional district. In addition, NMFS may direct the Corps of Engineers to conduct an engineering study on how to breach the dams.

Language addressing Corps funding for such a study is included in H. Rept. 106-693, the report accompanying the Fiscal Year 2001 Energy and Water Development Appropriations Bill (H.R. 4733). The report states, "The amount provided for the Columbia River Fish Mitigation program does not include funds for engineering and design, or other post-feasibility phase activities, associated with breaching Lower Snake River dams." It is my understanding that it is the intent of the Commerce, Justice, and State, the Judiciary, and Related Agencies subcommittee that no funds are included for NMFS for engineering and design, or other post-feasibility phase activities including economic mitigation studies associated with breaching the Lower Snake River dams.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes:

Mr. ROGERS. Mr. Chairman, the National Marine Fisheries Service (NMFS) has yet to release its biological opinion for the Lower Snake River. Ultimately, it will be the Congress that decides whether to breach the Snake River dams. The amount provided in H.R. 4690 does not include funding for engineering and design, or other post-feasibility phase activities including economic mitigation studies, associated with breaching the Lower Snake River dams. I appreciate the Gentleman's concerns on this matter, and thank him for bringing this issue to my attention.

SUPPORT FOR GAMBIA

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, today I show of friendship and support for the African continent. During the December recess, I visited the West African nation of the Gambia with several of my colleagues and discovered a country full of hope and motivation for advancing their country's welfare and future potential. In light of this body's efforts to pass legislation that would increase and better our economic relationship with the African continent, I was deeply impressed and my hope for Africa buoyed by the dynamism I saw in Gambia's duty-free import zone and its booming tourist industry.

In this regard, I would like to submit into the record a recent Editorial in The Journal of Commerce newspaper by Viola Herms Drath "Emphasis should be on Africa's role models" that praises Gambia, as one of a handful of African nations, that is developing systems for its own internal development seeking trade and not aid. While much work remains to be done in terms of ameliorating the country's transportation and technological infrastructure, the Gambia is well on its way toward developing constructive partnerships that will enable them to sustain and increase their development potential. I am happy to draw attention to the Gambia's very positive achievements and look forward to lending them this chamber's continued support and encouragement.

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

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 21, 2000

The House in Committee of the Whole House on the State of the Union had under consideration 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, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

Mr. NADLER. Mr. Chairman, I rise to offer an amendment to increase the appropriation for the Housing Opportunities for Persons With AIDS, or HOPWA, program by \$18 million. This is \$10 million less than the President requested, and far less than is truly needed to adequately fund this vital program, but represents the amount necessary to ensure that those already in the program do not receive a cut in service. I am delighted by the bipartisan nature of this amendment and I would like to thank Mr. SHAYS, Mr. CROWLEY, Mr. HORN, Mr. FOLEY, and Mr. CUMMINGS for joining me in offering this amendment and demonstrating the bipartisan support that this program enjoys.

Mr. Chairman, at any given time, one-third to one-half of all Americans living with AIDS are either homeless or in imminent danger of losing their homes. These are people who face discrimination, or have lost their jobs due to illness or, most cruelly, must choose between expensive, life-saving medications and other necessities such as shelter.

This is where HOPWA comes in. HOPWA is the only federal housing program that specifically provides cities and states with the resources to address the housing crisis facing people living with AIDS. Among the services HOPWA delivers are rental assistance, help with utility payments, and information on low-income housing opportunities.

It is also a crucial element in the effective treatment of HIV and AIDS. There is a clear link between stable housing and the ability of individuals living with HIV to live long and healthy lives. Some people have responded so well to new therapies that they have been able to go back to work after years on disability. However, these treatments require a stable living environment to be effective. To deny individuals the means to get healthy would be a terrible cruelty.

HOPWA is a locally controlled program that provides communities the flexibility to implement the strategies that best respond to local housing needs. It also supplies a low-cost alternative to acute-care hospital beds, typically paid for with Medicaid dollars, which are often the only available shelter for people living with AIDS. In fact, whereas an acute-care facility would cost, on average, between \$1,085 a day under Medicaid, assistance under HOPWA averages just \$55 to \$110 a day. So, HOPWA is not just compassionate, it is cost-effective. Currently, FY 2000 funds are serving thousands of people in 67 communities and 34 states. This is a well-run, far-reaching and successful program.

But as the success of HOPWA grows, so too does the need for funding. As a result of recent advances in care and treatment, the people currently being housed are living longer and the waiting lists for these programs are growing even longer. HOPWA would require an increase just to keep up with inflation, but on top of these strains on the program, 4 new cities will qualify for funds this year, stretching resources even thinner. The \$18 million we ask for in this amendment, \$10 million less than the President requested, is the bare minimum required if we are to ensure that those currently in the program are not threatened with a cut in service.

As for the offset, let me be clear. This is not an attack on polar research. I am a very strong supporter of scientific research and I am disappointed that more money was not provided for it throughout the bill. However, under the budget rules, we must find an offset and a slight cut to the Polar and Antarctic research program, which receives a significant increase in this bill over last year, will do minimal harm to our research programs while providing very significant benefits to the HOPWA program and the people it serves. I would also add that there are eleven other agencies that supplement the work of NSF in the arctic, spending roughly \$150 million a year, so this slight decrease will not damage our long-term research goals.

Unfortunately, under these budget rules we are forced to pit one program against another. If we were not locked into the unrealistic caps placed on us by the Budget Resolution, I would advocate a large increase in both HOPWA and polar research. However, this is the hand we have been dealt and we must select our priorities.

The housing crisis facing people living with HIV/AIDS exacts an enormous toll on individuals, their families, and communities across the country. HOPWA dollars help lessen this toll. Without proper funding for HOPWA, people with HIV and AIDS will continue to die prematurely in hospital rooms, shelters, and on the streets of our cities. I urge the adoption of this amendment.

INTRODUCTION OF THE NATIONAL AND COMMUNITY SERVICE AMENDMENTS ACT OF 2000

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. LARSON. Mr. Speaker, I rise today in support of The National and Community Service Amendments Act of 2000, of which I am a proud original co-sponsor, was introduced last week in the House by two of my distinguished colleagues, Mr. SHAYS of Connecticut and Mr. ANDREWS of New Jersey. The bill would reauthorize the Corporation for National Service and the programs it administers: the National Senior Service Corps, AmeriCorps, and Learn and Serve America. The bill has been drafted in close consultation with more than 200 community service groups.

This legislation is a simple extension of the existing program with a few improvements:

Codifies the cost-cutting agreement reached with Senator GRASSLEY in 1996. The Corporation for National Service has lowered its cost per-member to \$15,000 for FY 99, including a \$4,725 education award to finance college or repay student loans; and a mere \$7,421 for a living allowance.

Expands the cost-cutting "Education Award Only" model, where the Corporation provides only the education award, and the sponsoring organization provides all other support.

Eliminates controversial AmeriCorps grants to other federal agencies.

AmeriCorps, the domestic Peace Corps, engages more than 40,000 Americans in intensive, results-driven service each year. AmeriCorps members are tackling critical problems like illiteracy, crime and poverty. They have taught, tutored or mentored more than 2.6 million children, served 564,000 at-risk youth in after-school programs, operated 40,500 safety patrols, rehabilitated 25,179 homes, aided more than 2.4 million homeless individuals, and immunized 419,000 people.

In Connecticut, more than 1,200 residents have served their communities through AmeriCorps.

AmeriCorps helps solve critical problems in an effective way. It creates \$1.66 worth of benefits for each \$1.00 spent. And for every full-time AmeriCorps member, 12 regular and occasional unpaid volunteers are recruited and

mobilized. AmeriCorps is, indeed, effectively preparing young people for the future and strengthening local communities.

Furthermore, AmeriCorps also funds a great number of important projects that foster involvement and learning in technology by children and adults. One of these is Project FIRST (Fostering Instructional Reform through Service and Technology Initiatives), whose role it is to increase access to technology and its educational benefits in the nation's least-served schools. Another way AmeriCorps is involved with technology is through TechCorps, a national non-profit organization that is driven and staffed primarily with technologically proficient volunteers.

I believe these programs are important, because even though American technology is propelling the nation's economy to unprecedented heights, growing concern remains for those who are not benefiting from this prosperity. For those left behind by the advancing technology, the divide growing between the "haves" and "have-nots" is increasing at an alarming rate, as demonstrated by the Department of Commerce in its July 1999 report, "Falling through the Net."

These AmeriCorps programs bring technology to underserved populations and address weaknesses in our economy, such as unequal access to technology, teacher training, and evaluation.

However, I do not believe AmeriCorps is essential just because it can help close the "digital divide." It is essential because it exposes young people to the ideal of serving their community and their nation. Collin Powell has succinctly captured this idea of community service by stating, "For some of our young people, preserving our democratic way of life means shouldering a rifle or climbing into a cockpit or weighing anchor and setting out to sea. For others, it means helping a child to read or helping that child to secure needed vaccinations or it means building a park or helping bring peace to a troubled neighborhood or helping communities recover from natural disasters or reclaiming the environment."

Harris Wofford, former United States Senator and now head of the Corporation for National Service, echoes Powell's thoughts, "Our country needs more . . . patriotism. AmeriCorps encourages and inspires this patriotism on the home front."

Finally, a quote by Vaclav Havel, I believe, explains the need to have an AmeriCorps, "The dormant goodwill in people needs to be stirred. People need to hear that it makes sense to behave decently or to help others, to place common interest above their own, to respect the elementary rules of human coexistence. Goodwill longs to be recognized and cultivated."

This, I believe, is the essential value of national service, and by extension, of AmeriCorps. Serving is as important and rewarding as being served. Therefore, I urge my colleagues to support this bill and hope that the House Leadership allows us to act quickly on this critical legislation.

HONORING MICHAEL JOSEPH
BOWLER OF CALIFORNIA

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. CONDIT. Mr. Speaker, today I call attention to the extraordinary work of the Big Brothers and Big Sisters of America and to an exceptional individual from my state of California—Mr. Michael Joseph Bowler, winner of the 2000 Caring Hands Gold Award as the National Big Brother of the year.

Mike has served our community and the Catholic Big Brothers for more than 17 years—providing leadership and mentoring services to dozens of youths in the greater Los Angeles area.

Mike is dedicated to community service. He is a high school teacher and full time volunteer at a variety of youth centers and detention facilities. His accessibility, guidance, and commitment have helped many at risk young people see that others do in fact care.

Mike has accomplished much in his career as a Big Brother. He did so despite being born with a severe hearing impairment which resulted in a childhood full of loneliness.

He is a great example for all of us—representing the best in overcoming personal challenges and in giving to others.

Please join me in recognizing America's Big Brother of the year Michael Joseph Bowler.

PUERTO RICO AND THE
DEMOCRATIC PROCESS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I speak about an important development that I strongly support to enable Puerto Rico to have the chance to choose their future status through a fully democratic process.

As we all know, Puerto Rico became a territory of the United States in 1898 as a consequence of the Spanish-American War. Since then, the Federal Government has never formally consulted the disenfranchised American citizens of Puerto Rico on the Island's political status. Over a hundred years have passed and Puerto Rico's permanent status has yet to be determined. In addition, the American citizens residing in Puerto Rico have no vote in the government that determines their national laws.

While almost all other American citizens are given a democratic means of expressing themselves through two Senators and representation in the House of Representatives, the American citizens residing in Puerto Rico lack voting congressional representation, and their voices are essentially left unheard.

Three local inconclusive referenda (1967, 1993 and 1998) have been held in Puerto Rico with regard to the Island's political status. However, the major flaw of these local processes was that local political parties were allowed to submit their own political status defini-

itions, a situation not consistent with Federal law.

Mr. Speaker, one thing we did learn from the 1998 local referenda held in Puerto Rico was that over fifty percent of voters cast their ballot for an option that read "none of the above." This had the effect of providing, at best, an ambiguous result and no clear basis upon which to continue the process of ensuring that the governing arrangement enjoys consensus. But more tellingly, and more importantly, the vast majority of the voters, over 95 percent, did not support the status quo.

Much of Puerto Rico's status debate concerns what the Federal Government would implement. To that end, President Clinton invited the leaders of Puerto Rico's three major political parties, the Governor, our Colleague CARLOS ROMERO-BARCELÓ, and the Chairmen and Ranking Members of the House Resources Committee and the Senate Committee on Energy and Natural Resources, to an unprecedented summit at the White House on Wednesday, June 28, 2000.

The purpose of this summit is to further the work of the federal Executive and Legislative branches of government to begin a process. This process would clarify the options available regarding the governing arrangement that should apply to Puerto Rico, consistent with the Constitution and International law. This process will also define how federal economic and social policies should apply to the Island.

President Clinton has specified that he has no status preference, but that he is committed to agreeing on a process that will enable the American citizens of Puerto Rico to make an informed judgment.

Fellow Colleagues, the Congress has been committed to the Self-Determination process in Puerto Rico, as well as to providing a constructive response to the 1998 referenda held on the territory. We can all agree that the bipartisan nature of the White House meeting will provide a foundation upon which to consider a process to resolve fundamental questions regarding Puerto Rico's relationship with the Federal Government.

If it is appropriate for the President to help resolve disputes in the Middle East, Bosnia and Northern Ireland, is it not in the interest of our Nation to focus our efforts on the future of a territory of the United States and the four million Hispanic Americans that reside there?

Mr. Speaker, I urge you to support our fellow American citizens in Puerto Rico in order to enable them to choose a viable option. I urge you to support this effort and the decisions that may result from this summit.

CONGRATULATIONS TO C.W.
"CHUCK" PLUNKETT FOR HIS
OUTSTANDING SERVICE TO THE
CITY OF LEBANON, MO, AND TO
FORT LEONARD WOOD, MO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SKELTON. Mr. Speaker, let me take this means to honor Mr. Chuck Plunkett of Lebanon, MO, for his outstanding service to his community.

Mr. Plunkett has served the Lebanon community as the president of both the Lebanon Chamber of Commerce and the Fort Leonard Wood Committee of the Chamber. He has indeed been a community leader and an ambassador to Fort Leonard Wood. In fact, Chuck has spent nearly twenty years of his life working on behalf of better community relations between Lebanon and Fort Wood.

Throughout the years, Chuck, along with his wife Lil, have worked tirelessly on behalf of service members and their families who live and work at Fort Leonard Wood, MO. They have organized tours of Lebanon and the surrounding area to showcase the people of Missouri and the scenic Ozark hills that surround the fort. They have regularly attended events at Fort Leonard Wood and passed out hundreds of buttons declaring "Lebanon Loves Fort Wood." In addition, when the U.S. Army was considering moving the Army Engineer School to Fort Leonard Wood, Lil and Chuck played an instrumental role in promoting the outstanding community relations that America's young soldiers would experience in Missouri. This good will gesture was important to the Army's decision to move the school to Missouri in 1989.

Chuck Plunkett has received many awards because of his dedication to Fort Leonard Wood. He has been given a certificate of appreciation while serving as the Chairman of the Fort Leonard Wood Committee, and he received the TRADOC Certificate of Appreciation for International Student Support. Additionally, Chuck and his wife, Lil, have been awarded a certificate of appreciation for their generous contribution and support to the soldiers of the 10th Infantry Regiment during the 1990 holiday season, and in 1991, Chuck was presented an award commending his public service during the gulf war. One accolade that Mr. Plunkett is especially proud of is from the families of the 55th Engineer Company, which included photographs of service members' families.

In addition to the various awards presented to Chuck Plunkett over the years, he has been named a Charter Member of the Engineer Regimental Association of the United States Army. He has also been officially designated as a member of the Army Engineer Association.

Chuck, who served his nation in the U.S. Air Force from 1943 to 1946 as a ball turret gunner on a B-17, came to the Lebanon community in 1972. He owned and operated Commercial Quality Feed Center, Inc., until 1983 where he engineered and constructed a feed mill and retail store.

Mr. Speaker, in a time when the gap between civilian America and military America is growing, Chuck Plunkett has worked long and hard to bridge that gap. A World War II veteran, a small business owner, and a community leader, it is right that the Members of the House of Representatives join me in honoring this role model for all Americans.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on Monday, June 26, when rollcall votes 322 through 330 were taken. I want the RECORD to show that had I been present in this Chamber at the time these votes were cast, I would have voted "no" on rollcall vote 322, "yes" on rollcall vote 323, "no" on rollcall vote 324, "yes" on rollcall vote 325, "no" on rollcall vote 326, "yes" on rollcall vote 327, "yes" on rollcall vote 328, "yes" on rollcall vote 329 and "yes" on rollcall vote 330.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Monday, June 26, 2000, to attend to official business in my congressional district. I was unable to cast recorded votes on Rollcalls 322 through 326, relating to Commerce, Justice, State and Judiciary Appropriations for Fiscal Year 2001, and on Rollcalls 327 through 330.

Mr. Speaker, I regret not being able to vote on any of these rollcalls, but I particularly regret being unable to cast my vote in favor of Final Passage of the Commerce Appropriations Bill, H.R. 4690. This bill includes funds, which I requested, to repair the National Weather Service Melba Warning Tower in Jefferson Davis County.

Tornadoes and hurricanes are a constant threat and have caused serious damage in our area. I have been working to repair the Melba National Weather Service emergency warning tower, which serves Jones, Covington, Jefferson Davis, Simpson, Lawrence, Marion, Walthall, Lamar & Forrest counties. I am pleased that the Appropriations Committee and the full House recognized the urgent need to repair the Melba Tower.

Mr. Speaker, had I been present for Rollcalls 322 through 330, I would have cast the following votes:

Rollcall 322: "Aye" on the Sanford Amendment to H.R. 4690, to strike the \$8.2 million appropriation for the Asia Foundation in the Department of State.

Rollcall 323: "No" on the Olver Amendment to H.R. 4690, to add a new proviso into the bill (relating to the Kyoto Protocols) which clarifies that the limitations on funds shall not apply to activities which are otherwise authorized by law.

Rollcall 324: "Aye" on the Hostettler Amendment to H.R. 4690, to add a new section which provides that no funds in the bill may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith and Wesson and the Department of the Treasury.

Rollcall 325: "Aye" on the Vitter Amendment to H.R. 4690, to add language to the bill pro-

hibiting the use of funds by the State Department to approve the purchase of property in Arlington, VA by the Xinhua News Agency.

Rollcall 326: "Yea" on Passage of H.R. 4690, Commerce, Justice, State and Judiciary Appropriations for Fiscal Year 2001.

Rollcall 327: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3417, the Pribilof Islands Transition Act.

Rollcall 328: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, S. 148, the Neotropical Migratory Bird Conservation Act.

Rollcall 329: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 4408, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

Rollcall 330: "Yea" on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3023, a bill to authorize the Secretary of the Interior to convey property to the Greater Yuma Port Authority of Yuma County, Arizona for use as an international port of entry.

HONORING WARREN BELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I recognize Warren Bell for his incredible success in small business and his continued involvement in his community.

Warren first came to work for the family business, Bell's Bialys and Bagels, 20 years ago, under his father Martin, a distinguished businessman. Ten years ago, Warren assumed primary responsibility for operations at Bell's Bialys and Bagels. Under his talent and care the business has expanded tremendously. The company expanded its facilities, added new products and flavors to the supreme "Bell" quality and now ships his products to Japan on a regular basis. Warren has truly perfected the art of small business.

Perhaps Warren's greatest and most commendable success is that despite all the time and energy he has put into his business, he still found time to devote to the finer things in life. His devotion to his community and family is one of a true role model. His years of work with his local school board, temple, neighborhood and borough-wide small business organizations and networking groups provides a great service to the community. Warren currently serves on the Executive Council of "Brooklyn Goes Global" and is an active member of N.A.S.F.T. and the Brooklyn Chamber of Commerce.

In 1989, the Democratic Club of Brooklyn honored Warren and in 1994 he won the Borough President's "Mom and Pop" Award for achievement as a small business. This year Bell's Bialys and Bagels has been awarded the prestigious Small Business Administration's Exporter of the Year Award and the Borough President's Ron Brown Award for commitment to international commerce.

Warren has proven that in business and in public service that he is a man to emulate. He has helped to create jobs and played a major role in the economic growth and development

June 29, 2000

of Brooklyn. I want to take this opportunity to recognize the achievements of Warren Bell, one of Brooklyn's finest residents and entrepreneurs.

PRIBILOF ISLANDS TRANSITION
ACT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 26, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I'm pleased to rise in support of this important legislation, sponsored by the gentleman from Alaska. As Members of this body know, the Chairman of the Committee on Resources is a forceful advocate for his Alaska constituents.

The bill before the House today has improved in numerous respects from the version reported by the Committee last April. As a result of changes made to accommodate NOAA's concerns, it is my understanding that the Administration supports the bill as amended.

The history of our involvement in the Pribilof Islands, as is the case with many Alaska matters, is long and complex. Prior to the purchase of Alaska in 1867, Aleut Natives had been enslaved by the Russians to exploit fur seals. In 1910, Congress passed a law which regulated the seal harvest and provided federal support for the Native residents of the islands of St. Paul and St. George. With the Fur Seal Act of 1965, and substantial amendments to that Act in 1983, Congress has attempted to provide for a transition from federal management to local control and self-sufficiency on these remote islands.

Clearly, it is vital that the government meet its obligations to the people of the Pribilofs, including the timely completion of environmental cleanup of contaminated federal property. With the changes that have been incorporated, this legislation is intended to responsibly close out the U.S. obligations and liabilities on the Pribilof Islands as established under the Fur Seal Act.

In an attempt to strike a responsible balance in this bill, there are now caps on the amounts authorized for the economic assistance grants to the Native entities and local governments. At the request of the Minority, auditing and reporting requirements have been included for these grants. Minority concerns have also been addressed by language stating that funds authorized by this bill should not supplant NOAA appropriations as enacted in FY 2000. NOAA programs such as severe weather forecasting and the management of commercial fisheries benefit every region of the country. This language affirms the intent of Congress that funding for concluding the transition in the Pribilofs should not come at the expense of other important NOAA programs.

Mr. Speaker, I again commend the gentleman from Alaska and his staff for working with all interested parties to improve this legislation. I urge my colleagues to support H.R. 3417 as amended.

EXTENSIONS OF REMARKS

CLEVELAND POLICE OFFICER
WAYNE ALLAN LEON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Cleveland Police Officer Wayne Allan Leon, badge number 1338. Officer Leon was tragically killed in the line of duty on Sunday, June 25. He was just 32 years old.

Wayne Allen Leon was appointed to the Cleveland Police Department in the 110th Academy Class, February 1, 1994. He graduated from the police academy on June 9, 1994, and was assigned to the Third District, basic patrol. He soon distinguished himself as a police officer, going well beyond the call of duty to serve the public, in ways that were recognized by his peers and superiors. As an officer of the law, he dedicated his life to serve and protect the citizens of the state of Ohio and of this great nation. Quick with a smile, earnest, honest, sincere and extremely dedicated are but a few of the qualities that distinguished Officer Leon. He held his office with great professionalism, bravery and dignity, earning the respect and love of his colleagues and the community he served. He was awarded the Department's highest award—the Medal of Honor—after he and his former partner broke up a drug buy on November 1, 1998. The community mourns the death of a great role model.

As a committed man of faith and family, Officer Leon will be greatly missed by his wife Grace, their children Justin, age 5, Gabrielle, age 4, and Nicholas, age 2. His father, retired Cleveland Police Lieutenant Duane "Jake" Leon, brothers Dean, Tony, and Jake, and his parents-in-law Sam and Maryann Scampitilla, also survive him. I take this opportunity to express my deepest condolences to the family.

It is a terrible tragedy when a police officer falls in the line of duty protecting the public and serving his or her country. Officer Wayne Leon exemplified the very best police departments have to offer. He will be missed by all.

I ask the House to join me in commemorating this model public servant and dedicated family man. The State of Ohio and the Nation owe him a great debt of gratitude. My fellow colleagues, please join me in honoring Officer Wayne Allen Leon.

INTRODUCTION OF THE FUEL
EXCISE TAX RELIEF ACT (FETRA)

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. COLLINS. Mr. Speaker, today I am introducing the Fuel Excise Tax Relief Act (FETRA), for a moratorium on Federal fuel excise taxes until March 31, 2001.

Fuel is not a luxury, it is a necessity for Americans. It is necessary for a dad commuting to his job or a soccer mom picking up her children. Higher fuel costs don't stop at

13295

the pump because the cost of shipping is built into the price of every product purchased by families and businesses across the country.

There is not one Member in this Chamber whose constituents are not daily suffering sticker shock when they go to the gas pump, and wondering why, for the past 6 months, nothing has been done about gas prices.

A few months ago, Secretary of Energy Bill Richardson admitted he had been asleep at the switch, and promised Americans that prices would soon decline, thanks to his arm-twisting of OPEC.

Perhaps we should be asking if Mr. Richardson was twisting OPEC's arm the wrong direction and convincing the oil states to restrict production. Certainly, 3 months later, gas prices did not go lower, but went higher.

These skyrocketing fuel prices are borne on the backs of working families across this country, because they have an impact on the cost of every product or service that depends upon transportation.

I am concerned that high fuel prices could affect the economy, just as they did after the oil shocks of 1973 and 1979. Both resulted in higher interest rates and recessions.

Congress must take both short-term and long-term action now.

Presently, the United States is dangerously dependent upon foreign oil. We must work more aggressively with OPEC to increase supply. We must explore the use of the Strategic Petroleum Reserve to temporarily increase the supply. We should allow environmentally responsible oil drilling to increase domestic supply.

We should also take steps to ensure that our environmental regulations protect the environment without driving independent producers and refiners out of business. When they are gone, competition decreases, and prices rise.

We can also encourage the use of mass transit and build new systems. Tax and investment incentives will help further develop technology for fuel cells, electric cars, hybrid cars, and alternative fuel vehicles.

All of these responses take a while to affect prices at the pump. But there is one act Congress can take to provide immediate relief to America's working families.

This would be to pass the Fuel Excise Tax Relief Act (FETRA) which imposes a moratorium on Federal fuel excise taxes until March 31, 2001. I will shortly be introducing this legislation with several colleagues, and I invite your support.

FETRA would provide relief to every American of every income strata. It would reduce transportation costs which affect the price of every good or service purchased by consumers. It imposes a moratorium on the federal fuel excise taxes: cutting 18.3 cents per gallon on gasoline, 24.3 cents per gallon on diesel, and 4.3 cents per gallon on aviation jet fuel.

The FETRA tax moratorium will be effective upon enactment and end March 31, 2001. This will give the new administration and new Congress time to draw up something that has been lacking the past 8 years—a coherent energy policy.

FETRA also holds the transportation trust funds harmless from any revenue shortfalls,

and will make up the difference out of general funds. None of our infrastructure projects will be affected by FETRA.

This tax relief is long overdue for American consumers. To ensure they get the benefit of this tax relief, FETRA directs the Comptroller of the United States to report to Congress on whether the tax cut is being passed through to consumers. Additionally, the act requires the Administration to prepare a report on changes in the prices of gasoline, diesel and other fuels over the previous 12 months, and the impact on prices of the reformulated gasoline mandate, and the feasibility and appropriateness of maintaining the reformulated fuel mandate.

Mr. Speaker, The American people are looking toward Congress for leadership on this issue. I agree that we must work on long-term and medium-term solutions to high fuel prices, but FETRA is where we should start.

AMENDING INTERNAL REVENUE
CODE TO REQUIRE 527 ORGANIZA-
TIONS TO DISCLOSE POLITICAL
ACTIVITIES

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 27, 2000

Mr. BLUMENAUER. Mr. Speaker, the House has finally done something about the shadowy political action committees organized under Section 527 of the tax code which can hide their donors, activities, and even their existence from public view. Sunshine is the best disinfectant and now some light will be shed on these stealth PACs that have been flying under the radar to avoid detection.

Very early this morning, we voted to require these tax-exempt groups to disclose their activities. The Senate adopted very similar legislation earlier this month. It has been perfectly within the rights of anyone to give unlimited sums of money aimed at influencing American elections with no limits, no restrictions, and complete anonymity.

Here's how the loophole worked: You set up a bank account, collected as many millions as you could, ran ads under whatever innocuous name you chose—Americans for a Decent Society or whatever—and attacked or supported any candidate you chose. All you had to do was refrain from using the "magic words" like "vote for," "vote against," "elect," "defeat," etc. in reference to a particular candidate. You could mention the candidates by name. You could show their unflattering visage against a backdrop of belching smokestacks. And then you could disappear from the face of the earth.

That unique combination—unlimited funds with total anonymity—was the beautiful thing about the 527s, if you were a clever political fundraiser, or a billionaire with a private agenda.

But that is changing now. The Campaign for America, a group of well-respected business leaders founded by Jerome Kohlberg, recently stated, "Tax-exempt status is a subsidy, not an entitlement. Accordingly, organizations obtaining this subsidy have obligations and re-

sponsibilities to the public that provides this benefit. Every other nonprofit involved in electioneering such as parties, PACs and campaign committees discloses to the Federal Election Commission. There is no justification for making an exception for these 527 organizations. In return for the public's largesse, these organizations should at least be required to disclose their existence, substantial contributors and substantial expenditures."

The legislation we passed requires "527" groups to disclose who they are, where they get their money, and how they spend it. It does not adequately cover political activities during this election cycle, but it is a good start.

By closing this loophole, we are beginning to repair the damage that our current campaign system has done to public trust in government. This could be the first meaningful campaign finance reform passed in Congress in many years. Let's lift this curtain of secrecy that has shrouded elections for too long.

TRIBUTE TO AARON HALPERN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention to the deeds of a person I was proud to call my friend, Aaron Halpern of Clifton, New Jersey, who was remembered on Thursday, June 1, 2000 because of his many years of service and leadership. He is deserving of this memorial, for he had a long history of caring, generosity and commitment to others.

Aaron was recognized for his many years of leadership in Clifton, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Mr. Halpern worked for the Clifton School System for 43 years, beginning as a high school teacher and guidance counselor. He became the principal of School 7 in 1959 and of Woodrow Wilson Middle School in 1962. A year later he became the principal of Clifton High School. He served that post for 25 years until his retirement on November 1, 1988.

During his tenure at Clifton High School, Aaron implemented many educational innovations including computer technology, student counseling and placement services. When he retired in 1988, it was estimated that more than 20,000 students had passed through the school in the years that he was in charge.

Aaron received the New Jersey Principals Supervisors Association's Distinguished Service Award in 1993, and the Clifton Parents Football Boosters named him 1982-83 Man of the Year. He also had a wing at Clifton High School named after him in 1997.

Principal Halpern was a member of the Executive Committee of the New Jersey State Interscholastic Athletic Association, where he was responsible for many athletic rule changes. He was a life member of the National Education Association and the New Jersey Congress of Parents and Teachers.

An Army Air Corps veteran of World War II, Principal Halpern was a member of the Clifton

Jewish Center and its Men's Club, the B'nai B'rith and Humboldt-Ezra Masonic Lodge 114, all in Clifton.

A graduate of Passaic High School in 1938, Aaron received a Bachelor of Science Degree in Education from Newark State College, and Master's degrees in Administration and Supervision from Montclair State College (now University), in Guidance from Rutgers University, and in Secondary School Administration from Teachers College at Columbia University.

Aaron is survived by his wife, the former Dorothy Leibowitz, a daughter, Doretta Halpern of Cedar Grove and his nephew Jack Birnberg, Chairman of the Board of Waldorf Group, Inc. of Little Falls, New Jersey.

Mr. Speaker, I ask that you join our colleagues, Aaron's family and friends, Clifton High School, the Clifton Board of Education, the City of Clifton and me in recognizing the outstanding and invaluable service to the community of Aaron Halpern.

ELECTRIC UTILITY INDUSTRY

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. BRYANT. Mr. Speaker, at a time when this Congress is beginning the debate over the future of our electric utility industry, I call to the attention of my colleagues an article in the current edition of Forum For Applied Research and Public Policy. The article is entitled "Electricity: Lifeline or Bottom Line?", and it is by Terry Boston, Executive Vice President of the Tennessee Valley Authority's Transmission and Power Supply Group. Mr. Boston oversees TVA's 17,000 miles of transmission lines, one of the largest transmission systems in the country.

The article largely embodies information I received from Mr. Boston in a briefing earlier this month. The news media has given considerable coverage recently to the expected demands on our electric utility grid this summer and how those demands will almost certainly strain the system. Mr. Boston makes the point that more is being invested in generation and marketing than in transmission, distribution and reliability, and that until these two different facets of the business are brought more into balance, the strains on the system will continue.

All in all, the article will enhance Member's understanding of the problems we face this summer and the challenges that are before us as we confront the complex issue of electric utility restructuring.

[From Forum for Applied Research and Public Policy, Summer 2000]

ELECTRICITY: LIFELINE OR BOTTOM LINE?

(By Terry Boston)

On a blistering day last July, two large cables at a Chicago substation failed, triggering a local blackout that sent hundreds of air-conditioning deprived residents to hospitals and a few, tragically, to cemeteries. At its worst, the blackout left more than 100,000 people without electricity, and thousands remained that way for the better part of three days.

This was only one in a string of blackouts during the summer of 1999 that afflicted hundreds of thousands in New York City, Long Island, New Jersey, the Delmarva Peninsula, and four Gulf states. And the problems were not confined to local power companies; several high-voltage transmission systems—designed to deliver vast amounts of power over great distances in all sorts of weather—strained to keep up with demand. Over the course of five tense weeks, two other blackouts hit Chicago while other electric systems suffered with voltage problems and a few teetered on the brink of collapse.

What's happening here? Why is the world's strongest, most reliable electric grid scrambling to keep up with hot, but not unprecedented, summer weather? And why is it hard for some transmission operators to make eye contact when asked about the prospects for this summer? The reasons are complex, and agreement is lacking, but many point to the pressures competition is placing on an industry still learning how to compete. In short, the move to restructure the electric utility industry has the industry sprinting toward competition before it can walk. As a consequence, the long-sacred focus on reliability is beginning to blur. Instead of filling its traditional role as a lifeline, electricity is in danger of becoming just a bottom line.

LIGHTS OUT

Blackouts—small or large—are nothing new; but the reasons for some of last summer's blackouts and near misses are disturbing. For example, the U.S. Department of Energy cited Chicago's Commonwealth Edison for scrimping on its substation maintenance budget—which went from a high of \$47 million in 1991 to just \$15 million in 1998—as it shifted money into its nuclear program and preparations for competition. Other systems, including TVA's, were threatened when operators were unable to predict the massive amounts of power flowing across their systems from eager new sellers on one side to eager new buyers on the other.

Unless transmission operators understand exactly where and when power will flow across their system, lines that are already overburdened by severe weather can fail, triggering widespread disruptions. Looking at the blackouts of 1999, DOE concluded that “* * * the necessary operating practices, regulatory policies and technologies tools for dealing with the changes [resulting from a restructured environment] are not yet in place to assure an acceptable level of reliability.”

Energy Secretary Bill Richardson and Federal Energy Regulatory Commission Chairman James Hoecker have warned of more blackouts this summer, and Richardson criticized policymakers who “haven't kept pace with the rapid changes in the electric utility industry.” While many would welcome legislation to ensure reliability, the industry desperately needs something more—time. Unless the industry has time to strengthen the grid, time to understand the new pressures that competitive pricing brings, and time to develop the complex computer modeling and analytical tools needed to safely manage the phenomenal increase in electricity transactions, many fear the grid may be headed for the most severe outages since the New York blackout of 1965. The Electric Power Research Institute estimates that power failures in the United States cost the economy approximately \$50 billion per year.

THE WORLD'S LARGEST MACHINE

Someone once called the North American electric grid—the massive conglomeration of

generators, wires, switches, breakers, and related equipment that produces and moves electricity to almost every point on the continent—the world's largest machine. It's an apt description.

Originally, utilities were built to serve specific geographic regions and were physically isolated from one another. America literally had islands of electricity hives and seas of electricity have-nots. In fact, where TVA was created in 1933, only 3 percent of farms in the Tennessee Valley had electricity. As technology improved and power plants increased in size, these islands grew and began to connect with one another. Many of the connections were established to promote reliability in the wake of the 1965 New York blackout, allowing power to be routed in any number of ways to circumvent local problems.

Today, a single massive, interconnected grid serves the eastern United States and eastern Canada, while two other grids serve Texas and the western half of the continent. On that grid, large transmission lines—some operating at up to 765 thousand volts—move electricity from generators to lower-voltage local distribution systems where smaller lines take it to individual consumers.

Transmission is critical because electricity cannot be stored. Natural gas can be kept in tanks and pork bellies can be stored in freezers, but electricity is consumed the moment it is produced. The challenge then is to make electricity instantly available in the exact amounts demanded 24 hours a day, seven days a week. If the amount of power delivered equals the amount consumed—every second of every day—and if power plants, lines, switches, breakers, and insulators all do their jobs properly, we have reliability. If any part of the machine fails, however, power is interrupted. Interruptions can range from a few milliseconds, unnoticed except by sensitive computer equipment and VCRs, to outages that plunge a single street or entire regions into darkness.

Balance between neighboring power systems is also critical. If one system under-generates—either deliberately to exchange power, or accidentally because a power plant shuts down—imbalance results and electricity flows in from other systems like water through a breached levee. When that happens, systems can overload, and because they are designed to prevent problems from spreading, they automatically shut down. In the most extreme conditions—when weather forces heavy demand for electricity, and equipment over a wide area gets loaded to the maximum—losing a line many shift the burden to other lines, overloading them and causing them to fail. In those cases, power systems can begin to resemble a row of dominoes, which is what caused the West Coast blackout of 1996.

ENTER COMPETITION

Changes in national energy policy have encouraged the growth of independent power producers, electricity marketers, and brokers—all of whom differ fundamentally from existing utilities: they don't own their own lines. Consequently, these new entrants to the industry must rely on established transmission owners to provide the critical trade routes that move their product to market—even though at times they compete with those same transmission owners for capacity to serve native load customers. In fact, to promote competition, the Energy Policy Act of 1992 required utilities to provide these new players with transmission service virtually identical to the service they provide their own generators.

Traditionally, nature has posed the major threats to a reliable power delivery system. Tornadoes and ice destroy transmission structures. Lightning knocks out equipment. Trees grow and fall into power lines. And while those hazards still exist, competition challenges reliability in ways that we are just beginning to recognize and address.

PLANNING IN A VACUUM

Location is always a key consideration in building a new generating plant. Historically, plants were built where the transmission system could handle, or could be made to handle, the added power. In short, planning for new power plants always occurred in lockstep with planning for transmission. Plants were built where it made the most electrical sense, often near large concentration of customers to minimize transmission problems.

Today, however, power plants are built wherever it makes the most economic sense for the growing number of new players. The most attractive locations seem to be where natural gas pipelines converge with transmission interconnections between utilities. The pipelines provide fuel for the plants; the interconnections allow quick access to market. However, the existing transmission facilities may not be adequate or may be used up by the introduction of more generators, exposing everyone who depends on the transmission system to greater risk of interruptions.

And we are not talking about a handful of new power plants. Gulf States near natural gas wellheads are seeing hundreds of requests to connect from independent power producers with a combined generating capacity that the existing grid cannot possibly accommodate. At the same time, due to environmental and land-use concerns, building new lines has never been more difficult.

And while new plant owners must pay for any transmission upgrades necessary to connect to the grid, homeowners question the need for improvements and others complain that utilities may be using the connection process to restrict access.

OPERATING CONFLICTS

Adopting the mindset of blue-water sailors—always assume that the boat is trying to sink and do your best to keep it afloat—transmission operators are doing their best to ensure reliability. Doing so is no easy task. Each day on the TVA system alone, hundreds of thousands of calculations are made to determine the demand for power, which plants to run, which to keep on backup, and which to shut down for maintenance. Operators also need to know which lines, substations, and switching equipment must be available at any given time, and which they can afford to take out of service temporarily for maintenance. Finally, they must know how much power will be flowing across their systems from producers on one side to consumers on the other. Without all that detailed information, the transmission system is extremely vulnerable, and ensuring reliability is simply not possible. And even with it, better tools are needed to instantly analyze the data and enable us to provide relief to the right place at the right time.

Competition means that more and more power is flowing in more and more directions on the grid as the number of deals between suppliers and customers grows exponentially. While TVA had about 20,000 interchange transactions with other utilities and marketers in 1996, it had nearly 300,000 in 1999. Since electricity follows the path of

least resistance and respects no political or system boundaries, utilities sometimes find their lines clogged with power that they neither generated nor planned for. Because of the limited ability to predict how power actually will flow from moment to moment, power from most utilities—including TVA—sometimes inadvertently flows into or through neighboring systems.

In times of crisis, the added traffic can confound the efforts of operators to prevent a calamity. On a hot day last August, 10,000 megawatts—an output equivalent to that of eight large nuclear plants—flowed through the TVA system, three-quarters of it unplanned. The result: TVA—despite all its efforts—was one thin mishap away from a widespread blackout. In the future, as dozens of new plants are added to the grid, these inadvertent power flows—and the problems they cause—will only increase.

There is also concern about the ways some new merchant power plants—which are built to sell power to a particular buyer, rather than to serve a specific area—are being used. One marketer that owns merchant plants in TVA's region, aided by a puzzling interpretation of the rules by the National Electric Reliability Council—a utility-sponsored organization that promotes reliability—determined that its power plants can serve as transmission control areas and points of delivery for power transactions. Normally, a transmission control area contains generators and consumers of electricity and a control center responsible for ensuring that both the supply and demand for electricity are kept in balance. As a control area, the marketer would have the right to reserve space on TVA's transmission system, ostensibly to have large quantities of electricity delivered to its power plants.

Since a power plant consumes only minuscule amounts of electricity, however, delivering large amounts of power to one is physically impossible; and in fact, this marketer has no intention of receiving electricity at its plant. Instead, the arrangement serves the marketer by securing a needed path into TVA's transmission system. Later, when the marketer finds a buyer, it can inform TVA—with as little as 20 minutes' notice—that thousands of megawatts will be flowing across the transmission system, ready or not. We consider this a dangerous misuse of the transmission system and have determined that we will accommodate the marketer's transmissions only if reliability can be protected.

Established electric utilities don't always wear the white hat. Competitive pressures can bring out rogue behavior in many organizations. Last summer, for example, one midwestern utility had more demand for electricity than it could supply. Normally in such circumstances, the price of power rises when demand exceeds the supply. If a utility cannot meet its contractual requirement, it should interrupt noncritical and keep critical loads, like hospitals, from being at risk. Instead of interrupting lucrative sales when power prices were exorbitantly high, however, the utility simply allowed its system to become a "black hole" on the grid. Because electricity flows to where it is needed, the utility sucked in power from other utilities without paying the high prices for it and increased the risk of blacking out its neighbors.

BUILD IT AND THEY WILL COME

What would happen if, with air travel booming, there were suddenly a freeze on building new airports or expanding old ones? Air travel would likely peak according to the

number of planes that airports could safely handle, and then level off. That is not what's happening in the electric utility industry. Nationally, electricity sales are growing at a rate of about 2 percent annually, closer to 3 percent in the southeastern region. To meet this growth and possibly make large profits during periods of extreme demand, new generating plants are being built at an unprecedented rate. At the same time, investment in transmission systems nationally has almost bottomed out. In airline terms, we are building planes and sending them from the gate with hoards of travelers onboard, even though we are dangerously short of runways. To make matters worse, those planes take off and land without talking to the control tower about their flight plan.

Most of the nation's extra-high-voltage transmission lines were built after the infamous blackouts of the mid-60s. They were intended to enable bulk deliveries of power over long distances in the event of emergency—thus ensuring reliability. Today, however, those lines are largely used for day-to-day commerce. New players in the market

The societal cost of having too much transmission capacity is small compared to the societal cost of having too little. Yet industrywide transmission is not being built to support the new market. In 1990, utilities' 10-year plans called for a total of 13,000 miles of new transmission lines. After passage of the Energy Policy Act in 1992, those plans began to nose-dive. By 1999, only 5,600 miles were still planned. TVA, I'm pleased to note has not followed this trend. While the miles of planned transmission lines in the United States have been halved, TVA has doubled its transmission capital budget. We built more than 160 miles of transmission line last year and will build a comparable amount this year to enhance reliability within the region.

THE PUBLIC GOOD

Handled properly, competition can bring genuine benefits to society. Regions that have been plagued with high power costs may one day see lower rates. New participants in the industry may play an important role in bringing about this parity, and they should be encouraged to take part. Obstacles to a fair, open, and diverse marketplace should be removed, but carefully and for the right reasons. The public has far too much at stake to allow competition to jeopardize reliability. Already, the pendulum has swung so far in the direction of open competition that reliability is being compromised.

New participants in the industry tend to think of electricity as a commodity, to be bought and sold like any other. They are fond of comparing electricity to natural gas and seek an industry structure in which they can trade electricity without limits. But as long as electricity is dependent upon instantaneous transmission—until it can be stored efficiently for later use—we cannot afford to treat it as a simple commodity. The risk are far too great to permit this mindset to govern energy policy. New players, policy-makers, and even many established utilities must come to realize that electric system reliability doesn't happen by itself. It takes planning, resources, and time to ensure that the nation's electric grid will continue to operate smoothly.

The North American grid can become a balanced playing field—accessible to all, supportive of open competition, and robust enough to withstand the worst that nature and growth can throw at it. Or it can decline into a choked and inefficient war zone where interruptions are commonplace, as industry

players try to outdo each other in search of short-term profit. Restructuring can help create that balanced field by encouraging new generators to enter the market and relieve the current shortage of electricity production. Without comparable improvements in transmission, however, we may be putting out the fire with gasoline.

TRIBUTE TO ADAM GRAVES

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the exploits of a remarkable athlete and humanitarian, Adam Graves of Tucumseh, Ontario, Canada. On Wednesday, June 14, 2000, he was feted at the Brownstone House in Paterson, NJ, because of his selfless dedication to the community and children by the Boys & Girls Club of Passaic, NJ, at the Annual Sportsman of the Year Dinner. It is only fitting that Adam be honored, for he has a long history of caring, generosity and commitment to others.

The road to Adam's professional career took him through the minor leagues. He made his AHL debut in the 1987 playoffs. In 1989, he helped Adirondack win the Calder Cup and notched 11 goals and 7 assists.

In an All-Star Junior career, Adam totaled 100 goals and 124 assists in two and a half seasons with Windsor of the OHL. He led the team in playoff goals in all three seasons. Adam also captained the Spitfires to the OHL Championship in 1988. In addition, he led the OHL in playoff scoring with 32 points.

Adam Graves also has a stellar international record. As a member of the Gold Medal-winning Canadian Junior team at the World Junior Championships in 1988, he notched five goals. He also served as captain of Team Canada at the 1993 World Championships in Munich, Germany, tallying six points. Additionally, he garnered seven points representing Team Canada at the 1999 World Championships in Norway.

Selected by the Detroit Red Wings in the second round, Adam was the 22nd overall pick of the 1986 NHL Entry Draft. After 3 years he was traded to the Edmonton Oilers, where he helped the team win the Stanley Cup. Adam was signed by the New York Rangers as a free agent on September 2, 1991, and clinched his second Stanley Cup in 1994.

In total, Adam has appeared in 907 career NHL games, registered 293 goals and 248 assists for 541 points, along with 61 post-season points. He played in his first NHL All-Star Game on January 22, 1994, at Madison Square Garden in New York.

Born April 12, in Toronto, Ontario, Adam Graves wears number nine on the New York Rangers. He plays left wing, is 6 feet tall and weighs 205 pounds. His teammates often call him "Gravy." Interestingly, in 1998, he appeared in an episode of "Spin City" starring Michael J. Fox. Adam also captured the "Good Guy" award, presented by the New York chapter of the Professional Hockey Writers' Association, for cooperation with the

media. In addition, he is a four-time winner of the "Players' Player" award, given annually to the best "team player" as voted by the players.

As a concerned member of the community, Adam serves as a celebrity chairman for Family Dynamics, a New York City child abuse agency. He helped raise more than \$80,000 at the agency's annual Family Dynamics event. "Gravy" makes several appearances with many charitable organizations during the season, including the annual Toys for Tots collection during the holiday season. He was the recipient of the "Crumb Bum" award in 1992-1993 for his work with New York youngsters. Along with four other professional athletes, he was awarded the USA Weekend "Most Caring Athlete" Award for his charitable efforts and community service.

Over the years, Adam has made a significant impact in the NHL and beyond through his commitment to charity. He is a four-time winner of the Steven McDonald Award, given to the Rangers player who "goes above and beyond the call of duty," as voted by the fans. In 1993-1994, he received the NHL's prestigious King Clancy Memorial Trophy. This award is given to a player that best exemplifies leadership on and off the ice and has made a noteworthy humanitarian contribution in his community. He is the first Rangers player to be so honored.

Mr. Speaker, I ask that you join our colleagues, Adam's family and friends, the Boys & Girls Club of Passaic, the New York Rangers, the National Hockey League and me in recognizing the outstanding and invaluable service to the community of Adam Graves.

IN RECOGNITION OF HUGH M.
"LALLY" BATES

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. RILEY. Mr. Speaker, I rise today to recognize one of Alabama's finest, Mr. Hugh "Lally" Bates. On June 30, 2000, Mr. Bates will retire, ending his distinguished 38-year public service career. Speaking about leadership, Winston Churchill once said "I have nothing to offer but blood, toil, tears, and sweat." After a career marked by blood, toil, perhaps tears, and a great deal of sweat, Mr. Lally Bates will soon be retiring from public service.

Ever since enlisting in the U.S. Marine Corps on his 18th birthday, Mr. Bates has served his country, his state, and his community with nothing less than the utmost integrity and professionalism. Today we honor this distinguished man and publicly thank him for his sacrifices.

While serving in the Marine Corps, Mr. Bates was stationed in Korea with the First Marine Division, Fifth Marine Regiment. During his service, he was wounded on three separate occasions. He was awarded three Purple Hearts, and the Bronze Star with combat "V" for valor in personally destroying a North Korean machine gun emplacement and with it, four North Korean soldiers.

President Lyndon Johnson appointed Mr. Bates to the position of Postmaster of Clanton in 1965. His distinguished service in this capacity earned him the respect and admiration of his fellow Postmasters who twice elected him to serve as the National President of the National Association of Postmasters of the United States (NAPUS). In fact, Lally Bates is one of only two Postmasters ever elected to serve twice as the National President of NAPUS.

Aside from his professional duties, Mr. Bates has served Chilton County in a number of civic leadership capacities. He has twice been named the president of the Chilton County Chamber of Commerce, and been honored for his service as president of this organization that further honored him by naming him its Citizen of the Year this past January.

He further served as the president of the Clanton Quarterback Club, the Clanton Dixie Youth Baseball League, and the Civil Defense Rescue Squad. Additionally, his concern for others led him to serve as the Chairman of the Board of Directors for Chilton County Hospitals. Always selfless, Lally Bates has continued to serve his fellow veterans as commander of American Legion Post No. 6.

While Mr. Bates may be known by many as the Postmaster of Clanton, others may recognize his voice. For 41 years, Mr. Bates has been the Voice of the Chilton County Tigers football team on WEZZ radio, representing his alma mater.

Today I want commend Mr. Bates for his years of service. As an Alabamian, I am grateful for all that he has done to serve his community. I thank Mr. Bates, and the Bates family, for sharing time with the community. Today, I thank him for all of your blood, toil, tears, and sweat.

MANAGEMENT OF NATIONAL
FORESTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. DUNCAN. Mr. Speaker, Matt Bennett, who is a very good friend of mine, wrote an editorial today in the Knoxville News-Sentinel about the management of our national forests.

This Administration has proposed a plan to manage our national forests which many people believe could actually end up harming our forests by preventing access to areas in danger of fire. I agree that we should be preserving our existing wilderness areas and national parks. However, the federal government already owns 30 percent of all the land in the U.S. If we keep locking up more and more land, we will just end up hurting the middle- and lower-income families by driving up the cost of forest products.

Mr. Speaker, I believe that Mr. Bennett's column does an excellent job describing the dangers of this proposal put forth by the Administration. I have included a copy of the editorial that appears in today's edition of the Knoxville News-Sentinel and would like to call it to the attention of my colleagues and other readers of the CONGRESSIONAL RECORD.

[From the Knoxville News-Sentinel, June 28, 2000]

PRESIDENT'S ROADLESS PLAN TOO CONFINING
FOR FUTURE GENERATIONS
(By Matt Bennett)

In the legal parlance of estate planning, the term "dead-hand control" refers to one generation's attempt to control the future of another from the grave. For the obvious reason that we can never know what circumstances future generations might face, most attorneys advise against it.

Yet in preparing to designate another 60 million acres of our national forests as permanently roadless, this is precisely what the Clinton administration is preparing to do, and it should not be allowed to succeed.

Seeking support, the administration has argued (as it has on every issue from higher taxes to gun control) that we need to set aside these roadless areas for the children. Likewise, environmentalists often cite the seven-generations concept of the Iroquois nation, asking that we consider the implications of our actions seven generations removed.

These environmentalists, convinced that our generation lives at the expense of the next, hope that trans-generational guilt will lead to policies more to their liking.

No matter how charming the notion, if we reverse the exercise and think backward seven generations, we can see the obvious shortcomings of the idea.

If policies common 150 years ago had been perpetuated until today, slavery would still exist, women would not be allowed to vote and forests would be cut as fast as possible to clear the land for farming.

And, while environmentalists point to polls that indicate the public's support of the roadless policy, I suspect polls taken 150 years ago would have shown support for the above policies too: policies that now seem terribly inappropriate.

The truth these examples illustrate is that our ancestors could not see the future, and neither can we. We can know neither the demands nor the emergencies future generations may face.

Setting aside these lands as permanently roadless would be a terrible mistake, tying the hands of future generations and denying them the freedom and the choice to make their own decisions. In other words, we would be controlling them from the grave.

Today, experts point out that as many as 65 million acres of our national forest are at risk from wildfire and disease. They also point to wildlife and plant species at risk due to the aging of our forests. Consequently, most reject the notion that public forests should be left unmanaged.

Yet, the president's plan makes that naive idea a virtual certainty. For that reason, the wildlife directors of five southern states, Tennessee included, have publicly expressed their concerns about the plan.

Because flexibility is the most necessary tribute of long-range planning, the lack of it in the president's roadless plan makes it woefully inadequate to meet the needs of future generations.

What we need is management that requires the U.S. Forest Service to develop a plan every 10-15 years for each national forest that will meet the public's needs while protecting the long-term health and condition of the forests.

Incorporating local input and sound science, these plans would recognize that both forests and society are dynamic and changing over time. Most of all, these plans would refrain from giving the current generation irrevocable control over subsequent ones. Their legacy would be their flexibility.

This may sound too good to be true, but actually it is pretty much the way the forest service does it now. The president's new plan actually excludes the public from the decision-making process, not just this generation but for all those that follow.

If you believe that each generation deserves the right to make its own decision, then please contact the forest service at the address below. Tell them that you oppose the president's roadless plan and support instead Alternative 1, which preserves the current planning process.

Tell them that future generations should have the freedom to choose their options instead of being forced to accept one mandated by Bill Clinton and Al Gore.

The address for comment: USDA Forest Service-CAET; Attn: Roadless Area Proposed Rule; P.O. Box 221090; Salt Lake City, Utah 84122. The fax number is 1-877-703-2494, and the e-mail address is www.roadless.fed.us.

TRIBUTE TO MONTCLAIR STATE
UNIVERSITY RED HAWKS NCAA
DIVISION III WORLD SERIES
CHAMPIONS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a phenomenal college baseball team from my dis-

trict, the Montclair State University Red Hawks. On Tuesday, May 30, 2000 the baseball team won the NCAA Division III World Series Championship in Appleton, Wisconsin. It is only fitting that this group is honored, for it concluded the season with the most wins in school history, and became a three-time Division III World Series title-holder.

The team became champions after beating St. Thomas, a school from Minnesota, 6-2 at Fox Cities Stadium, Wisconsin. That game included a one-hour, two-minute lightning delay.

The team is the first to win the tournament after losing its opener since the series expanded from four to eight teams in 1991.

The entire team played outstanding. Corey Hamman, who allowed only two runs and seven hits, gave a great performance. Corey's skills earned him the honor of being named the tournament's Most Valuable Player. Junior center fielder Frank Longo went three-for-four with three RBIs and a run scored by the Red Hawks.

Montclair State University Baseball Coach Norm Schoenig has always been an active and involved leader. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the student athletes he now inspires. The 13-year, low-key coach was the architect that helped bring this latest glory to Montclair State. His past successes include steering the team to a 1993 national title and a runner-up finish in 1998.

The outstanding season record, which stands as the most wins accrued by the Red Hawks ball club, was 42-7-1. The Red Hawks enjoyed a terrific campaign, reaching number two in the national rankings, before suffering two losses in the New Jersey Athletic Conference Tournament. Their overall stellar record earned them a bid to the Mid-Atlantic Regional.

At the Regional, Montclair State overcame a 10-0 deficit in its opener against Allentown; eventually rallying for a 14-11 victory in a game that was delayed for two days by rain. Montclair State then won the rain-shortened regional the following day by beating Rowan and the College of New Jersey. The loss to SUNY-Cortland in the World Series opener might have demoralized a lesser team. The Red Hawks, however, made a remarkable turnaround and won five straight games in four days. The team beat Emory 5-0, Wartburg 7-2 and Allegheny 10-3.

As a former educator and collegiate baseball player, Mr. Speaker, I can think of no other team who works harder or loves the game more than the Red Hawks. I ask that you join our colleagues, Montclair State University, its faculty, administration, students, alumni, supporters and me in recognizing the outstanding and invaluable achievements of the Montclair State University Red Hawks, the NCAA Division III World Series champions.